

1 **Providence City Planning Commission Meeting**
2 **Providence City Office Building, 15 South Main, Providence UT 84332**
3 **June 12, 2013**

4
5 **Attendance:** R Cecil, G Allred, S Sanders
6 **Excused:** K Allen, G Walker, J Baldwin (excused until 7:15 pm, at which time he attended by phone)
7 **Call to order:** R Cecil

8
9 **Approval of the Minutes:**

10 The Providence City Planning Commission will consider for approval the minutes of May 22, 2012.

11 Page 2, Line 29 - G Allred voted yea

12 **Motion to approve the minutes: G Allred, second - S Sanders**

13 **Vote:** Yea: R Cecil, G Allred, S Sanders
14 Nay: None
15 Excused: K Allen, G Walker, J Baldwin
16 Abstained: None

17
18 **Public Hearing 6:10 pm:** The Providence City Planning Commission will hold a public hearing to receive public
19 comment on a request to amend the Foxridge Unit 4 subdivision plat by combining Lots 11 and 12 located at 280
20 Abby Lane, requested by B&J Custom Building Inc. for Brian and Tara Bindrup.

21 **Motion to enter public hearing: G Allred, second - S Sanders**

22 **Vote:** Yea: R Cecil, G Allred, S Sanders
23 Nay: None
24 Excused: K Allen, G Walker, J Baldwin
25 Abstained: None

- 26 • Tara Bindrup – Bindrups own both lots and want to extend on the side of their home which would
- 27 encroach on the lot line so they are requesting the lots be combined.
- 28 • G Allred felt like this would improve the neighborhood and not be a problem.

29 **Motion to close public hearing: S Sanders, second – G Allred**

30 **Vote:** Yea: R Cecil, G Allred, S Sanders
31 Nay: None
32 Excused: K Allen, G Walker, J Baldwin
33 Abstained: None

34 **Action Items:**

35 **Item No. 1.** The Providence City Planning Commission will consider for approval a request to amend the Foxridge
36 Unit 4 subdivision plat by combining Lots 12 and 13 located at 280 Abby Lane, requested by B&J Custom Building
37 Inc. for Brian and Tara Bindrup.

38 **Motion to approve Action Item No. 1: S Sanders, second – G Allred**

39 **Vote:** Yea: R Cecil, G Allred, S Sanders
40 Nay: None
41 Excused: K Allen, G Walker, J Baldwin
42 Abstained: None

- 43 • S Bankhead said our ordinance does require a final plat, but you can submit for a building permit.

44
45 **Study Items:**

46 **Item No. 1:** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter
47 5 Overlay Zones addressing non-developable sensitive area, potentially developable sensitive area, hazard wildfire
48 zones, and engineering geotechnical report.

- 49 • The Commission discussed accessory buildings being built prior to main structures on lots. Concerns were
- 50 raised about those individuals who are building for themselves and may want to build an accessory
- 51 building first in order to store equipment while the main building is being built. Discussion covered
- 52 instances where an accessory building would be built first and then left as a storage facility without a

1 main structure or abandoned altogether. Issues concerning setbacks were discussed, as well as use
2 permits and other zoning requirements. The difficulty with enforcing a new ordinance was also discussed.

- 3 • D Astle said if you require the primary building to be built first and then in the ordinance allow flexibility
4 for someone to appeal to request an exception to that ordinance that allows them to put an accessory
5 building in before the primary building, if it is built according to the original structure or located on the lot
6 in a proper manner. That way you have a procedure to take care of the few who may want this exception.
- 7 • It was suggested that people could use a temporary shed, such as a rental type, which is not a permanent
8 structure, to store equipment, then when the building is done or if the project is abandoned, it could be
9 removed without undue hardship to the property owners.
- 10 • D Calderwood raised the question of rewriting an entire ordinance to cover the few people per year who
11 are building for themselves and requiring this special ordinance.
- 12 • G Allred suggested keeping the language as "An accessory building cannot be built prior to the main
13 building's construction."
- 14 • D Astle said he doesn't think that precludes a double car detached garage.
- 15 • G Allred said there were a significant number of council members who wanted this rewritten to allow
16 some slack in the ordinance requiring a main building being built before an accessory building was built.
- 17 • D Astle and D Calderwood both felt like they liked the ordinance as written. D Astle said he would be
18 more comfortable requiring every accessory building to be applied for as a conditional use. He doesn't
19 feel it creates a hardship to require the main dwelling to be built before the accessory is built.
- 20 • G Allred said he was comfortable with the wording as red-lined, but he's concerned for the few citizens
21 who want to build an accessory building first, are shut out by the ordinance, and have to come before the
22 Council.
- 23 • S Bankhead said she is concerned about this going forward as is because the direction of the City Council
24 is contrary to what is being suggested tonight. She felt like the mandate from the City Council to the
25 Planning Commission was to rewrite the ordinance to allow for accessory buildings to be built before the
26 main dwelling for those few who would like to build their own home.
- 27 • D Astle said as a member of the Council, we look to the Planning Commission to do the research and
28 make the best recommendation for the community. We have the responsibility as a legislative body to
29 accept or amend or send it back to Planning Commission again.
- 30 • R Cecil asked Skarlet to look into what other communities are doing.
- 31 • D Astle said he will contact similar sized communities and see what they are doing.

32 The Commission moved to Business Use – Low Impact.

- 33 • D Astle said he thought the consensus was no more than two at a time rather than two a day. He thinks it
34 is a moot issue because it isn't enforced.
- 35 • S Bankhead said it is enforced if we get complaints and we can prove it.
- 36 • D Astle said the cars are more of a concern than actual foot traffic.
- 37 • G Allred said two cars didn't pose a traffic issue.
- 38 • D Astle said this is nothing more than a trigger point. If a neighbor complains we have a standard to go by.
- 39 • G Allred said there was also a problem with the verbiage of "and does not change the character thereof".
40 Some felt it was too vague.
- 41 • S Bankhead said she thought the language was purposely vague to allow for different restrictions for
42 different neighborhoods. There are some who don't want any home business in a neighborhood and we
43 can't write the ordinance tight enough to control that without saying no home businesses at all.
- 44 • D Astle feels the verbiage is intentionally vague for what is reasonable and would like it left in.
- 45 • G Allred brought up the issue of decibels, smells, sight, etc.
- 46 • D Astle said he just wanted to know where the decibels were measured. Identify where the measurement
47 is taken.
- 48 • G Allred said it is measured at the fence line. Business Use – Low Impact A should read "The following
49 limitations on noise, particulates or noxious emissions, odor, or light emissions apply "at the property
50 boundary."
- 51 • G Allred same thing for Business Use – Medium Impact A.

- 1 • G Allred said this does not have the language “that do not change the character thereof”.
- 2 • S Bankhead said to put the language back in.
- 3 • R Cecil said adding the language back in is what the Council wanted.
- 4 • D Astle said the intent is to keep the residential neighborhoods as residential neighborhoods.
- 5 • G Allred asked about the number of customers per week.
- 6 • S Bankhead said we do have a problem with something like dance studios having three classes a day. We
- 7 aren’t talking about teachers here. I think we need to deal with instructional (dance, music, etc.) teaching
- 8 separately.
- 9 Jeff Baldwin participated by phone at 7:15 p.m.
- 10 • G Allred said it is still a lot of car traffic though.
- 11 • R Cecil asked Skarlet if she would like to write that paragraph.
- 12 • S Bankhead said she would write something that could be used as a starting point.
- 13 • G Allred asked about “involving customer traffic”; is that 10 simultaneously? Is that the same for a dance
- 14 studio?
- 15 • S Bankhead we need to talk about the definition of family that we need to change from 3 to 4. Skarlet
- 16 read the new regulation as per State Code. She thinks it should read, “no more than 4 unrelated persons”.
- 17 • R Cecil brought short term rentals.
- 18 • D Astle said that whole short term rental has to be addressed.
- 19 • R Cecil had a question for D Astle about light manufacturing.
- 20 • D Astle I think that was resolved in manufacturing zone. It is a non-permitted use in the use chart.
- 21 • S Bankhead it is not permitted in any other zone, only permitted as a conditional use in commercial zone.
- 22 • R Cecil opened discussion for lodging houses. Resident manager needs to be added.
- 23 • D Astle said a lodging house could be addressed with short term rentals.
- 24 • G Allred said Page 14 needs to be redone entirely. We need information on residential facilities for the
- 25 elderly that will require State code. We also wanted to add handicap language.
- 26 • S Bankhead said we need the attorneys to write that for elderly and handicap facilities.
- 27 • S Bankhead read what an affected entity was (from State code) for mailed notices for Notice of Public
- 28 Hearings. She will ask our City Attorney for further clarification.
- 29 • There was discussion about mailing public notices to affected entities and mailing public notices to
- 30 property owners or adjacent property owners.
- 31 • S Bankhead reviewed third party notices from State Code.
- 32 • G Allred read definition of adjacent according to Webster’s – having a common border; abutting,
- 33 adjoining, bordering. Commissioners added “or a lot facing across the street” to the definition.
- 34 • R Cecil we will be seeing Ivan Christensen in the near future regarding his subdivision. We need to write
- 35 an ordinance.
- 36 • S Bankhead the only thing is there needs to be something on that plat giving the purchaser notice it is a
- 37 subdivided lot, but unimproved. That the property owner will be responsible for the improvements.
- 38 Otherwise people will think the lot is fully improved or ready for building in its current condition and that
- 39 is not the case. We need to make that clear on the plat.
- 40 • D Astle said he would like to see the Planning Commission wait until the Appeal Authority comes back
- 41 with their decision on the Baugh Subdivision before they make any decisions regarding Ivan Christensen.
- 42 That should give some direction on what to do about small subdivisions until the City can address the
- 43 concerns we have.
- 44

45 **Item No. 2.** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Zoning
 46 Regulations Chapter 1 General Provisions.

47
 48 **Item No. 3.** The Providence City Planning Commission will discuss amending Providence City Code 11-4-3:J.
 49 Sidewalks, and the Downtown Street Cross-Sections.

- 50 • S Bankhead said we need to decide what the sidewalk issue is or how we as a City want to handle the
- 51 sidewalk issue before we move on this. It’s not going to be a cost savings.

- J Baldwin said it should be the developer and not pass it on to the buyer or the tax payer.
- S Bankhead that's not the issue, the issue is do we even want the improvement.

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

- S Bankhead said she gave everyone information on the ordinance on the cell tower landscaping.

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

Motion to close: S Sanders, second G Allred

Vote: Yea: R Cecil, G Allred, S Sanders, J Baldwin

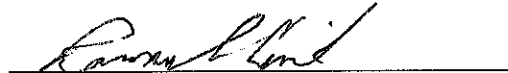
Nay: None

Excused: K Allen, G Walker

Abstained: None

Meeting ended at 8:00 pm.

Minutes taken and prepared by C Craven.



Rowan Cecil, Chairman



Caroline Craven, Secretary

