

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 February 21, 2006

6
7 Present: Blaine Sorenson, Chair

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

12
13 **STUDY MEETING: DISCUSSION**

- 14
- 15 • The Commission discussed the Council’s decision to put in a cul-de-sac on 100
 - 16 South (see City Council minutes: February 14).
 - 17 • Ron Liechty stated that the Council wanted to know if the cul-de-sac was going to
 - 18 be built so that it could go through if the City ever decided to. He said that the
 - 19 people on 100 South who wrote the letter to the Planning Commission and
 - 20 Council (see letters in Planning Commission minutes) said that they wanted it in
 - 21 writing that, if it ever did go through, they would be compensated for the land.
 - 22 • Mayor Simmons said the City wouldn’t be willing to grant it per perpetuity.
 - 23 • K Eborn wondered why this issue never came before the Planning Commission
 - 24 • Mayor Simmons said it was a task force—something created by the Council, so
 - 25 he assumed it would just go to Council. The Council had to make a decision for
 - 26 that next step to happen.
 - 27 • Mayor Simmons said that people who have been using that road for 100 years
 - 28 have rights to continue to use it; if the City says they’re going to close it, those
 - 29 peoples’ rights now become active; it’s them filing suit that it needs to stay open.
 - 30 • The Planning Commission discussed the Agricultural protection application filed
 - 31 by Jay Rinderknecht. B Sorenson was concerned about where the property
 - 32 dumped in to.
 - 33 • Mayor Simmons explained that the Agricultural protection zone would block
 - 34 Spring Creek Parkway. He said it is a temporary protection; a “free to farm” rule:
 - 35 you can’t be harassed for running your bailer early in the morning. Jay
 - 36 Rinderknecht says he wants to farm it, and that no one ever approached him about
 - 37 this being a master planned road. He said that, although his kids probably won’t
 - 38 want to, he wants to maintain it—for now—agricultural land.
 - 39 • Mayor Simmons received the notice from the county at the end of December for
 - 40 this application, and the deadline for submitting comments was January 3. Since
 - 41 you can’t use eminent domain to create a road if it’s an agricultural protection
 - 42 area, the Mayor sent a letter of protest so that it was in before the deadline, and
 - 43 then gave a copy to the Council. There was no protest from the Council, but last
 - 44 week before City Council, Jay Rinderknecht was upset; so Mayor Simmons
 - 45 brought the letter back to the Council, and there was a weak agreement that the
 - 46 City would withdraw its protest.

- 1 • The mayor said there was still a possibility that the City will still have to feed the
- 2 traffic off of that area, so Jay is going to dedicate a 50-foot right of way in to the
- 3 property. They don't want to subdivide their property yet.
- 4 • Mayor Simmons said that there are developers talking to Stan Checketts; they
- 5 would like to show Planning Commission a phase development for all 125 acres.
- 6 They will bring in a plan that will show where all the roads would be and identify
- 7 the open space. It is going to show variable lot sizes: from ¼ acre to big estate
- 8 lots. They're interested in a mix of housing types.
- 9

10 **STUDY MEETING: ITEMS**

11

12 ITEM 1 The Providence City Council requests that the Providence City Council

13 Planning Commission meet the first and third Tuesday of each month.

14

- 15 • The Planning Commission agreed that this would be fine, but they would like to
- 16 see the items come to them with less conditions. Ron Liechty said items are okay
- 17 with minor conditions, but they don't like lots and lots of them.
- 18 • Staff will work on finding the Design Review packet.
- 19 • B Bagley wondered if the Planning Commission could meet at 6:30 in the
- 20 summer (a seasonal thing).
- 21 • The Commission would love to see more joint meetings with the City Council.
- 22 • B Bagley felt that some compensation for their time may make Commission
- 23 members more prudent in their duties. One of J Beazer's problem with accepting
- 24 compensation is that the citizens do not elect the Planning Commission.
- 25 • K Eborn enjoyed being able to go to the workshops. She would like to have some
- 26 funds available for training.
- 27

28 ITEM 2 The Planning Commission will discuss landscaping ideas for the parkstrip

29 along Highway 165 between 100 North & 300 South.

30

- 31 • Randy Eck went out and put up colored flags along 100 North to model how far
- 32 apart the trees would be (either 90 feet [red] or 120 feet [yellow]). B Sorenson
- 33 felt like the yellow flags were just one tree too far. He also felt like they were in
- 34 the way of the entrance. R Eck moved them 5 feet.
- 35

36 ITEM 3 The Planning Commission will begin preliminary discussions of proposed

37 changes to Title 10 *Zoning Regulations* chapters 4 (Establishments of

38 Districts), 6 (Use Regulations), and 8 (Area Regulations and Parking

39 Requirements).

40

- 41 • The Planning Commission held a conference call with Councilmember Stacie
- 42 Gomm, and she introduced the "SFL" (Single Family Large) zone. S Gomm
- 43 explained that the SFL zone would be roughly twice the size of the maximum
- 44 square footage of the SFT zone: 24,000 ft (versus 12,000). She said that nothing
- 45 else changes. The setbacks are the same as Single Family Traditional; everything
- 46 else would stay the same.

- 1 • S Gomm explained that many people have commented that the new ¼-acre
- 2 subdivisions are not matching the surrounding areas. She agrees with them. She
- 3 said that the proposed SFT Subdivision on 400 E (Hillcrest) is in the middle of 1-
- 4 1 ½ acre lots. She said that SFL is just another option for zoning. She explained
- 5 that the Single Family Estate (SFE) doesn't seem to be very popular; and,
- 6 although she isn't sure that the SFL zone will be either, at least it will give the
- 7 City the opportunity to zone something to have a little more land than SFT.
- 8 • J Beazer wondered if the Council is looking at lot size averaging for this zone. S
- 9 Gomm said that will take some time, some sit-down meetings. She said it
- 10 requires changes in 4 sections of the Title Code.
- 11 • S Gomm said it would not affect all of the future development on the South and
- 12 North; it's just an option for a different zone. It won't be mandated. She
- 13 explained that many on the Council feel frustrated that there isn't a zone between
- 14 SFT and SFE. She said that Hillcrest Subdivision would work well as ½-acre
- 15 lots. They could put in a temporary land use ordinance.
- 16 • R Liechty said Hillcrest was zoned in as SFE while the Council and Planning
- 17 Commission work on this zone; then when the Council has this in place, Hillcrest
- 18 can come back and ask for the zone change for SFL.
- 19 • S Gomm would like to have a meeting to work out all of the zoning.
- 20 • J Mock asked if the SFL would a stop gap until zoning changes can occur.
- 21 • The Planning Commission will discuss this zone at the public meeting on March
- 22 7, 2006.
- 23

24 **AGENDA ITEMS**

25 **APPROVAL OF MINUTES**

26
27
28 Corrections: Kristina was present in the January meeting. P 5 Line 6 25 mph; 40 feet;
29 line 21: not talking about Macey's itself—but the future pads. Question about the gas
30 station: include in minutes.

31
32 **MOTION** by Jon Mock to approve the minutes of the January 17, 2006 Planning
33 Commission meeting with the corrections. **SECOND** by Jim Beazer. All in favor.

34
35 **Disclosure of any conflicts of interest on any of the agenda items:** None.

36
37 **Disclosure of any ex parte communication:** J Beazer spoke with Dan Hogan on item 4;
38 B Sorenson had a conversation last night; not about item 4 but about the 100 South item
39 that was on at City Council.

40
41 **ITEM ONE:** Wilford Hanson is requesting final plat approval for the Wilford Hanson
42 Minor Subdivision located generally at 100 North and 100 West.

43 **RECOMMENDATION:**

44
45 That the Planning Commission recommend to the City Council approval of Wilford
46 Hanson's request for final plat approval for South for the Wilford Hanson Minor

1 Subdivision, located generally at 100 North and 100 West with the findings of fact,
2 conclusions of law and conditions stated in the staff report.

3
4 **FINDINGS OF FACT:**

- 5 1. Providence City Code 11-3-3 lists the requirements for final plat requests.
6 2. Providence City Code 11-3-4 lists the requirements for small subdivision
7 requests.

8
9 **CONCLUSIONS OF LAW:**

- 10 1. The subdivision design complies with the requirements of the Single Family
11 Traditional zone.
12 2. The applicant will meet the requirements of Providence City Code 11-3-3 *Final*
13 *Plat* and 11-3-4 *Small Subdivisions* with the following conditions:

14
15 **CONDITIONS:**

- 16 1. Adjust the boundary line between lot 2 and the owner of 79 North 100 West
17 (Robert & Janice Hanson's) property.
18 2. Reflect the above boundary line adjustment on the Wilford Minor Subdivision
19 plat and record with the county.
20 3. The garage sitting directly on the property line (South lot line of lot 1) must be:
21 a. Removed OR
22 b. Relocated
23 so that it is at least 5 feet from the property line.
24 4. Continue to comply with Providence City Code 11-3-3 *Final Plat* and 11-3-4
25 *Small Subdivisions*
- 27 • Wilford is planning to sell the corner to a nephew; he wants to keep the property
28 in the family.

29
30 **MOTION** by Jim Beazer that the Planning Commission recommend to the City
31 Council approval of the Wilford Hanson Minor Subdivision located generally at 100
32 North and 100 West. **SECOND** by Bill Bagley. All in favor.

33
34 **ITEM TWO:** Bryan Palmer is requesting preliminary plat approval for the Bryan Palmer
35 Subdivision located generally at 100 West 200 South.

36
37 **RECOMMENDATION:**

- 38 1. That the Planning Commission recommend to the City Council approval Bryan
39 Palmer's request for preliminary plat approval for the Bryan Palmer Subdivision
40 located generally at 100 West 200 South with the findings of fact, conclusions of law,
41 and conditions stated in the staff report.

42
43 **FINDINGS OF FACT:**

- 44 1. Providence City Code 11-3-2 *Preliminary Plat* lists the requirements for
45 preliminary plat requests.
46 2. The Development Review Committee (DRC) has reviewed the preliminary plat

1 for compliance to the Providence City Code and has recommended approval.

2 **CONCLUSIONS OF LAW:**

- 3 1. The subdivision design complies with the requirements of the Single Family
4 Traditional zone.
5 2. The Brian Palmer Subdivision complies with Providence City Code 11-3-2
6 *Preliminary Plat* with the following conditions:
7

8 **CONDITIONS:**

- 9 1. The detached garage on the corner lot must be 20 feet from the property line;
10 therefore:
11 a. Remove OR
12 a. Relocate
13 the garage on lot 1 to meet the required setback.
14 2. Bring the existing waterline up to current standards. (Replace, upgrade the whole
15 meter apparatus and relocate it to the south side of the sidewalk.)
16 3. Lots 2 and 3 must have underground power.
17 4. Bring in the sewer and water lines for the lots.
18 5. Dedicate 1 water share to the City.
19

- 20 • Ron Christensen, representative for Bryan Palmer, said that [condition 1:] the
21 garage will be removed. [Condition 2:] the waterline will be replaced, and the
22 meter will be provided by the City for the existing lot. The meter is part of the
23 building permit process for the other two lots. [Condition 3:] Mark wonders why
24 lots 2 and 3 must have underground power. He argued that all of the homes on
25 that street have overhead. S Bankhead said that, when a subdivision is 3 lots, it
26 falls under the “major subdivision” category, which means the City does not
27 distinguish between retrofitting. The ordinance requires the underground power
28 for a major subdivision, and the City can’t waiver from it. Conditions 4 and 5 are
29 fine. Condition 5, the developer will pay fee in-lieu of.
30 • R Christensen wondered what the ordinance was for the sidewalk [on the south
31 side]. He wondered if the sidewalk and street cross section had been changed
32 lately.
33 • S Bankhead didn’t know exactly when it was changed. She said that the City will
34 not require curb for the Bryan Palmer Subdivision at this point.
35 • R Christensen stated that Staff is recommending just sidewalk on 100 South. The
36 existing sidewalk on 100 West will remain in place. He said that the sidewalk on
37 the west is 4 ½ feet. The south sidewalk would begin at the property line and go
38 toward the street.
39 • A condition for sidewalk will be added to the Staff Report for final plat approval.
40 • Gary Stauffer wondered why houses built 4 or 5 years were not required to put in
41 curb, gutter and sidewalk. He said that sidewalk in those older parts of town
42 would not be required unless they were going to call it an improved district. He
43 wondered why Mr. Palmer had to put it in if there is no sidewalk around there in
44 several places around the whole block. He felt the City should come out and say,
45 in the beginning, that sidewalk will be required if a person is building in the old
46 part of town.

- S Bankhead explained that Staff that a 3-lot subdivision is a major subdivision, and therefore falls under the same requirements as a very large subdivision. However, Staff is looking at making these same things requirements for minor subdivisions. She also said that an improvement district has to go to a vote to the people in that district; they are difficult to create because the City cannot enforce an improvement district. It's not an option easily put in place.

MOTION by Jon Mock that the Planning Commission recommend to the City Council approval of the preliminary plat for the Bryan Palmer Subdivision, located generally at 100 W 200 S with the findings of fact, conclusions of law, and conditions (add 6: sidewalk must be put in on South side [this will be put in the final plat condition as well]) stated in the staff report. **SECOND** by Kristina Eborn. All in favor.

ITEM THREE: Bruce Leishman is requesting site plan approval for Erickson Development located generally at approximately Gateway Drive and Golf Course Road.

RECOMMENDATION:

1. That the Planning Commission grant Bruce Leishman's request for site plan approval for Erickson Development located generally at approximately Gateway Drive and Golf Course Road with the findings of fact and conclusions of law stated in the staff report.

FINDINGS OF FACT:

1. Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations list the requirements for site plan.
2. The Development Review Committee (DRC) has reviewed the site plan for compliance to the Providence City Code and has recommended approval with the condition below.

CONCLUSIONS OF LAW:

3. The applicant's request complies with the Providence City General Plan.
4. The applicant meets the requirements of Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations with the following conditions:

CONDITIONS:

1. A structural engineer will evaluate the project.
2. The building (in its entirety) will be brought up to all current IBC codes.
3. Standard driveway will be followed.
4. A written letter from the Pioneer Irrigation Company giving permission for the 15" pipe size will be obtained.
5. A letter from Logan Waste Collection approving the dumpster location will be obtained.
6. Submit updated cost estimates

- 1 7. Add engineer signature block to the site plan
- 2 8. Submit a new narrative for storm water calculations
- 3 9. Submit a storm water pollution prevention plan
- 4
- 5 • Dan Turner explained that when building was constructed, it was built as 3
- 6 separate buildings put together. He explained that Scott Morrell designed the
- 7 footings and foundation plan (they will have to pour new ones), but after the
- 8 building is moved, he will evaluate the whole building. He said that existing
- 9 utilities are already stubbed to the lot. Turner created the parking and the grades.
- 10 The developer went back and forth with the one or two accesses. The
- 11 neighboring developers decided they did not want a shared access, so there will
- 12 only be one. He said the Logan Waste letter is coming. The letter from the
- 13 irrigation company approving the 15” pipe will come, and the rest of the
- 14 conditions will be taken care of. He said that the access road will keep going on
- 15 to the west. Turner said that it is up to the City how the piping will be done. The
- 16 ground is extremely swampy; Turner will recommend to the developer that he do
- 17 it all at once. It’s about 3 feet of really silty stuff. The developer is not sure what
- 18 type of business will be in the building yet. He explained that the parking is well
- 19 above and beyond what’s required by the building.
- 20 • J Mock wondered if it would be a slab on grade foundation.
- 21 • Turner said that basements are out because of the high water table. He said,
- 22 although it’s not mentioned as a condition, the building inspector is requiring a
- 23 soils report be completed. (This will happen at building permit stage; soils
- 24 engineer is doing the soils report at the same time.)
- 25 • The condition will be added about the soils report (with building permit).
- 26 • Randy Gnehm, who owns buildings in the area, is wondering what the exterior of
- 27 the building is going to be. He wondered what requirements the Planning
- 28 Commission had. Everything Gnehm has put through Creekside has been solid
- 29 brick. He was concerned about the look of a solid stucco building.
- 30 • The Planning Commission would like to see the draft of the Design Review
- 31 packet so they can have some say in situations like this.
- 32 • R Eck is meeting with the man that is moving the building. The movers will have
- 33 to remove 4 feet off the bottom of the building. A lot of the exterior will be
- 34 compromised.
- 35 • J Beazer said maybe then there will be some options; the Planning Commission
- 36 can only encourage; they cannot require.
- 37 • Ken Sim felt it would be prudent for the City and developer to widen the right of
- 38 way for Gateway Drive to 80 feet. He felt it was highly probable.
- 39 • S Bankhead explained that this is already a recorded easement.
- 40 • Denise Strong felt this design review was a very good idea.
- 41 • Dan Hogan warned the City that some large retailers have set designs, and cities
- 42 don’t change them; if you don’t take what they have, they go to another town.
- 43 • B Sorenson said the Wal-mart in Bonnie’s Lake Washington fit the requirements
- 44 of that City’s design review. Buildings that go to Park City comply with the look
- 45 Park City wants.

- 1 • Dan Hogan said that sometimes cities restrict, and it causes problems for good
2 businesses.
- 3 • J Beazer didn't feel like the City should have to bend over backwards so a retailer
4 will come.

5 **MOTION** by Kristina Eborn that the Planning Commission grant approval of the site
6 plan for Erickson Development located generally at approximately Gateway Drive
7 and Golf Course Road with the condition that a soils test be done for the building.

8 **SECOND** by Bill Bagley. All in favor.
9

10 **ITEM 4:** Dan Hogan is requesting rezone approval from Agricultural to Single Family
11 Traditional (SFT) zone for property located generally at Canyon Road and Grandview
12 Drive for The Cove Subdivision.

13
14 **RECOMMENDATION:**

- 15 2. That the Planning Commission recommend to the City Council approval of Dan
16 Hogan's request for rezone approval from Agricultural to Single Family Traditional
17 (SFT) zone for property located generally at Canyon Road and Grandview Drive for
18 The Cove Subdivision.

19
20 **FINDINGS OF FACT:**

- 21 3. Providence City Code 10-1-5 lists the requirements for Amendments, Changes.
- 22 4. The application was received on June 2, 2005; prior to OM 004-2006 enacting a
23 temporary Land Use Regulation on changing agricultural zones to residential.
- 24 5. The public hearing was held on June 21, 2005
- 25 6. The north, west and east boundaries are adjacent to the existing Single Family
26 Traditional zone.

27
28 **CONCLUSIONS OF LAW:**

- 29 5. The applicant's request complies with the Providence City General Plan.
- 30 6. The applicant meets the requirements of Providence City Code 10-1-5
31 Amendments, Changes.

32
33 **CONDITIONS:**

- 34 2. None.
- 35
36 • Dan Turner explained that part of the property is already zoned SFT. He
37 explained that it is bounded on all sides by SFT. He pointed out on the map that it
38 is just the triangular piece that they want zoned SFT. He presented the property
39 line and the prescribed right of way on Larry Tanaka's driveway. Jody Burnett
40 said that Tanaka's driveway could be used for the City because it is a deeded right
41 of way. He said that if the subdivision has just over 24 feet of frontage on to
42 Canyon Road. The City and the developer would like to have a full access road
43 through to Canyon Road, but in order to do that, they need the 213 square feet that
44 Tanaka owns. Without it, they can't make the connection. The developer had
45 proposed having the standard road (29 feet), then having it neck down to 20 feet

- 1 (the minimum required by the fire dept). Staff recommended that the 20-foot-
 2 wide road be an emergency access only; the other access comes off on to
 3 Grandview Drive. The developer presented a plan of a cul-de-sac that meets all
 4 of the City ordinances, but the City requested that Dan try to make the access
 5 work. There has been much discussion between the City, Tanaka, and Hogan, but
 6 Mr. Tanaka would not agree to it. So, this access will now be for emergency
 7 vehicles only.
- 8 • J Beazer said that a gate is not easily accessible to everyone.
 - 9 • R Eck said that if they can't have access for citizens for normal flow, the City
 10 would still like to have the gate. If something were to happen on Grandview, the
 11 gate would lead from Canyon Road to it. It could also serve as a walking path.
 - 12 • J Beazer wondered how inconvenient it would be for snow removal.
 - 13 • R Eck said that they would open the gate and lock it again. It would be part of the
 14 regular snow removal maintenance.
 - 15 • Kathy Baker was concerned that, over time, once the homes are there, it would
 16 become a primary access because people would break the lock and open it; it
 17 would be a constant patrolling.
 - 18 • R Eck hoped that, with time, concrete barriers could be there.
 - 19 • Jason Christensen said that potential buyers would like to see the emergency
 20 access; they would like to see a through street, but they would like the locked
 21 gate.
 - 22 • Chris Biker said it appeals to him to have the locked gate.
 - 23 • Denise Strong said that she doesn't like the idea of the rezone because she doesn't
 24 think have just one egress is a good idea. She feels it would mean a lot more cars
 25 coming that way. She said there are courts that would uphold the administrative
 26 decisions, Council and other decisions not to rezone. She felt that the City
 27 should, at the very least, put a moratorium on it until they find out if she's not the
 28 only one that thinks that way. She doesn't think it's fair to Tanaka to have a
 29 through road or to the others around it to have the traffic.
 - 30 • J Beazer explained that Grandview Drive wasn't a through road; it wasn't a
 31 second a second egress until about five years ago. He felt that the people against
 32 this just didn't want the development. D Strong said there were very few homes
 33 there five years ago. J Beazer said there were more than 28.
 - 34 • D Hogan explained that Tanaka's driveway is a deeded right of way; if the people
 35 wanted, they could drive down his driveway out of the subdivision.
 - 36 • Mark Stimpson would like to see open space; he is concerned for the quality of
 37 the air in Cache Valley. He is concerned about the safety of the people coming in
 38 the Valley. He wants to leave some space for the future generations.
 - 39 • B Bagley said that he had a conversation with a fellow who works with State of
 40 Utah Air Quality Control. He told Bill that the federal guidelines were coming
 41 out, and Cache Valley isn't going to like it. He told him there is one reason for
 42 the air quality: the people.
 - 43 • There was a discussion about the air quality in the area. Mark Stimpson said the
 44 growth brings more pollution, which will bring in the EPA. Mayor Simmons said
 45 the Wasatch front and Cache Valley are cleaner than ever. The data shows that.
 46 Stimpson said that the chemicals in the air now are different.

- 1 • Cheryl Eames wants to put a gate on providence; she said there's a substantial
- 2 group in this town that would like to see a slow down in development. There are
- 3 many homes for sale in this community.
- 4 • K Eborn said that studies show that the growth within Cache Valley comes from
- 5 within. We're all having children. She said that land owners have rights, too;
- 6 people that want to live here have a right to. Eborn wondered where this large
- 7 group of people who were so against development were. She said it was a
- 8 different case for them because it wasn't in their backyard.
- 9 • J Mock felt we could certainly control our portion of growth in Cache Valley.
- 10 • B Bagley read from Master Plan that creative planning is needed and Providence
- 11 should preserve areas for open spaces.
- 12 • Turner repeated that it was the City's request to have the second access, and they
- 13 tried, but one man didn't want to comply.
- 14 • B Bagley got the feeling that the City rubber stamps everything that comes
- 15 through; he wondered if the City looked at what they're doing.
- 16 • J Beazer was tired of people telling him they don't want development.

17 **MOTION** by Kristina Eborn approval of Dan Hogan's request to rezone from
 18 Agricultural zone to Single Family Traditional (SFT) zone for property located generally
 19 at Canyon Road and Grandview Drive for The Cove Subdivision. **SECOND** by Jim
 20 Beazer. Aye: B Sorenson, K Eborn, J Beazer

21 Nay: J Mock

22 Abstain: B Bagley.

23
 24 Meeting adjourned at 7:55

25
 26
 27 Minutes of February 21, 2006 approved:
 28
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 31

32 _____
 Blaine Sorenson

33 *Planning Commission Chair*

Rebecca Billings

Planninng Commission Secretary