

1 **Providence City Planning Commission Minutes**

2 **Providence City Office Building**

3 **15 South Main, Providence UT 84332**

4 **May 25, 2016 6:00 pm**

5
6 **Chairman:** Larry Raymond
7 **Attendance:** Rowan Cecil, Michael Harbin, Robert James, John Parker
8 **Excused:** Larry Raymond, Wendy Simmons
9

10 S Bankhead swore in John S. Parker as a member of the Planning Commission.
11

12 **Approval of the Minutes:**

13 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of May 11, 2016.

14 **Motion to approve minutes for May 11, 2016: R Cecil, second – M Harbin**

15 **Vote: Yea: R Cecil, M Harbin, R James, J Parker**

16 **Nay: None**

17 **Abstained: None**

18 **Excused: L Raymond, W Simmons**

19 **Public Hearing 6:00 PM:**

20 The Providence City Planning Commission will hold a public hearing to provide an opportunity for anyone
21 interested to comment on the proposed code amendment to Providence City Code Title 10 Chapter 6 Section 1 Use
22 Chart before action is taken. The Planning Commission invites you to attend the hearing in order to offer your
23 comments.

- 24 • Jan Arnell, resident of Providence, is confused as to why a particular type of business is being eliminated
25 from the city, she feels it is discriminatory. She is aware of the Checketts' business and feels they are being
26 targeted.
- 27 • R Cecil said he was on the Planning Commission for three years and during those three years the Planning
28 Commission had nothing but complaints from neighbors in that area. That particular business is illegal and
29 was illegal during that time.
- 30 • R James clarified that this is a public hearing on Title 10, Chapter 6, Section 1, not the Checketts' business.
31 Planning and Zoning began looking at the Use Chart about 6 months ago. The Checketts are not being
32 targeted; the Commission is just trying to make the Use Chart easier to understand. R James said it was
33 suggested by the city attorney a few months ago to add the words "counter top" to the "cabinet shop"
34 section for clarification. The conditional use permit for cabinet shops has not been changed.
- 35 • Laura Fisher, resident of Providence, commented that some businesses that are being considered for single
36 family traditional zone do not belong in SFT. She is surprised that some of the uses are being considered
37 for conditional use as a home business in SFT. She stated there is great potential for CUP's to be abused.
38 She requested the Planning Commission to reconsider some of the types of businesses they are considering
39 for residential home businesses.
- 40 • S Bankhead said there is still a position available on the Planning Commission and invited any audience
41 member who may be interested in serving on Planning Commission to contact her or the Mayor.

42 **Action Items:**

43 **Item No 1. Proposed Code Amendment:** The Providence City Planning Commission will consider for
44 recommendation to the Providence City Council, approval of code amendments to the Use Chart including but not
45 limited to adding the words "counter top or" before the words "cabinet shop" in Item H. Industry and
46 Manufacturing, Use 3.

- 47 • R James said this is an action item in order for the Commission to make a recommendation to the City
48 Council. This is a matter of clarification for the Use Chart to break cabinet shop and counter top into two
49 separate line items.
- 50 • S Bankhead reminded the Commission and audience how land use decisions are made and also that the
51 Planning Commission is only making a recommendation to the City Council, they are not the final say. She
52 read the following Findings of Fact, Conclusion of Law, Conditions and Executive Staff
53 Recommendations:
54 • **Findings of Fact:**
 - 55 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall
56 be done in accordance with state law.
 - 57 ○ UCA § 10-9a-102 Purposes -- General land use authority.

- (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

- Conclusions of Law:

- The proposed code amendment has been processed consistent with the above Findings of Fact.
- The Planning Commission held a public hearing on May 25, 2016.
- The attached code amendment represents the Planning Commission's recommendation.

- Conditions:

- That the proposed code amendment continue to be processed in accordance with state and city codes, rules, and regulations.

- Executive Staff Recommendation:

- That the Providence City Planning Commission make a recommendation to the Providence City Council, that the City Council adopts the attached code amendment to Providence City Code Title 10 Chapter 6 Section 1 based on the Findings of Fact, Conclusions of Law, and Conditions listed above.

- R James said the Commission has been trying, in the last six months, to clarify and define each zone in the general plan. This will be an ongoing discussion as it is such a comprehensive plan.
- S Bankhead explained that agendas to Planning Commission and City Council are posted so if anyone is interested in attending meetings, they can be informed as to what will be discussed.
- There was discussion about how items get on the agenda.

Motion to postpone the proposed code amendment recommendation to City Council until next meeting: R Cecil, second – J Parker

No vote was taken

Item No. 2. Lot Consolidation: The Providence City Planning Commission will consider approval of a Lot Consolidation combining Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision, requested by Jeff and Christine Jackman.

- Christine Jackman explained that she and Jeff are the owners of both lots and they would like to combine the lots and vacate the public utility easement.
- S Bankhead reported the following:
 - On April 28, 2016, Jeff and Christine Jackman filed a petition to vacate a public utility easement and consolidate Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision.
 - Executive Staff reviewed the petition and felt good cause existed; and neither the public interest nor any person will be materially injured by vacating the public utility easement and consolidating Lots 1 and 2;

- On May 10, 2016, the Providence City Council adopted Ordinance No. 2016-11 vacating and removing a public utility easement located in the Providence Hollows Subdivision between Parcel No. 02-286-001 and 02-286-0002, (Lot 1, 509 North 470 East and Lot 2, 529 North 470 East, respectively).
- S Bankhead read the following Findings of Fact, Conclusions of Law, Conditions and Recommendations:
- Findings of Fact:
 - Utah Code 10-9a-608(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.
 - Utah Code 10-9a-608 (2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:
 - (a) the petition seeks to:
 - (i) join two or more of the petitioner fee owner's continuous lots;
 - Executive Staff used Providence City Code 11-3-8 Final Lot Consolidation/Lot Line Adjustment in a Recorded Subdivision to review the petition.
- Conclusions of Law:
 - Executive Staff feels the petition meets the requirements of Providence City Code 11-3-8 with the following conditions:
- Conditions:
 - The Petitioner will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: preparing an amended final plat for recording.
- Executive Staff Recommendation:
 - The executive staff has reviewed the request; and recommends that the Planning Commission approve the petition to consolidate Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision based on the Findings of Fact, Conditions of Law, and Conclusions listed above.
- J Parker asked where the easement will go.
- S Bankhead said it will go around the perimeter of the consolidated lots.

Motion to approve the lot consolidation of lots 1 and 2 with the conditions as stated in the Executive Staff

Review: R Cecil, second – M Harbin

Vote: Yea: R Cecil, M Harbin, R James, J Parker

Nay: None

Abstained: None

Excused: L Raymond, W Simmons

Study Items:

Item No. 1. Proposed Rezone: The Providence City Planning Commission discuss a proposed rezonè for a 0.67 acre parcel of property, Parcel No. 02-098-0044, located generally at 160 South 100 East. William (Bill) Bertolio is requesting a zone change from Single-Family Traditional (SFT) to Multi-Family High (MFH).

- S Bankhead reviewed the Findings of Fact, Conclusions of Law, Conditions and Executive Staff Recommendations as follows:
- FINDINGS OF FACT:
 - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
 - UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
 - UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
 - UCA § 10-9a-102 Purposes -- General land use authority.
 - (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other

1 industries, to protect both urban and nonurban development, to protect and ensure access to
2 sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to
3 protect property values.

- 4 ○ (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances,
5 resolutions, and rules and may enter into other forms of land use controls and development
6 agreements that they consider necessary or appropriate for the use and development of land within
7 the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and
8 development agreements governing uses, density, open spaces, structures, buildings, energy
9 efficiency, light and air, air quality, transportation and public or alternative transportation,
10 infrastructure, street and building orientation and width requirements, public facilities,
11 fundamental fairness in land use regulation, considerations of surrounding land uses and the
12 balance of the foregoing purposes with a landowner's private property interests, height and
13 location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- 14 ○ UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map
15 consistent with the purposes set forth in in this chapter.
- 16 ○ UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on
17 a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body
18 a proposed land use ordinance and zoning map that represent the planning commission's
19 recommendation.
- 20 ○ UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning
21 district; or (c) any other provision of a land use ordinance.
- 22 ○ Providence City Master Plan Sheet No. 5-B Future Re-Zone of Exiting Districts.
- 23 ○ Providence City Code 10-8-1 Area Regulations, Space Requirement Chart

24 • CONCLUSIONS OF LAW:

- 25 ○ The proposed code amendment has been processed consistent with the above Findings of Facts.
- 26 ○ Executive Staff feels changing the current single-family zone to a multi-family zone is not
27 consistent with the City's master plan.
- 28 ○ The Executive Staff feels, to be consistent with the City's master plan, the request should be
29 denied. However, if the Planning Commission feels that allowing a multi-family structure would
30 improve the area, the Executive Staff recommends MFR.

31 • CONDITIONS:

- 32 ○ The Applicant will continue to meet all relevant federal, state, county, and Providence City rules,
33 laws, codes, and ordinances.
- 34 ○ The application process will process will continue to meet all relevant federal, state, county, and
35 Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning
36 Commission scheduling and holding a public hearing prior to making a recommendation to the
37 City Council.

38 • RECOMMENDATION:

- 39 ○ That, prior to making a recommendation to the Providence City Council, the Providence City
40 Planning Commission schedule and hold a public hearing.
- 41 • R James asked Bill Bertolio how he felt this rezone would benefit Providence.
- 42 • B Bertolio said his neighbor wants to build an upscale four-plex on that property. MFH residential was
43 requested because there is room on the property for another four-plex. Both four-plexes would have
44 frontage. There aren't very many apartment complexes in Providence. The old house that is sitting on the
45 property will be demolished and replaced with attractive four-plexes.
- 46 • David Goetze lives across the street from this lot. He is not in favor of the rezone and feels it would
47 challenge the character of the neighborhood, create traffic congestion and lower property values.
- 48 • Brian Olsen lives in the area. He feels if this rezone is allowed, then there are many other parts of town that
49 will want a rezone for the same purpose. Family turnover would be a concern as well as the canal being a
50 risk for children. He requested the Planning Commission deny the request.
- 51 • Dave Burton commented that there is already a duplex next to this property.
- 52 • B Bissland commented that he thinks this property is in the historic district and a four-plex would not be
53 allowed.
- 54 • R James said the historic district is more of an honorary type of historic district.
- 55 • S Bankhead said Planning Commissions and City Councils in the past have been very reluctant to formalize
56 the historic district. There are no codes or ordinances that require preservation of those older homes that are
57 highlighted on the walking tour.

- A public hearing will be held June 8th.

Item No. 2. Proposed Rezone: The Providence City Planning Commission discuss a proposed rezone for a 18.72 acre parcel of property, Parcel No. 02-115-0014, located generally at 900 South 400 East. Sierra Homes is requesting a zone change from Agricultural (AGR) to Single-Family Traditional (SFT).

- S Bankhead reviewed the Findings of Fact, Conclusions of Law, Conditions and Executive Staff Recommendations as follows:

- FINDINGS OF FACT:

- Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
- UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
- UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
- UCA § 10-9a-102 Purposes -- General land use authority.
- (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

- CONCLUSIONS OF LAW:

- The proposed code amendment has been processed consistent with the above Findings of Facts.
- Executive Staff feels changing the AGR zone to SFT zone is consistent with the City's master plan.

- CONDITIONS:

- The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes and ordinances.
- The application process will continue to meet all relevant federal, state, county and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

- RECOMMENDATION:

- That the Providence City Planning Commission schedule and hold a public hearing prior to making a recommendation to the Providence City Council.

- Water concerns were briefly discussed.
- A public hearing will be held on June 8th.

1 Item No. 3. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible
2 amendments for the zoning element of the Providence City general plan; including the definitions for zoning
3 districts.

- 4 • R James reviewed why this is on the agenda.
- 5 • S Bankhead said she has been reviewing this with John Drew from the City Council. She feels this is a
6 summarizing statement and then the elements will be written in more detail. Moderate income housing plan
7 needs to be reviewed every two years, as well as the annexation policy plan. Residential element needs to
8 be reviewed (clustering). The water, sewer and storm water sections will also need to be reviewed. The
9 general plan is not an ordinance; it is adopted by resolution and is a guideline. More detail can be given in
10 the residential sections.
- 11 • J Drew said the general plan is more of a business plan for the City. There are issues that have not been
12 addressed so they need to be discussed. Once it is updated, it would be good to review it each year.
- 13 • S Bankhead would like to see a home business element that discusses the philosophy of home businesses
14 included in the general plan.
- 15 • J Drew said when development comes each developer has a different idea of how they want to develop
16 property. A good general plan will help deal with all the different demands, saves time and protects the city
17 from legal ramifications, insulates the city from lawsuits. If the city has a plan, and has to go to court, there
18 is a plan in place.
- 19 • R James asked if a workshop between City Council and Planning Commission that also includes the
20 general public could be scheduled.
- 21 • J Dew felt parks should be included in the general plan. Also, if there is no general plan, then all the City
22 Council or the Planning Commission can do is react to developers and residents rather than refer to the
23 plan. There needs to be a vision of how the city grows and develops.
- 24 • S Bankhead said some of the areas on the zoning map will have to be rezoned. It is a good idea to have a
25 plan in place so that there are guidelines for what can be rezoned and what a property can be rezoned to.
- 26 • There was discussion about how to proceed and plan for a workshop with City Council, Planning
27 Commission and the public. It was suggested by S Bankhead that the historic district be addressed and that
28 a workshop be scheduled that includes the Historical Preservation Commission.
- 29 • S Bankhead will include information in the newsletter to inform the public that the general plan is being
30 reviewed. She will also create a webpage where ideas can be collected.

31 **Reports:**

32 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- 33 • No staff reports.

34 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no
35 formal action will be taken.

- 36 • No Commission reports.

37 **Motion to adjourn: R Cecil, second – J Parker**

38 **Vote: Yea: R Cecil, M Harbin, R James, J Parker**

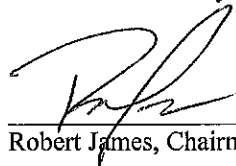
39 **Nay: None**

40 **Abstained: None**

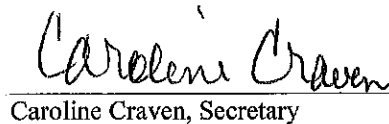
41 **Excused: L Raymond, W Simmons**

42 Minutes recorded by S Bankhead and prepared by C Craven.

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Robert James, Chairman Pro Tem



Caroline Craven, Secretary

