

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 April 18, 2006

6 Present: Blaine Sorenson, Chair

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

8 Mayor: Randy Simmons

9 City Administrator: Skarlet Bankhead

10 Secretary: Rebecca Billings

11
12 **STUDY SESSION**

13 Study Items:

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15 **ITEM 1: Discussion—The Planning Commission will discuss modifying Providence City**
16 **Code Title 10 Zoning and Title 11 Subdivision Regulations to better define the appeal**
17 **process.**

- 18 • B Sorenson said at the Citizen Planner Seminar, they were saying that the Planning
19 Commission must make a recommend to the City Council for an Appeal Authority and a
20 Land Use Authority. They made a strong recommendation creating an appointed
21 position, such as a hearing officer, to hear the land use applications, and a board of
22 adjustment to hear variances. They suggested streamlining the process. This would allow
23 the Planning Commission to spend more time on planning, and not administration. Staff
24 would continue to approve fence and sign permits, and the Development Review
25 Committee would approve subdivisions of 10 lots or less. The Development Review
26 Committee is a public body under Utah code.
- 27 • B Bagley said the Appeal Authority would handle the land use appeals, and the board of
28 adjustment would hear variances. If the City Council says no to something, then the
29 applicant can take the decision to the Appeal Authority. Craig Bott was emphatic that
30 municipalities create an Appeal Authority to handle things other than variances. It could
31 be a single person or two people . . .
- 32 • B Sorenson said one person could represent a number of cities.
- 33 • B Bagley said they mentioned at the seminar that it might be good to get someone outside
34 the city to be the authority and bring them up to speed on what's going on. We could
35 also use the city judge, but that has been discouraged. He read from Providence City
36 Code 2-2-3. Ron Liechty said that, by default, we use this chapter for our appeal
37 authority. Something needs to be spelled out. We need an appeal authority separate from
38 the Board of Adjustment in place. Mayor Simmons said the judge can be the appeal
39 authority if it's clear that when he's the hearing examiner he's not the city judge and
40 vice-versa.
- 41 • Ron Liechty said he would hate to see the appeal authority be one guy—he could weigh
42 heavily towards one way or another. He would like to have it be at least three people so
43 there are at least different opinions.
- 44 • K Eborn thought they just basically followed the law—cut and dry.
- 45 • R Liechty said the Board of Adjustment gives a variance if they say it's not cut and dry.
- 46 • B Bagley said the recommendation of the Planning Commission goes to the City Council,
47 and the City Council finds the people. It has to be by ordinance. The appeal authority
48 will act in a quasi-judicial manner—act as a final arbiter. If the appeal authority says no,
49 it goes to the district court.

- 1 • Jim Beazer said he'd like to see at least 3, and maybe 5. The board doesn't even meet
- 2 once a year for variances now.
- 3 • B Bagley said when there's a problem, the chairman calls the meeting to order.
- 4 • K Eborn wondered if the attorney (Rand Henderson) was against the Planning
- 5 Commission talking about appointing an appeal authority at the last meeting.
- 6 • B Sorenson said that according to the letter, Henderson thought it hadn't been published
- 7 in the paper in the time it should have been—he thought the 5:30 study session would be
- 8 in violation of the open meeting law.
- 9 • R Liechty said there are different interpretations. He can do what he wants with his
- 10 opinion.
- 11 • Mayor Simmons said it is the Planning Commission's job to decide if the City should
- 12 have a hearing examiner, a board—or have the board be the board of adjustment or
- 13 something else.
- 14 • B Bagley read from Craig Davis's book what the duties of the judge is for the appeal
- 15 authority.
- 16 • B Sorenson said that the Development Review Committee requested a hearing officer and
- 17 that the Board of Adjustment continue to hear variance requests.
- 18 • Mayor Simmons said it could just be a resolution, but it requires a recommendation from
- 19 the Planning Commission. The City Council will have to have an ordinance and hold a
- 20 hearing on it.
- 21 • B Bagley will write something up and bring it to Planning Commission.

22
 23 **ITEM 2: Discussion – The Planning Commission will discuss *Signs of Success*, a packet**
 24 **provided by Wes Van Dyke of Young Electric Signs, regarding commercial sign**
 25 **lighting.**
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- 27 • B Sorenson said you can't read anything on the Discount Tire sign, it's so bright. You
- 28 have to be quite close to read what it says.
- 29 • Mayor Simmons said they've toned it down quite a bit.
- 30 • B Sorenson liked the DVD. It gave him some ideas. He feels they have some ideas of
- 31 what the Planning Commission would possibly want to suggest and recommend.
- 32 • B Bagley said this is kind of a work in progress. We will patch some holes as we go
- 33 along. He thought the DVD was great.
- 34 • K Eborn said maybe the City could review it again as the time to make decisions draws
- 35 nearer.
- 36 • B Sorenson saw some signs that he thought were attractive.
- 37 • B Bagley doesn't like the flashing lights but doesn't mind the scroll--the fade in, fade out
- 38 isn't too bad.
- 39 • B Sorenson thought Iron Gate Grill shouldn't have one canvas sign hanging on one side
- 40 of the building and a real one on the other side.
- 41 • B Sorenson likes the Master Mechanic sign better than the Bank of Utah sign. All it does
- 42 is show the temperature and the time. It's just a big thing that sits there. The Planning
- 43 Commission will revisit this when they get together with the City Council.
- 44 • Mayor Simmons said the City Council passed the Design Review, with the understanding
- 45 that it's a work in progress. Mayor Simmons isn't sure that there will be time to work on
- 46 Design Review in the workshop.

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 48 **ITEM 3: Discussion – Providence City Staff will update the status of the request by the**
 49 **Planning Commission for a new water study.**

- B Sorenson told the Planning Commission that the City engineer would like to meet with someone from the Planning Commission and someone from the City Council to go over the current study to understand what the water situation is. Sorenson said that he doesn't ever hear about water issues anywhere except Providence.
- K Eborn would like to know if the water really is the issue people make it. She would like the City Engineer to tell them what's going on.
- B Sorenson would like the City engineer to present the water study to the public.

ITEM 4: Discussion – The Providence City Council requests a joint workshop with the Planning Commission on April 22, 2006 from approximately 8:30 a.m. – 4:00 p.m. in the Providence City Council Chambers.

- B Sorenson informed the public of the joint workshop.
- L Campbell will not make it.
- The Planning Commission discussed meeting at a later time during daylight savings (study meeting: 6:30, meeting: 7:00). The next Planning Commission agenda will reflect this request and a motion will be made.

Approval of minutes

Corrections for the April 4, 2006 Planning Commission meeting minutes:

- Jim Beazer was not at the meeting.
- Rand Anderson should be Henderson (all throughout)
- Page 4 line 16—should be 400 East instead of 300 East.
- Page 9 line 2 Vern Keeslar did not originate the study.

Motion by J Mock to approve the minutes of the April 4, 2006 Planning Commission meeting with the corrections above. Second by K Eborn. All in favor. Abstained: Jim Beazer.

Disclosure of any conflicts of interest: None.

Disclosure of ex parte communication: J Mock has had contact with each of the two applicants. He spoke with Brian months ago before this came up and asked him what his plans were for the property. He spoke with Melinda, and she had mentioned her plans to him.

AGENDA ITEMS

ITEM ONE

Melinda Petro/Gines is requesting an amendment to Providence City Code 10-6-2, Classification of New and Unlisted Uses to allow wholesale and retail sales of plants and greenhouse products from residential homes.

RECOMMENDATION:

1. That the Planning Commission recommend to the City Council approval of Melinda Petro/Gines request to amend Providence City Code 10-6-2, Classification of New and Unlisted Uses to allow wholesale and retail sales of plants and greenhouse products from residential homes in Single Family Traditional zones, with the findings of fact, conclusions of law, and conditions stated in the staff report.

FINDINGS OF FACT:

1. Providence City Code 10-6-1 *Use Chart* and 10-6-2 *Classification of New and Unlisted Uses* lists use regulations for Providence City zones.
2. The Development Review Committee (DRC) has reviewed the request and has recommended approval.
3. The proposed code would list wholesale and retail sales of plants and greenhouse products as a permitted use in Single Family Traditional zones. No such sales are currently allowed.

CONCLUSIONS OF LAW:

1. The proposed code is consistent with current practices of selling personal produce.

CONDITIONS:

1. The proposed use would be limited to the sale of greenhouse and garden produce and plants.
2. Comply with Providence City Code 3-4-5 *Home Businesses*.
3. Retailers of this use will provide for off-street parking.

- M Petro/Gines said she wants to put a greenhouse on her property for public access—for people to buy plants that are grown there. She lives at 48 West Center.
- J Mock said this request would change the Use Chart.
- M Petro/Gines said they're purchasing an existing greenhouse that is 18.5 feet wide by 48 feet long. She's interested in herbs and water plants that are difficult to get in Cache Valley. Her dad works at a greenhouse in Layton, and he will help her with what the demand is. She will also be making home décor and garden products.
- B Bagley wondered if it was year round—not seasonal.
- M Petro/Gines said it would be year round. She would like to affiliate the school. Her dad's greenhouse has year-round tours for school kids—she'd like to offer that as a free service.
- J Beazer wondered if all sales would be contained in the building. He wondered how much of the building would be for advertising.
- M Petro/Gines said it would be mostly inside, but she wants to teach the classes in the front.
- She hopes to advertise by word of mouth through the Farmer's Market in Logan. She wants to come in with some mailer ideas. She hopes to get the word around about the school tours. She said there will be a sign, within regulations, in her yard to let know people know it's there.
- B Bagley wondered if the greenhouse will conform with the setbacks, as far as another dwelling on your property.
- M Petro/Gines said she was going to just get the approval for this code amendment first and then go on to the next step. She will comply when she gets her building permit. She said there will be an area assigned for parking in their driveway. They are going to clear out a boat, a van, and other things that need to be moved. She thinks there could be 4 or 5 cars could be there. She said she has talked to Janie McFarland (immediately next door), the Franks, and the Bagleys (directly across the street) about putting in this business.
- B Sorenson wanted to know the rationale of making this a home business rather than a business in a commercial zone.
- M Petro/Gines said the school is the main factor. She wants to teach art classes on a casual schedule. Schools don't have time to teach art the way it should be taught; it's something she wanted to offer—wanted kids to learn how to contribute to the beauty of the City. She will hopefully teach classes to kids all year round—set up a studio time. Kids sign up for their hour.
- B Sorenson opened the time for public comment. No comment was made.
- B Bagley said his concerns are: the size of the building, will it meet the setback requirements, and keeping crates and baskets to a minimum. He would like them to have a barrier or something

1 so they're out of the way. He would be concerned if there were objections from the neighbors.
2 He thought maybe there should be a letter from the neighbors.

3 • K Eborn felt the people would be at the meeting if they objected.

4 • J Mock is concerned with the impact on the neighbors and encroachment on a residential
5 neighborhood. They are on the edge of a commercial zone. He wondered what the building
6 would look like, how many students would be involved, and what kind of signage would be
7 required.

8 • J Beazer said most home-based businesses can't be noticed from the curb. He is concerned that
9 the business was visible. He wondered if she would have Christmas tree sales. He wondered
10 what the City's requirement was on employees.

11 • M Petro/Gines said there will be no employees.

12 • B Bagley read Providence City Code 10-6-2 on classifications of new and unlisted purposes.
13 This application would be added to the list of approved uses.

14 • K Eborn thinks these business are nice. They're a lot better than looking at someone's trailer,
15 boat, and other things. She also feels that if the neighbors had opposition to it, they would be at
16 the meeting. She didn't feel it was not necessary to ask for neighborhood input. She is surprised
17 it's not already here and would be happy to see this business.

18 MOTION by Kristina Eborn that the Planning Commission recommend to the City Council
19 approval of Melinda Petro/Gines request to amend Providence City Code 10-6-2, Classification
20 of New and Unlisted Uses to allow wholesale and retail sales of plants and greenhouse products
21 from residential homes in Single Family Traditional zones, with the findings of fact, conclusions
22 of law, and conditions stated in the staff report. SECOND by Jim Beazer. All in favor.

24 **ITEM 2**

25 **Brian Anderson is requesting final plat approval for the Brian Anderson Minor Subdivision**
26 **located generally at 109 West Center Street.**

28 **RECOMMENDATION:**

- 29 1. That the Planning Commission recommend to the City Council approval Brian
30 Anderson's request for final plat approval for the Brian Anderson Subdivision located
31 generally at 100 West 200 South with the findings of fact, conclusions of law, and conditions
32 stated in the staff report.

34 **FINDINGS OF FACT:**

- 35 4. Providence City Code 11-3-3 *Final Plat* lists the requirements for final plat requests.
36 5. The Development Review Committee (DRC) has reviewed the final plat for compliance
37 to the Providence City Code and has recommended approval.

38 **CONCLUSIONS OF LAW:**

- 39 1. The subdivision design complies with the requirements of the Single Family Traditional
40 zone.
41 2. The Brian Anderson Subdivision complies with Providence City Code 11-3-3 *Final Plat*
42 with the following conditions:

44 **CONDITIONS:**

- 45 1. Pay fee in lieu for the sidewalk along 100 West.
46 2. Add the following note to mylar plat: "All expenses will be paid by the developer." (See
47 PCC 11-3-3-m)

49 • B Anderson said he'd like to do a subdivision of his grandma's house. He would like to build
50 a house for himself on lot one and keep his grandma's house as a rental—keep it in the family.

1 His grandma’s house is too small for his wife and him. They are planning on a family. He would
2 like to keep the look and the feel of the house there.

3 • B Sorenson wondered what would be to the north and west of the current home if a lot is
4 created.

5 • B Anderson said it would be green space, for now—maybe some fruit trees. His wife will put
6 in plants.

7 • Sheri Nicholson said she owned the west of that lot. Her parents owned the lot.

8 • K Eborn wondered when he would like to build his home.

9 • B Anderson said he’d like to start this summer.

10 • B Anderson said one condition is to pay half the improvements done last year along Center
11 Street. There’s also a sidewalk that runs up and down along 100 West.

12 • Sheri Nicholson said they just put the new sidewalk in not too long ago.

13 • B Bagley said it goes along 200 West.

14 • J Mock said there are sidewalks on the east and south side.

15 • Providence City Code 10-9-4. *Frontages, Curb, Gutter and Sidewalks* lists this requirement.

16 • B Sorenson said the current service to the present home comes straight off Center Street.

17 He’d like to put it underground. It makes things look a lot nicer.

18 • B Sorenson opened for public comment.

19 • Randy Anderson, Brian’s dad said he feels Brian will take good care of the place. His sister
20 will be his neighbor. He’d like to see him in Providence. He has some good plans for the home.

21 He is in favor of the subdivision. The grandmother’s home is vacant, currently.

22 • Jon Mock wondered if there had been any discussion about water shares.

23 • B Billings said he would pay water shares according to the acreage he has (1 water share will
24 be dedicated to the City).

25 MOTION by Jon Mock that the Planning Commission recommend to the City Council approval
26 Brian Anderson’s request for final plat approval for the Brian Anderson Subdivision located
27 generally at 100 West 200 South with the findings of fact, conclusions of law, and conditions
28 stated in the staff report. Change condition to as per PCC 10-9-4. SECOND by Kristina Eborn.
29 All in favor.

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41 Minutes of the April 4, 2006 Planning Commission approved.
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48 Blaine Sorenson, Chair

Rebecca Billings, Secretary