

Providence City Planning Commission
Providence City Office Building
15 South Main, Providence, UT
October 19, 2004

Present: Acting Chairman: Mark Malmstrom
Commission: Hank Howell, Jim Beazer, Kristina Lamborn
Excused: Chairman Blaine Sorensen, Nick Bouwes
Secretary: Rebecca Billings
City Manager: Vern Keeslar

STUDY MEETING

- Vern Keeslar introduced Becky Billings as new office specialist for Providence City
- Keeslar handed out recent articles:
 - “How to Avoid a Media Disaster: Ten Handy Tips for Working with the Media”
 - Gang Violence
- Keeslar announced that items one and six on the agenda had been withdrawn.
- Keeslar explained the items on the agenda.

Parking Strips:

Keeslar had 15 slides of various park strips from Providence City, and other communities, ranging from 2 ½’ to 13’ in width. He explained the positive and/or negative aspects of each.

- The Commission talked about having citizens come in to the City to get an updated list of approved trees that can be planted in their neighborhood. Mark Malmstrom is working on this list.
- Other cities require that only specific trees may be planted and also require a street tree every 30 feet.
- Suggested that Providence City have an ordinance that requires a developer to put in trees on the property being developed.
- Suggested that Providence City consider rezoning areas to require trees.
- Suggested that Providence City obtain specifications on planting trees from the AIA and then require developers to follow these planting specifications.
- The Commission was asked to get back to Keeslar with any ideas of standards for park strips.

AGENDA ITEMS:

Malmstrom called the meeting to order and asked audience members to sign the register.

APPROVAL OF MINUTES:

MOTION by Kristina Lamborn to approve the minutes of September 21. **SECOND** by Hank Howell. All in favor.

At the next meeting, the Planning Commission will approve the previous meetings’ minutes that have not yet been approved.

Disclosure of any conflict of interest on any of the agenda items: None.

Disclosure of any ex parte communication: None.

ITEM ONE was withdrawn.

ITEM TWO: Britany Holmgren is requesting a conditional use for an accessory dwelling unit located generally at 395 Garden Drive.

- Keeslar stated that this accessory dwelling unit (ADU) initially did not meet the requirements for secondary heat and ventilation, but had been approved for an ADU and had been built without a building permit. There had been no application and no final inspection. There are conditions set forth by the inspector that need to be met: smoke detectors, carbon monoxide, secondary heat, and return air are among them.
- The current ordinance says that when a home is sold, the accessory dwelling unit is expired. It was suggested that ADUs be continued even when the home is sold.
- The Commission was largely in favor but concerned that everything be up to code when property changes hands. A few non-conforming uses.
- When an ADU is sold or when there is a complaint or when a person comes in to rent it, the conditional use (CU) is renewed.
- Jim Beazer expressed a concern that Providence City will be full of basement and garage apartments (ADUs), and the city can't possibly have enough parking.
- Keeslar commented that, in this case (B. Holmgren's), they're required to have off-street parking—it's supposed to be on the side. The code needs to be tweaked to tighten any loopholes.
- Concern: what ADUs do to the look of a neighborhood
- Beazer said that we have SFT zones for a reason and apartments for a reason.
- It was noted that the home owner of an ADU must live in the house that contains it.
- Lamborn doesn't mind reviewing it every time.
- Keeslar suggested that the commission talk about rewriting the ordinance in the next study meeting—maybe just tighten it a little but not make the permit process too cumbersome.
- Beazer suggested that when an ADU takes on the effect of being an apartment, there are concerns.
- Perhaps make this the ordinance: As a house sells, the ADU is not going to be continued as a CU.
- Keeslar suggested that the city could require a building permit and then a CU permit, but there's a big problem with that: there's a big difference in the fees for a building permit and the fees for a CU. No one's going to spend \$5,000 to build an ADU that hasn't been approved as a CU first.
- Keeslar reminded the commission that before a person can get a certificate of occupancy, he/she needs inspections and approvals.
- Mary Hubbard, a citizen of Providence present at the meeting, expressed concern that there would be too many ADUs in Providence.

- The following FINDINGS OF FACT were presented:
 - Providence City Code 10-12, Accessory Dwelling Units, lists the requirements for accessory dwellings.
- The following CONCLUSIONS OF LAW were presented:
 - The applicant will meet the requirements of Providence City Code 10-12 Accessory Dwelling Units.
- The following CONDITIONS were presented:
 - Continue to comply with Providence City Code 10-12 Accessory Dwelling Units.
 - Comply with the building code requirements by doing the following:
 - Smoke detectors to be interconnected.
 - Carbon monoxide detectors required in both units.
 - A 20-minute door is required between units.
 - Enclose or cap-off return air and heat vents from each unit.
 - Install separate furnace or base board heat in all habitable rooms in accessory dwelling unit.

MOTION by Howell to approve the conditional use permit for Britany Holmgren for an accessory dwelling unit located generally at 395 Garden Drive. **SECOND** by Lamborn. 3 to 1: Beazer against, all others for.

ITEM THREE: Dan Cox, agent for Sunrise Acres, LLC, is requesting a rezone from Agriculture (A) to Single Family Traditional (SFT) for property located generally at 350 West 500 South.

- Keeslar explained that the property has already gone through the annexation from A to SFT.
- Dan Cox was present at the meeting and was asked to explain the request. He said that the area from, roughly, 250 W. 500 S. is in a current developing area. His request is to rezone the next land parcel over (350 W.). He wanted to make sure this request fit with all the regulations for an SFT zone.
- The Commission pointed out that lots 5 and 31 on this property are temporary turn-arounds.
- Cox explained that he was working with the property owners adjacent to lots 5 and 31 so that he could submit an easement to the city council.
- The following FINDINGS OF FACT were presented:
 - Providence City Code 10-1-5 Amendments, Changes lists the requirements for rezone requests.
- The following CONCLUSIONS OF LAW were presented:
 - The applicant's request complies with the Providence City General Plan.
 - The applicant will meet the requirements of Providence City Code 10-1-5 Amendments, Changes with the following conditions.
- The following CONDITIONS were presented:
 - Continue to comply with Providence City Code 10-1-5 Amendments, Changes.

MOTION by Lamborn for approval of the request by Dan Cox, agent for Sunrise Acres, to rezone from A to SFT for property located generally at 350 W. 500 S. **SECOND** by Beazer. All in favor.

ITEM FOUR: Dan Cox, agent for Sunrise Acres LLC, is requesting final plat approval for Sunrise Acres Subdivision located generally at 350 West 500 South.

- D. Cox was asked if he would like to say anything about the request. He mentioned that the two turnarounds at lots 5 and 31 were again being considered.
- The following FINDINGS OF FACT were presented:
 - Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
- The following CONCLUSIONS OF LAW were presented:
 - The applicant's request complies with the Providence City General Plan.
 - The applicant will meet the requirements of Providence City Code 11-3-3 Final Plat with the following conditions.
- The following CONDITIONS were presented:
 - Continue to comply with Providence City Code 11-3-3 Final Plat.

MOTION by Beazer for final plat approval for property located generally at 350 West 500 South. **SECOND** by Howell. All in favor.

ITEM FIVE: Providence City is requesting a code amendment to Providence City Code 10-8-1 Area Regulations in the Single Family Traditional (SFT) zone to allow for a 20-foot street side yard setback instead of a 30-foot street side yard setback.

- Keeslar mentioned that Providence SFT has a huge street side yard setback of 30 feet; all other zones are less: 20 - 25 feet. This is based on the original ordinance made in 1977. He feels this is a typo. A 20-foot side yard setback would allow more utilization of private property owners' land while still maintaining a sufficient setback.
- The Commission discussed the pros and cons to amending the current setback, including: 20-foot:
 - allows a larger home on a smaller lot
 - allows more varied use; more options
 - allows corner lots more room to build
 - lessens the "tunnel vision" effect of the 30-foot setback, which tends to encourage speeding
 - may be too close to the sidewalk—may look funny
- Keeslar mentioned that the best option may be to amend the ordinance to allow a 50-foot total combination from back to front (i.e. 30' front, 20' back or 25' front, 25' back). This option was discussed in a study meeting held immediately following the Planning Commission Meeting.
- The following FINDINGS OF FACT were presented:
 - Providence City Code 10-1-5 Amendments, Changes lists the requirements for amendment requests.
- The following CONCLUSIONS OF LAW were presented:
 - The applicant's request does not affect the Providence City General Plan.
 - The applicant will meet the requirements of Providence City Code 10-1-5 Amendments, Changes with the following conditions.
 - This will provide private property owners more use of their land while still maintaining a reasonable street side yard setback.

- The following CONDITIONS were presented:
 - Continue to comply with Providence City Code 10-1-5 Amendments, Changes lists the requirements for amendment requests.

MOTION by Lamborn for the approval of Providence City’s request for a code amendment to Providence City Code 10-8-1 Area Regulations in the Single Family Traditional (SFT) zone to allow for a 20-foot street side yard setback instead of a 30-foot street side yard setback.

SECOND by Beazer. All in favor.

ITEM SIX was withdrawn.

STUDY MEETING back in session:

Beazer commented that he was in favor of item five on the agenda with a strong lean toward the 50-foot total combination and a staggering of yards [one person has one set of yard dimensions and neighbor is required to have another], rather than the 20-foot side yard setback regulation.

Street setbacks:

- The Commission talked about amending the code to give a total of 50 feet for the entire yard and allow the resident to choose the setback (down to 20 feet); perhaps place a front yard minimum of 25 feet.
- Beazer asked if there was any way to require a stagger from house to house (i.e. one resident can have a 25’ back yard, but the next-door neighbor has to have different dimensions, and their neighbor has to have something different, and so on). This would eliminate the dull appearance of yards being the same—would break up the straight line appearance of a neighborhood.
- This kind of staggering was done in Brookside Subdivision: one house could have a five-yard setback, but the house on the other side had to have a ten-. There was always a minimum of 15 between the two homes. This system proved difficult for record-keeping, however.
- Keeslar mentioned that, currently, the City has no lot depth requirements. Maybe someday a lot depth requirement should be implemented.
- The Commission talked about implementing a 30-, 20-, or 25-foot combination—using those dimensions, specifically (no 10-foot or 15-foot setbacks).
- Malmstrom expressed concern about giving a choice for setbacks because there are privacy issues with close backyards
- Keeslar said that if the city shortens the setbacks (for front yards and side yards), the amount of speeding through neighborhoods will decrease.
- Parkway strips have to have permeable surfaces—something water can drain down through.

Trees:

- Lamborn said she would love to be able to tell a developer that the city wants (requires) tree-lined streets, and that the developer is required to plant the trees along the street of the property he/she is developing.
- Keeslar suggested that the Commission present before the City Council a proposal for setbacks and trees—presented together.
- Suggested that the city send out a pamphlet or a mailer about park strips—guidelines—same idea as the ordinance that says a person has to have his/her lawn finished in a year (although this doesn't always happen).
- Malmstrom suggested that if the developers do end up being required to plant trees, they have standards they have to meet (i.e. size, species, and quality). This will ensure that quality trees are being planted.
- Keeslar will try to put together something on setbacks and trees for November's study meeting.
- The commission suggested providing developers with options for trees so that they can be creative and the city can get a variety.

Design/Review Process:

- Can the city do something about an ugly construction process?
- Keeslar suggested perhaps adopting defensible design standards.
 - Have developers bring in color boards and materials boards
- Howell said that when it comes to making rules/laws about aesthetics, it's shaky ground; nothing will really get approved because of differences in opinion.
- The Commission is just concerned about when the city gets an ugly building—they would like some say about whether it should be allowed or not.

The meeting was adjourned at 7:00 p.m.

Meeting Minutes Approved

Mark Malmstrom _____ Date _____
 Acting Chairman

Rebecca Billings _____ Date _____
 Secretary