

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 January 17, 2006

6  
7 Present: Blaine Sorenson, President

8 Commission: Jim Beazer, Bill Bagley, Lance Campbell, Jon Mock, Kristina Eborn

9 Mayor: Randy Simmons

10 City Administrator: Skarlet Bankhead

11 Secretary: Rebecca Billings

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13 **AGENDA ITEMS**

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15 **APPROVAL OF MINUTES**

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17 **MOTION** by Kristina Eborn to approve the minutes of the December 20, 2005  
18 Planning Commission meeting. **SECOND** by Jim Beazer. All in favor. Abstained:  
19 Blaine Sorenson.

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21 **Disclosure of any conflicts of interest on any of the agenda items:** Jim Beazer does  
22 business with Jared Nielsen and Amsource, LLC. Skarlet Bankhead has a conflict on  
23 item one. Shayne Matthews is her brother, and her home is on lot 3 of South Bench  
24 Estates.

25  
26 **Disclosure of any ex parte communication:** Jim Beazer spoke with Kathy Baker. He  
27 also spoke with a developer about looking at a performance zone (allowing some open  
28 space) on the Hillcrest Subdivision.

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30 **ITEM ONE:** Shayne Matthews is requesting preliminary plat approval for South Bench  
31 Estates subdivision located generally at 400 East 1000 South.

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33 **RECOMMENDATION:**

34 That the Planning Commission recommend to the City Council approval of Shayne  
35 Matthew's request for preliminary plat approval for South Bench Estates subdivision  
36 located generally at 400 East 1000 South with the findings of fact and conclusions of  
37 law stated in the staff report.

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39 **FINDINGS OF FACT:**

- 40 1. Providence City Code 11-3-2 Preliminary Plat lists the requirements for  
41 preliminary plat requests.  
42 2. The property is designated as Single Family Traditional (SFT) in the Providence  
43 City General Plan.  
44 3. The property is located in the Single Family Traditional (SFT) zone.

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46 **CONCLUSIONS OF LAW:**

- 1 1. The applicant's request complies with the Providence City General Plan.
- 2 2. The applicant will meet the requirements of Providence City Code 11-3-2
- 3 Preliminary Plat with the following conditions:

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5  
6 **CONDITIONS:**

- 7 1. Continue to comply with Providence City Code 11-3-2 Preliminary Plat.
- 8
  - 9 • Daryl Castille, Cache Landmark Engineering, presented the plan for the
  - 10 subdivision.
  - 11 • Jim Beazer wondered what Tom Singleton would do for sewer.
  - 12 • Daryl said they thought there was the option of running the sewer down 400 East,
  - 13 but it's not going to work.
  - 14 • Mayor Simmons said that Tom Singleton's sewer is being surveyed so that when
  - 15 the rest of the sewer comes down Hillsborough, he may be able to hook on.
  - 16 • S Bankhead said that Rod Blossom indicated to the Staff that the top floors of the
  - 17 houses would flow, but not the basements.
  - 18 • D Castille reiterated that Tom Singleton's house is not feasible for sewer: top or
  - 19 bottom floors.
  - 20 • Bill Bagley had a concern for traffic.
  - 21 • Blaine Sorenson said the two homes exit on 1000 South, not 400 East.
  - 22 • Jon Mock wondered how many driveways will be going out on 400 East.
  - 23 • Darcy McEvoy feels that the City should figure out the water situation (as far as
  - 24 what the City has) before they accept any more subdivision requests.
  - 25 • S Bankhead said that when the water survey was done, South Bench Estates
  - 26 subdivision was tabled, but it was accounted for in the ERCs. She indicated that
  - 27 the development will give the remaining ½ share of water it has, and then pay the
  - 28 fee-in-lieu.
  - 29

30 MOTION by Jim Beazer that the Planning Commission recommend to City Council  
31 approval of South Bench Estates Subdivision located generally at 400 East 1000  
32 South, adding a condition that ½ share of water to be dedicated to the City and the  
33 remaining be paid fee-in-lieu of. SECOND by Kristina Eborn. All in favor.

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35 **ITEM TWO:** Carl Pitt, agent for Amsource, is requesting final plat approval for phase  
36 one of the Alder Square Commercial Subdivision located generally at 100 North  
37 Highway 165.

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39 **RECOMMENDATION:**

- 40 1. That the Planning Commission recommend to the City Council approval of Carl
- 41 Pitt's request for final plat approval for phase one of the Alder Square Commercial
- 42 Subdivision located generally at 100 North Highway 165 with the findings of fact,
- 43 conclusions of law, and conditions stated in the staff report.
- 44

45 **FINDINGS OF FACT:**

- 46 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat

1 requests.

2 2. The Development Review Committee (DRC) has reviewed the final plat for  
3 compliance to the Providence City Code and has recommended approval.

4 **CONCLUSIONS OF LAW:**

5 1. Continue to comply with Providence City Code 11-3-3 and 11-3-4.  
6

7 **CONDITIONS:**

8 1. Dedicate 1 water share per acre to the City.  
9

- 10 • Andy Spencer, project design engineer for Alder Square Commercial Subdivision,  
11 acted as agent for the development.
- 12 • Blaine Sorenson was concerned about the access that currently shows Providence  
13 Lane and 100 South as having only 9 feet in some places, and only 14 in others.
- 14 • Andy Spencer said that the lots will share those accesses among themselves.  
15 Each of those accesses is not planned to be 9-feet wide. Note two on the plat  
16 references the CCRs that will grant these easements. This ensures ownership to  
17 each lot. He explained they are planning a parking field at the front of the store  
18 and a gasoline pad in front of the store (within lot 101). (A Macey's gas station.)
- 19 • B Bagley clarified that the Planning Commission has not yet seen this Macey's  
20 gas station site plan.
- 21 • B Billings explained that it will be on the March Planning Commission agenda.
- 22 • B Sorenson said that approval of this final plat doesn't mean approval for that gas  
23 station.
- 24 • B Bagley wondered if the loading docks around the future pads for Alder Square  
25 would be facing Macey's.
- 26 • A Spencer said they're not necessarily looking at loading docks, but smaller  
27 trucks with ramps, maybe. The only entries would be the main entries on 100  
28 North and Highway 165; everything else would be accessed inside. Both entries  
29 to Macey's would have a loading dock.
- 30 • B Sorenson wondered if there would be walls that would block or screen the  
31 loading docks—for aesthetic purposes.
- 32 • A Spencer said the plan has been approved for some high density housing to  
33 divide that area and the docks. He doesn't know exactly what they have in mind  
34 for a visual barrier. The intent is to provide protection and visual barrier, but he  
35 doesn't yet know what that will be.
- 36 • Jon Mock wondered what the visual appearance of these walls will be.
- 37 • Kristina said the City needs to set up the design review to determine that.
- 38 • David Anderson corrected A Spencer that the development approved the rezone  
39 for medium density—not high density—housing. A Spencer noted it was true.
- 40 • Doran Baker said the Alder Farms has wetlands on it. He wondered how the  
41 development has met the standards.
- 42 • A Spencer said that, with phase one, they are not addressing any of the potential  
43 wetland areas. The areas in question are to the south of the phase one area. He  
44 explained that his firm, PEPG, also specializes in wetlands. They are in the

1 process of working with the Corps of Engineers for a determination. They feel  
2 confident they know where the areas of concern will be.

- 3 • MOTION by Jon Mock That the Planning Commission recommend to the City  
4 Council approval of Carl Pitt's request for final plat approval for phase one of the  
5 Alder Square Commercial Subdivision, located generally at 100 North Highway  
6 165 with the findings of fact, conclusions of law, and conditions stated in the staff  
7 report. SECOND by Bill Bagley. All in favor.

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9 **ITEM THREE:** Jared Nielson is requesting rezone approval for property located  
10 generally at 870 South 400 East.

11 **RECOMMENDATION:**

- 12 1. That the Planning Commission recommend to the City Council approval of Jared  
13 Nielson's request for rezone approval for Hillcrest Subdivision located generally  
14 at 870 South 400 East with the findings of fact and conclusions of law stated in  
15 the staff report.

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17 **FINDINGS OF FACT:**

- 18 4. Providence City Code 10-1-5 lists the requirements for Amendments, Changes.
- 19 5. There is Single Family Traditional zoning adjacent to the property on the north,  
20 east, and west and within 650 feet to the south of the area of request; therefore,  
21 Single Family Traditional zoning complements the existing residential area.

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23 **CONCLUSIONS OF LAW:**

- 24 1. The applicant's request complies with the Providence City General Plan.
- 25 2. The applicant meets the requirements of Providence City Code 10-1-5  
26 Amendments, Changes.
- 27 3. 850 S 400 E is .34 acres. This acreage fits the general lot size of lots in Single  
28 Family Traditional zones.

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30 **CONDITIONS:**

- 31 1. None.
- 32
  - 33 • A combination study session was held between the City Council and Planning  
34 Commission in which Mayor Simmons presented, visually, some of the issues  
35 related to 400 East.
  - 36 • Jared Nielsen said that, from his understanding, the road from the way it sits,  
37 handles the traffic of what he's proposing. He has met all the City's  
38 requirements. The subdivision complements the area of what's already zoned  
39 around it. He feels it's an addition to the City.
  - 40 • B Bagley said they talked about a turnabout on the intersection and the traffic  
41 impact on the road.
  - 42 • B Sorenson said the traffic report shows it's not a safety issue.
  - 43 • B Bagley wondered what would be done about other roads that need the City's  
44 attention. Should the City let existing problems lay so they can take care of the  
45 new subdivisions? He wondered if the City had a particular fund for this.

- 1 • K Eborn said that the roads in Providence aren't perfect, but 400 East is a good
- 2 road. She would like to see if a roundabout it feasible. She feels the City should
- 3 look toward that to alleviate some of the concerns.
- 4 • J Mock would like to see another zone in there. When he looks around the
- 5 existing zoning, he sees quite a difference. He would like a little larger lots. He
- 6 knows this developer has met all the conditions. He doesn't think the zone is
- 7 what he'd like to see. Design review would have helped in this situation.
- 8 • Sorenson opened up the time for public comment.
- 9 • Cheryl Eames wondered what the study was the Planning Commission was
- 10 referring to.
- 11 • J Beazer reported that a road at that a road the size of 400 East (24 feet of asphalt)
- 12 can handle 1000 cars traveling 25 mph, with 40 feet between cars per hour, per
- 13 lane.
- 14 • K Eborn said she was surprised to learn that parts of 200 West are 24 feet, too.
- 15 • B Bagley and B Sorenson are concerned about the shoulder of the road on 400
- 16 East; 200 East does not have that shoulder problem.
- 17 • B Sorenson said there was no broken up asphalt on 400 East.
- 18 • Doran Baker pointed out that 200 West has a 99-foot right of way, even though
- 19 there's only 24 feet of asphalt.
- 20 • Autumn Smith said that, since there are so many on 400 East that want the
- 21 country feel, she understands that they have to go; is there a way to put this on
- 22 hold because CC is saying they're working on acre or ½ acre lots, could it be put
- 23 on hold?
- 24 • Craig Swanavelt wondered if he could finish the survey. Is it one way or two
- 25 ways?
- 26 • J Beazer was concerned about the unique things on the road, but, different from
- 27 200 West. If something happens on 200 West, you can go off to the right; last
- 28 Wed meeting, talked about retaining with a cement edge; on the East side, if
- 29 people wanted, perhaps a sidewalk.
- 30 • J Beazer's main concern now is the intersection on Canyon Road and 400 East.
- 31 • It will handle 2,000 per hour (1,000 going north, 1,000 going south).
- 32 • Craig Swanavelt didn't think he saw a car going 25 mph on that road.
- 33 • J Beazer said it wouldn't be an advantageous thing, but it would be okay at that
- 34 speed.
- 35 • Louise Everton said the tar is wonderful on the road, nice width for two cars; but
- 36 if there are two cars and a child on the bike coming, it is a very dangerous road.
- 37 The school bus, kids walking; no place for them to go but on the road. Take in to
- 38 consideration the safety of citizens.
- 39 • Mark Stimpson said that because developer has met the City requirements, the
- 40 City is willing to rezone; is not part of that public approval; I don't know of
- 41 anyone who wants this?
- 42 • B Sorenson; things are on case-by-case situations; with the conclusions of law and
- 43 findings of fact, staff is requesting; what we do in this one doesn't lock that in for
- 44 down the road.
- 45 • K Eborn said the subdivision is not going in to the middle of an Agricultural area.

- 1 • J Beazer said the problem that the Planning Commission has is the master plan.  
2 When the decision was made that everything on that board that's green would  
3 turn yellow; if a citizen comes in, the City has put down on our master plan that  
4 everything green would be recommended to go to SFT if it were to be rezoned.  
5 That is where the City Council is talking about creating some other zones. Master  
6 Plan would have to be revised.
- 7 • M Stimpson wondered why the interest of the developer is greater than the  
8 interest of the citizens.
- 9 • B Bagley said if he passes through the hoops, the City may be legally bound.
- 10 • Clint Thompson said that, in most cases, any rezone that was caused to come off  
11 of Agricultural land would be looked at at the time it was changed. He said the  
12 City is not set in stone; they don't have to rezone.
- 13 • Mark Thompson said you do set a precedence when you allow that in an area; on  
14 Wed night talked about 400 East (as unsanitary); City streets that shows that  
15 landowners own different parts of the street. He doesn't understand why the  
16 county isn't sending them a check back when they're said you own to the center  
17 of the road when you don't. The homeowners need to know where the future of  
18 their homes lie before development continues. Roads need to be cleaned up.  
19 Needs to be platted on a plat.
- 20 • Mark Thompson indicated that the City owned the property, but in reality, it is  
21 platted that the owners own it. The road needs cleaned up. It needs platted and  
22 deeded on the court house records.
- 23 • Jim Beazer said that, unless other arrangements are made, the way that a property  
24 owner would go about "cleaning up" his deed is to involve the county. Citizens  
25 transferring property to the City to rightfully stop paying property tax on property  
26 that is legitimately no longer under their control would likely involve a  
27 reappraisal by the county. This would be detrimental in almost all cases to the  
28 citizen trying to "clean up" their deed because almost all property is currently  
29 accessed and taxed at a rate far lower than actual value. A new county appraisal  
30 would correct that value, raising property taxes on the property as a whole,  
31 leaving the citizen far worse off than before the deed was "cleaned up".
- 32 • Mayor Simmons said he's going to meet with the County attorney to see if he can  
33 see a way to do this "cleaning" inexpensively. It is a prescriptive easement, not a  
34 deeded easement.
- 35 • Darcy McEvoy said that this subdivision didn't follow the legal process. She  
36 wondered if there was a possibility of it being tabled because of faulty process.
- 37 • Mayor Simmons said the rezone comes first and then the subdivision approval.
- 38 • M Stimpson said there were property owners on the bench that claimed they had  
39 a prior commitment made to them for water and the road. They had a legal  
40 document signed by old mayor; what will these people do when they want to  
41 develop?
- 42 • S Bankhead said there were annexation agreements back in the late 70s on the  
43 north bench; the proposal was that they'd come down Canyon Road. They said  
44 they'd widened the road and pay for it.

- 1 • Clint Thompson said that the City (and the mayor) needs to be looking out for the
- 2 safety and welfare of its citizens, not just whether or not the developer meets all
- 3 the ordinances and the zoning.
- 4 • Doran Baker said that when a surveyor did a water survey for Providence, there
- 5 were 425 new connections. There are 358 committed already. He wondered if
- 6 the Hillcrest subdivision was part of that. He wondered if this was a legal public
- 7 hearing for a rezone.
- 8 • B Sorenson said this is a public meeting—not a legal meeting to talk about a
- 9 subdivision with 55 homes or about 1 acre lots. This is simply a rezone.
- 10 • S Bankhead said the subdivision based their count on the master plan for what the
- 11 proposed zone would be. They would have looked at the requirement for water
- 12 based on 12,000 square-foot lots.
- 13 • Autumn Smith said it sounded like the City was probably going to rezone
- 14 regardless but wondered if they could put a sidewalk in before the houses go in.
- 15 • B Bagley wondered, if they did have to do work on the road, where the money
- 16 would come from.
- 17 • Mayor said that impact fee money can be moved around—monies can be used
- 18 anywhere in the City.
- 19 • S Bankhead said that if they wanted it done this fiscal year, the City would have
- 20 to take the money from a project for this year and have that project wait for the
- 21 next fiscal year.
- 22 • B Bagley wondered why the City was taking more responsibility for the developer
- 23 than for those who needed things now.
- 24 • K Eborn felt that the developer complied with all of the City’s requirements, the
- 25 request fits with the surrounding area. She said that the only way to control lot
- 26 size is to make the zone changes they’ve talked about. Until then, his subdivision
- 27 meets the requirements of Single Family Traditional. Until there are those zoning
- 28 changes, this subdivision should be approved.
- 29 • MOTION by Kristina Eborn that the Planning Commission recommend approval
- 30 for the rezone of the property located generally at 870 South 400 East. SECOND
- 31 by Jim Beazer. Bill Bagley and Jon Mock: Nay; Jim Beazer, Kristina Eborn, and
- 32 Blaine Sorenson: Yea.

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Blaine Sorenson  
*Planning Commission Chair*

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Rebecca Billings  
*Secretary*