

1 Providence City Planning Commission
2 Providence City Office Building
3 Providence City Council Chambers
4 15 South Main, Providence, UT
5 January 26, 2005
6

7 Present: Chairman: Blaine Sorenson
8 Commission: Mark Malmstrom, Hank Howell, Jim Beazer
9 Excused: Nick Bouwes, Kristina Lamborn
10 City Manager: Vern Keeslar
11 Secretary: Rebecca Billings
12

13 **STUDY MEETING:**
14

15 **Kartchner Code Amendment for Secondary Access**

- 16 • Vern Keeslar explained that Providence City Staff wrote the ordinance for
17 Kartchner Homes because they didn't know how to word it and also because the
18 City wanted to include some of their own conditions—namely, limiting the number
19 of accesses a commercial building can have. (The new amendment says that the
20 maximum number of accesses is two.) Keeslar explained that this amendment will
21 benefit more than just Kartchner Homes. Mountain View Veterinary Clinic only
22 has 395 feet, and they want another access. This change will benefit them and other
23 businesses.
- 24 • Mark Malmstrom was concerned about having double accesses on 165 South.
25

26 **Handout: Revised Providence Highlands Final Plat**

- 27 • Keeslar explained that Staff had amended the staff report that was in the packet
28 because Imagine Development met most of the conditions on the original staff
29 report after the packets were sent out to Planning Commission members.
- 30 • Keeslar also explained that there was also a decision made by the Staff Review
31 Committee to recommend to Planning Commission that the less-than-4%-slope
32 requirement (City Code 11-4-3-E-2) at the intersection of 1250 South and Hidden
33 View Drive be waived. Keeslar explained that City Code 11-5-15-D states that
34 “where unusual topographic or other exceptional conditions exist, the City Council
35 may vary the requirement of this Title after receiving the recommendation from the
36 Planning Commission and/or the City Engineer; provided, that such variations will
37 not substantially impair the intent of this Title.” Staff is asking that the requirement
38 be varied to allow an 8% slope at 1250 South and Hidden View Drive. The
39 connection to Hillsborough Drive inhibits the developer from meeting the proper
40 slope requirement at the intersection, and Staff feels that there are other issues to
41 take into account (the access of Hillsborough) that are more important to the overall
42 development than the issue of meeting the less-than-4%-slope requirement.
- 43 • Malmstrom wondered if the City was pretty sure that the roads would be able to
44 connect at some point.
- 45 • Keeslar said they are pretty sure. He explained that the City has three options: 1.
46 Purchase both lots 2. Buy enough for the right of way to connect 3. Condemn the
47 property that belongs to Dorin Baker to connect the road through.

- 1 • Keeslar explained that the subdivision needs another access in the future, so the
2 connection will happen.
3

4 **Water Shares**

- 5 • Blaine Sorenson was confused about why Stan Checketts was approved for
6 annexation at City Council without the water share requirement that the City has.
7 He said that, at some point, this development will have to have water.
8 • Ron Liechty, Council representative to the Planning Commission, explained that
9 Checketts understands that no one in his development can obtain a building permit
10 until the development has usable water.
11 • Keeslar explained that the City requires one of two things: the developer has to
12 acquire one water share per acre of land, or the developer has to have purchased
13 usable land before they can begin and must provide water to the City before they
14 begin development. Keeslar explained that the City passed the Checketts
15 Annexation according to this second requirement.
16

17 **AGENDA ITEMS**

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19 Sorenson asked the audience to sign in at the back of the room.
20

21 **APPROVAL OF MINUTES**

22
23 Sorenson asked Planning Commission if they had any corrections for the minutes of the
24 December 2004 Planning Commission meeting.
25

26 Mark Malmstrom had the following corrections:

- 27 • pg 4 line 8: "P-track" should be "P-trap."
28 • Pg 4 line 24: "AFDA" should be "FDA."
29 • Pg 6 line 19: "Malmstrom" should be "Beazer." Jim Beazer made this comment.
30 • Pg 9 line 8: "Marriott" should be "Marion."
31 • Pg 10 line 34: "Malmstrom" should be "Cohen." Mark Cohen made this comment.
32 • Pg 15 line 18: "permeable" should be "impermeable."
33 • Pg 17 line 20: "tree seeds" should be "trees."
34

35 Becky Billings had the following correction:

- 36 • Pg 4 line 9: "Detola" should be "DoTolo."
37
38 • The corrections were noted and changed.
39

40 **MOTION** by Hank Howell to approve the minutes of December 21, 2004 with the noted
41 corrections. **SECOND** by Mark Malmstrom. All in favor.

42 Excused: Nick Bouwes, Kristina Lamborn
43

44 **Disclosure of any conflicts of interest on any of the agenda items:** None.
45

46 **Disclosure of any ex parte communication:** None.

1 **ITEM ONE:** John Hoellein, agent for Kartchner Homes, is requesting a code amendment
2 to Providence City Code 10-8-6-C-6, C1 Commercial Zoned District, to allow for one
3 access for each 150 feet of frontage in commercial zones.

- 4 • The following findings of fact, conclusions of law, and conditions were presented:

5
6 **FINDINGS OF FACT:**

- 7 1. The current code only allows one access for each 200 feet of frontage as listed
8 below:

9 **Providence City Code 10-8-6-C-6, C1 Commercial Zoned District**

10 One access shall be allowed per lot, as exists on the effective date hereof, or one
11 access shall be allowed for each two hundred feet (200') of frontage. Minimum
12 distance between accesses shall be one hundred feet (100'), except for service
13 stations which are approved conditional uses where only two (2) accesses are
14 allowed per lot with one frontage; a third access shall be allowed for the other street
15 frontage on corner lots.

- 16 2. The proposed code amendment would allow for one access for each 150 feet of
17 frontage and would read as follows:

18 **Providence City Code 10-8-6-C-6, C1 Commercial Zoned District**

19 One access shall be allowed per lot, as exists on the effective date hereof, or one
20 access shall be allowed for each ~~two hundred feet (200')~~ one hundred fifty feet
21 (150') of frontage with a maximum of two accesses per street frontage. Minimum
22 distance between accesses shall be one hundred feet (100') and the minimum
23 distance from the street intersection shall be one hundred feet (100'), except for
24 service stations which are approved conditional uses where only two (2) accesses
25 are allowed per lot with one frontage;. A third access shall be allowed for the other
26 street frontage on corner lots as long as it meets the frontage and distance
27 requirements above.

- 28 3. The Staff Review Committee (SRC) has recommended in favor of the code
29 amendment, believing that this will improve traffic circulation within commercial
30 developments.

31
32 **CONCLUSIONS OF LAW:**

- 33 1. The proposed code amendment would provide improved traffic circulation within
34 commercial developments.
- 35 2. The proposed code amendment would allow for better access for both ingress and
36 egress to commercial developments while still promoting access management.

37
38 **CONDITIONS:**

- 39 1. None.
- 40
 - 41 • Troy Kartchner, owner of Kartchner Homes, was present.
 - 42 • Keeslar explained that current City Code allows only one access for every 200 feet
43 of frontage, and that the Kartchner Design Center that is being built is on a corner
44 lot. He stated that it functions much better to have two accesses to this building.
45 He explained that he had told Kartchner Homes that they could apply for a variance
46 or a code amendment, and they chose to apply to amend the code.

- 1 • Keeslar said that Staff wanted to make sure that accesses were spaced 100 feet
- 2 from: an intersection, the next access over, and/or a neighboring property.
- 3 • Troy Kartchner said he was supportive of these comments. He said that it would be
- 4 beneficial for his company and for Providence City to amend the code.
- 5 • Sorenson opened the time for public comment: None.
- 6 • Sorenson opened the time for Planning Commission discussion:
- 7 • Mark Malmstrom asked if there was going to be any kind of exception for 165
- 8 South or possibly other more busy roads like 100 North or perhaps Spring Creek
- 9 Parkway. He feels that, with this item, the amendment is great, but he's worried
- 10 about access management on busy roads.
- 11 • Keeslar explained that 165 South is controlled by the State and that Providence City
- 12 controls 100 North. He explained that the ordinance change states that the
- 13 maximum number of accesses is two per street frontage, so it keeps businesses from
- 14 having too many accesses.
- 15 • **MOTION** by Mark Malmstrom that the Planning Commission recommend to the
- 16 City Council approval of John Hoellein's request for a code amendment to
- 17 Providence City Code 10-8-6-C-6, C1 Commercial Zoned District, to allow for one
- 18 access for each 150 feet of frontage in commercial zones with the findings of fact,
- 19 conclusions of law, and conditions stated in the staff report. **SECOND** by Beazer.
- 20 All in favor. Excused: Kristina Lamborn and Nick Bouwes
- 21

22 **ITEM TWO:** Mark Cohen, agent for Imagine Development, is requesting rezone approval
 23 for Providence Highlands Subdivision Phase One from Agriculture (A) to Single Family
 24 Traditional (SFT) located generally at 1100 South Grandview Drive.

- 25 • The following findings of fact, conclusions of law, and conditions were presented:
- 26

27 **FINDINGS OF FACT:**

- 28 1. Providence City Code 10-1-5 lists the requirements for Amendments, Changes.
- 29 2. Mark Cohen, agent for Imagine Development, has submitted an application for a
- 30 rezone.
- 31

32 **CONCLUSIONS OF LAW:**

- 33 1. The applicant's request complies with the Providence City General Plan.
- 34 2. The applicant meets the requirements of Providence City Code 10-1-5
- 35 Amendments, Changes.
- 36

37 **CONDITIONS:**

- 38 1. None.
- 39
- 40 • Keeslar explained that the Providence Highlands preliminary plat was passed by
- 41 Planning Commission and City Council. He said that he had asked Imagine if they
- 42 would hold off applying for a rezone until they submitted final plat, and they did.
- 43 He commented that the rezone is consistent with the Single Family Traditional
- 44 Zone and meets its requirements.
- 45 • Rick Arnold and Jeremy Jensen, agents for Imagine Development, were present.
- 46 Mark Cohen was unable to attend tonight's meeting.

- 1 • Sorenson opened the time for public comment: None.
- 2 • Sorenson opened the time for Planning Commission discussion:
- 3 • Sorenson told Imagine that, when they met for preliminary plat, there were quite a
- 4 few people who had comments and concerns about the Providence Highlands
- 5 subdivision. He wondered if the City Council was full at the meeting where they
- 6 passed this development's preliminary plat.
- 7 • Ron Liechty stated that the meeting was quite full. He said that a lot of the concern
- 8 that people had was about the lower access coming through—they didn't want it.
- 9 The big concern was where traffic would go. He said that the City Council felt that
- 10 most of the traffic would be down 1000 South.
- 11 • Rick Arnold said that one of the things they (Imagine) did, and they don't make a
- 12 policy of doing, is held a neighborhood meeting. He said that most of the neighbors
- 13 were there and that it was an extremely positive meeting. He said that they
- 14 addressed all of the relevant things that pertained to the community they're
- 15 developing. He said that most of the things that came up at City Council were kind
- 16 of side issues that didn't really relate to the Providence Highlands subdivision.
- 17 • Sorenson said he was just surprised that more people weren't at tonight's meeting.
- 18 • **MOTION** by Beazer that the Planning Commission recommend to the City
- 19 Council approval of Mark Cohen's request for rezone for Providence Highlands
- 20 Subdivision Phase One from Agriculture (A) to Single Family Traditional (SFT)
- 21 located generally at 1100 South Grandview Drive with the findings of fact,
- 22 conclusions of law, and conditions stated in the staff report. **SECOND** by Hank
- 23 Howell. All in favor. Excused: Kristina Lamborn and Nick Bouwes.
- 24

25 **ITEM THREE:** Mark Cohen, agent for Imagine Development, is requesting final plat
 26 approval for Providence Highlands Subdivision Phase One located generally at 1100 South
 27 Grandview Drive.

- 28 • The following findings of fact, conclusions of law, and conditions were presented:
- 29

30 **FINDINGS OF FACT:**

- 31 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
- 32 2. Providence City Code 11-4-3-E-2 states, "Streets shall be leveled to a grade of less
- 33 than four percent (4%) for a distance of at least one hundred feet (100') approaching all
- 34 intersections."
- 35 3. Providence City Code 11-5-15-D states, "Where unusual topographic or other
- 36 exceptional conditions exist, the City Council may vary the requirement of this
- 37 Title after receiving the recommendation from the Planning Commission and/or the
- 38 City Engineer; provided, that such variations will not substantially impair the intent
- 39 of this Title."
- 40 4. The connection of Hillsboro, as required by the Providence City General Plan,
- 41 impacts the grade of 1250 South and Hidden View Drive. The proposed grade
- 42 would be approximately 8% at the intersection.
- 43

44 **CONCLUSIONS OF LAW:**

- 45 1. The applicant's request complies with the Providence City General Plan.
- 46 2. Because of unusual topographic conditions, the required connection of 1250 South
- 47 to Hillsboro Drive, and because such variations will not substantially impair the

1 intent of Providence City Subdivision Regulations, the Planning Commission finds
2 that an approximately 8% grade at the intersection of 1250 South and Hidden View
3 Drive is acceptable.

4 3. The applicant will meet the requirements of Providence City Code 11-3-3 Final Plat
5 with the following conditions.
6

7 **CONDITIONS:**

8 2. Continue to comply with Providence City Code 11-3-3 Final Plat.

9 3. Obtain a storm water permit from the State and submit to Providence City.

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11 • Keeslar asked the Planning Commission to look at the 8% grade at 1275 South over
12 to Hillsborough. He explained, as he stated in the study session and in the findings
13 of fact, that the City can allow special exceptions to the slope requirement. He said
14 that there are plenty of topographical places in Providence similar to this particular
15 one. He said that Foxridge is one of them. He said it doesn't allow any other
16 intersections anywhere.

17 • Arnold said that he had taken a look at the ordinance and that the reason the slope
18 was at 8% was because of the required connection to Hillsborough. If Imagine
19 didn't have to provide this particular connection, then the slope could have been
20 4%. He said that they felt that it was important to be consistent with the Providence
21 City Master Plan and what the City had in mind with the connection.

22 • Keeslar said that Staff felt that the greater good was the third access, not the slope
23 requirement.

24 • Beazer commented that the topography before approaching Hillsborough flattens
25 out. He said that if it wasn't for the fact that Hillsborough is there, he'd be against
26 it, but because it is there, he's okay with it.

27 • Hank Howell said that he didn't see anything in this item that addresses the park
28 strips.

29 • Keeslar explained that, like Sunset subdivision, Providence Highlands is doing a
30 pilot project with the park strips. Keeslar said that, between these two pilot
31 projects, the City will get a good idea about what it would like in parkways. He
32 said that Imagine plans on doing the parkways with the uniform landscaping, larger
33 park strips, etc. Keeslar said that there will need to be a new cross-section for
34 the City if these pilot projects work out.

35 • Malmstrom commended Imagine for having a neighborhood meeting. He said that,
36 most often, people get angry about these things because they're left in the dark.

37 • **MOTION** by Hank Howell that the Planning Commission recommend to the City
38 Council approval of Mark Cohen's request for final plat for Providence Highlands
39 Subdivision Phase One located generally at 1100 South Grandview Drive with the
40 findings of fact, conclusions of law, and conditions stated in the staff report.

41 **SECOND** by Beazer. All in favor. Excused: Kristina Lamborn, Nick Bouwes.
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44 • The meeting was adjourned at approximately 6:30 p.m.
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1 Meeting Minutes for January 26, 2005 Planning Commission Approved.

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Blaine Sorenson _____ Date _____

Chairman

Rebecca Billings _____ Date _____

Secretary