

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **October 12, 2011** 6:00 p.m.

3 **Providence City Office Building**

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

5
6 **Chairman:** S Flammer

7 **Commissioners:** L Frank, R Gustaveson, R Sneddon, C Kirk

8 **Excused:** R Cecil

9 **Alternates:** G Allred

10
11 **APPROVAL OF THE MINUTES:**

12 The Providence City Planning Commission will consider for approval the minutes of September 14, 2011.

13 **Motion to approve the minutes: R Sneddon, C Kirk second**

14 **Vote: Yea: S Flammer, R Sneddon, L Frank, R Gustaveson, C Kirk**

15 **Nay: None**

16 **Abstain: None**

17 **Excused: R Cecil**

18
19 **PUBLIC HEARINGS:**

20 **Item No. 1.** The Providence City Planning Commission will hold a public hearing on Wednesday, October 12, 2011 at
21 6:05 p.m. to receive public comment on a request from Ivan Christensen to rezone the property located at 207 East 100
22 North from the current SFT Single-Family Traditional (required 12,000 square foot lots) to SFR Single-Family
23 Residential (10,000 square foot lots). He would also like the ordinance changed to allow 10 foot rear set-backs for
24 Single Family Residential in the downtown area.

25 **Motion to open the public hearing: C Kirk, L Frank second**

26 **Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank**

27 **Nay: None**

28 **Abstain: None**

29 **Excused: R Cecil**

30 Jason Griffin is Ivan Christensen's neighbor. He likes the older lots and likes the older homes. He doesn't think that it
31 will look good to put 3 homes on one lot.

32 S Bankhead said that with SFR they can go down to 80 foot frontage. If this goes through you will notice the lots are
33 smaller in this area.

34 Steve Bennion is all in favor of using your lot. He moved to Providence to have some open space. He wants what is best
35 for everyone in the area.

36 L Frank asked what J Griffin and S Bennion do with their large backyards.

37 J Griffin likes his big backyard and the privacy.

38 S Bennion has an outbuilding, garden and orchard.

39 Ivan Christensen said the frontage on the street is 100 feet going north. J Griffin's is 100 feet on the south. The problem
40 is I Christensen doesn't have the back setbacks. The neighbors around him are ok with putting the 3 homes on his
41 property. He has at least a 20 foot setback on the side.

42 G Allred asked what the distance is between his lot and J Griffin's lot.

43 I Christensen said 10 feet.

44 D Calderwood asked if I Christensen can get 10,000 square feet from his lots.

45 J Christensen's lot is 99 feet wide and 297 feet back. Does I Christensen have enough footage for 3 lots?

46 I Christensen said his survey says he does.

47 I Christensen asked what the criteria is for curb and gutter and sidewalk.

48 S Bankhead said that the Planning Commission worked with staff and made recommendations on streets that should
49 have curb & gutter and the streets that should have sidewalk.

50 I Christensen asked why some need sidewalk and some don't.

51 G Allred said part of it is safe school access for the children walking to school. He believes that is the primary
52 consideration.

53 R Sneddon said he doesn't believe the fence at the back of I Christensen's house fits the setback.

54 J Griffin said you can't measure off the fence you have to measure off the property line.

55 I Christensen said he is going off the survey line.

1 **Motion to close the public hearing: C Kirk, L Frank second**

2 **Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank**

3 **Nay: None**

4 **Abstain: None**

5 **Excused: R Cecil**

6
7 **Item No. 2.** The Providence City Planning Commission will hold a public hearing on Wednesday, October 12, 2011 at
8 6:15 p.m. to receive public comment on modifying the ordinances with regard to lot consolidation and building non-
9 dwelling unit structures. Examples of such non-dwelling structures, but not limited to those listed are as follows.

- 10 1. Swimming Pools
- 11 2. Tennis Courts
- 12 3. Club Houses
- 13 4. Private Play Grounds
- 14 5. Light Manufacturing Facilities
- 15 6. Barns
- 16 7. Storage Structures, etc.

17 **Motion to open the public hearing: L Frank, R Gustaveson second**

18 **Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank**

19 **Nay: None**

20 **Abstain: None**

21 **Excused: R Cecil**

22 Chad Checketts wants to state his concern on the infringement of citizen's rights to use their property anyway they like.
23 He believes that it is time to stand up for those rights. Individual property owners should have the right to do whatever
24 they would like with their property. Instances where nuisances are being committed then the City should be asked to
25 help with the problem.

26 S Flammer explained to the audience why the Planning Commission is looking at this ordinance. She explained that the
27 Commission would like to hear any ideas the citizens might have on this item.

28 C Kirk said this isn't all about the Checketts. She wants to hear broader ideas for improvements on this ordinance.

29 Linda Goetze said she feels like her property rights are being infringed on. When she buys a house in a residential
30 neighborhood she wants it to stay residential. Light Manufacturing facilities are quite disturbing to the neighborhood.

31 S Bankhead explained to the audience why this ordinance is being looked at. She told the people that there have been
32 complaints in the City about homeowners combining 2 lots and then using it for a backyard or building an outbuilding
33 without a house on the property.

34 L Goetze asked the Commission to think about what they would like next to their own homes. She told the Commission
35 that she expects the City to protect her from unnecessary uses in her neighborhood.

36 S Bennion is all for using your own property. He likes the fact that he can use his property for whatever he wants.

37 I Christensen said citizens shouldn't be punished for what they already have on their property.

38 J Griffin said he likes the old barns and buildings that are built in Providence.

39 S Eames asked how the ordinance is proposed to be modified as far as lot consolidation. She asked about Light
40 Manufacturing and Club Houses.

41 R Sneddon said he added some of those lines to get the public to the meeting.

42 C Kirk wanted the wording left the way it originally was written.

43 R Sneddon suggested that it be more broadly stated. He believes there is a lack of specificity in the ordinance.

44 S Bankhead said there is no ordinance written yet. The public hearing is to see if citizens are interested in an ordinance
45 being written and any ideas they may have. The question is how intrusive do we get with property rights? There will be
46 another public hearing when a draft has been written.

47 Chris Daines said this is so vague and so broad that no one knows what there talking about. Will the next public hearing
48 be in front of the Planning Commission or the City Council? He represents the Checketts and they are contemplating a
49 lot merger. The citizens are clueless on what the Commission wants.

50 R Sneddon read wording that he hopes will help the citizens understand what the Commission is trying to do.

51 C Checketts recognizes the right of the individual to not have a nuisance around them. He feels like neighbors should be
52 allowed to get together and come up with some of their own ideas to settle problems in neighborhoods. He wants
53 Providence to be a community that others want to move into. He likes residential/mixed commercial and thought that
54 the City liked it too.

55 Joe Chambers has next to his house a vacant lot to the east of him and his wife owns a vacant lot in the same area. He
56 looked at putting a pool/club house on one of those vacant lots and allowing the neighbors to use it during the week. He

1 doesn't think that would be intrusive to the neighbors. He believes that should be allowed. Many neighborhoods have
2 restrictive covenants. He believes the areas with no restrictive covenants should be protected by the City.
3 Jeff Gibson moved here because he loves the country feel. He has an acre behind his house with chickens and a shop.
4 He believes there needs to be rules and regulations but on property use it should be a case by case situation. He should
5 be able to go to his neighbors and talk to them when he wants to do something different.
6 Bob Bissland likes his neighbors the Checketts. He agrees with Chad Checketts on property rights. He feels like zoning
7 is important because you live in a town where things are provided such as water, etc. There are trade offs for living in an
8 area where you get those perks. He doesn't believe that things should be done on a case by case situation. People
9 should not be allowed to do anything they want with their property when you live within City limits with zoning
10 ordinances. Light Manufacturing shouldn't be allowed in residential zones. Providence is a small town, a wonderful
11 town.
12 C Checketts loves Providence. He is excited to live in the USA where we can own land. We get to use our land within
13 the law. He talked about subdividing and consolidating lots. In his opinion if you own the property you should be
14 allowed to do what you want with it. You could put in a bunch of laws that won't allow you to do anything with your
15 property.
16 Kathleen Sneddon said property values go down because of certain things being done in neighborhoods.
17 C Checketts is not opposed to zoning. The decisions that we make impact each other. He doesn't want the landowners
18 stripped of so many rights that you can't do anything with your property. He believes zoning should be minimal.
19 S Bankhead said double frontage lots are not allowed in the City. She said a person buys a lot. Should that person
20 believe that the lot next to them stays a front yard?
21 Laura Fisher said a pool couldn't be built on a vacant lot according to the ordinances. The ordinances should not be
22 changed capriciously. When she moved into her house it was in the County. Providence annexed her property against
23 her wishes. She was forced to hook up to the sewer. When a commercial building was built on a piece of property that
24 was zoned residential the neighbors tried to be patient. She felt like the City should protect them from the nuisance that
25 developed on this property. If there is a zoning ordinance it needs to be upheld.
26 Sandra Checketts reminded the Planning Commission that 3 years ago it was recommended that they consolidate their
27 lots by Mayor Simmons. Last year Mayor Liechty told them they need to acquire a foot of property. This is something
28 they have been working on for a long time. The complaints that have been brought against them have all been answered.
29 She wants to be able to stay where they are.
30 L Fisher said the neighbors begged the Checketts to meet with them before they filed their complaints with the City.
31 B Bissland doesn't think that most people would care about a tennis court or a swimming pool being built next to them.
32 He believes the ordinances cover these situations just fine.
33 G Allred asked how B Bissland felt about a barn.
34 B Bissland said if the barn was built like the homes in the neighborhood he would be fine with it.
35 L Goetze believes people should look at the ordinances and know what the limitations are for that piece of property. She
36 also said that the Mayors don't have the authority to decide policy.
37 C Daines said he understands that this is a hard position to be in for the Planning Commission. There are a lot of things
38 that aren't in your job description. Light Manufacturing doesn't seem to be the goal for this public hearing. One of the
39 issues is double lots which are covered in your ordinance. The question is can you treat the front yard as a back yard?
40 Use your setbacks to control the property. To have freedom you have to give freedom. Lot configuration only seems to
41 apply to the Checkett's property. Don't change any ordinances to stop lot configuration.
42 R Sneddon said the City doesn't want the convoluted lot configuration to happen again.
43 C Daines asked what right the City has to tell a lot owner they can't have a convoluted shaped lot.
44 B Bissland said he believes it's the City's right to control lot consolidation.
45 K Thompson asked if the ordinance was passed would a lot owner have to have a residence on one of the properties.
46 S Bankhead said the first structure on a residential lot has to be a dwelling unit. The ordinance isn't black and white.
47 She would prefer something a little more concrete. Cities can't be arbitrarily capricious. There are strange shaped lots in
48 the City. It isn't uncommon for people to purchase lots and want to do something strange with it.
49 K Thompson believes that residential properties are expected to have houses on them.
50 S Bankhead said that property owners want to build a non-dwelling unit on a residential piece of property. Some
51 neighbors don't like this. Staff wanted to hear from citizens there thoughts on this problem.
52 **Motion to close the public hearing: C Kirk, L Frank second**
53 **Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank**
54 **Nay: None**
55 **Abstain: None**
56 **Excused: R Cecil**
57

1 **ACTION ITEM:**

2 **Item No. 1.** The Providence City Planning Commission will consider a request from Ivan Christensen to rezone the
3 property located at 207 East 100 North from the current SFT Single Family Traditional (required 12,000 square foot
4 lots) to SFR Single Family Residential (10,000 square foot lots). The Providence City Planning Commission will also
5 consider for recommendation to the City Council a request to amend the ordinance change to allow 10 foot rear setbacks
6 for Single Family Residential in the downtown area.

7 **Motion to recommend to the City Council that they approve the request from Ivan Christensen: C Kirk, R**
8 **Sneddon second**

9 R Sneddon asked if there could be zoning called in-fill that could be decided individually in the downtown area.

10 G Allred said it would create a can of worms every time you had to make a decision.

11 C Kirk asked why not allow it in the future.

12 G Allred asked if the motion could be divided into 2 pieces.

13 R Sneddon said he has no problem with the 10,000 square feet; it's the 10 foot setback.

14 S Flammer said when the older people die the children want to sell the property.

15 G Allred said if we pass this 10 foot setback it will affect all the property in the downtown area.

16 R Sneddon said you can't make a variance on a case by case. The motion needs to be broken into 2 pieces.

17 R Gustaveson said 10 feet is way to close.

18 S Bankhead said on many of our subdivisions there is a 5 foot utility easement. She sees this as a potential problem.

19 **Motion to recommend to the City Council that they approve the request from Ivan Christensen for 10,000 square**
20 **foot lots: C Kirk, no second**

21 **Motion to recommend denial: R Gustaveson, no second**

22 C Kirk doesn't want the 10 foot setback affect existing neighbors

23 G Allred said you think you have 40 feet to your backyard when you really only have 30 feet.

24 S Bankhead said this is just in the SFR zone.

25 **C Kirk withdrew her original motion.**

26 C Kirk wants an ordinance that deals with in-fill.

27 S Bankhead said something has to be done with this request. Mathematically he can fit the 3 lots. You can continue it to
28 the next meeting or you can ask the Council to deny it.

29 D Calderwood said there is a property line dispute between Ivan Christensen and Jason Griffin. He wants I Christensen
30 to prove where the property line is located.

31 S Flammer wants to get the GPS from both of the parties.

32 S Bankhead said I Christensen can have a 20 foot setback. There would still be enough frontage for 3 lots.

33 **Motion to continue the discussion on Ivan Christensen property with information on true property lines by both**
34 **parties with additional discussion on infill: R Sneddon, C Kirk second**

35 G Allred asked if we are jerking I Christensen around. If he can't have the 10 foot setback he can't do what he wants
36 with his property.

37 D Calderwood told I Christensen to move the original property line north from the fence. He has to prove where the
38 property line is.

39 C Kirk said they need more information.

40 R Gustaveson said this will affect the whole downtown area not just I Christensen's.

41 **Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank**

42 **Nay: None**

43 **Abstain: None**

44 **Excused: R Cecil**

45
46 **STUDY ITEMS:**

47 **Item No. 1.** The Providence City Planning Commission will discuss amending the ordinances with regard to lot
48 consolidation and building non-dwelling unit structures. Examples of such non-dwelling structures, but not limited to
49 those listed, are as follows:

- 50 1. Swimming Pools
- 51 2. Tennis Courts
- 52 3. Club Houses
- 53 4. Private Play Grounds
- 54 5. Light Manufacturing Facilities
- 55 6. Barns
- 56 7. Storage Structures, etc.
- 57

1 Motion to continue to October 26th meeting: L Frank, C Kirk second
2 Vote: Yea: S Flammer, R Sneddon, R Gustaveson, C Kirk, L Frank
3 Nay: None
4 Abstain: None
5 Excused: R Cecil

6
7 **Item No. 2.** The Providence City Planning Commission will discuss amending Providence City Code Title 10, Chapter
8 15, Sign Regulations.

9 S Bankhead told the Commission that staff is trying to clean the sign chart up. This will take some time to pass. Staff
10 would like the Commission to start studying and reading this code. She explained to the Commission some of the
11 problems that staff has with different signs. One of the things that need to be decided is the size of signs. This kind of
12 thing needs to be solidified.

13 R Sneddon asked about clear view.

14 S Bankhead said that the sizes of the signs are pretty important to the commercial people. She told the Commission if
15 they want citizen input to ask Bob Bissland. The City needs to come up with a harmonies balance with businesses.

16
17 **STAFF REPORTS:**

18 S Bankhead reported on the City Council meeting.

19 D Calderwood said you need to give people permission to do their job.

20
21 **COMMISSION REPORTS:**

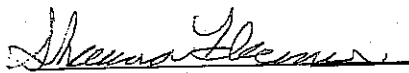
22 None

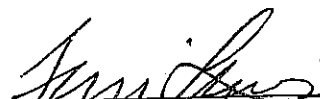
23
24 Motion to adjourn: C Kirk, L Frank second

25 Vote: Yea: S Flammer, R Sneddon, L Frank, R Gustaveson, C Kirk
26 Nay: None
27 Abstain: None
28 Excused: R Cecil

29
30 Meeting adjourned at 8:38 p.m.

31 Minutes taken and prepared by Terri Lewis

32
33
34 
35 Shauna Flammer, Chairman


Terri Lewis, Secretary

