

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT 84332**  
4 **May 1, 2013 6:00 p.m.**

5  
6 **Commissioners:** Roy Sneddon, Gordon Allred, Kirk Allen, Jeff Baldwin, Rowan Cecil, Sherman  
7 Sanders, Garrett Walker  
8 **Attendance:** Roy Sneddon, Chairman  
9 Kirk Allen, Jeff Baldwin, Rowan Cecil, Sherman Sanders  
10 **Excused:** Garrett Walker, Gordon Allred

11  
12 **Approval of the Minutes:**

13 The Providence City Planning Commission will consider for approval the minutes of April 24, 2012.

14 **Motion to approve minutes with the following corrections: R Cecil, second S Sanders**

15 Page 1 Line 28 vinyl siding

16 **Vote: Yea:** R Sneddon, K Allen, J Baldwin, R Cecil, S Sanders

17 **Nay:** None

18 **Excused:** G Walker, G Allred

19 Both K Allen and S Sanders will be voting tonight, unless one of the excused Commissioners arrives. It was  
20 determined that K Allen will be voting tonight if only one of the excused Commissioners arrives.

21  
22 **Action Items:**

23 **Item No. 1:** The Providence City Planning Commission will consider for approval a final plat for the Fields at  
24 Brookside Subdivision; a 5-lot residential subdivision located at the south end of Art's Place (approximately 150  
25 East 300 North).

- 26 • Danny Macfarlane presented final plat for approval for Fields at Brookside Subdivision. It has been  
27 reviewed by DRC.
- 28 • S Bankhead reviewed DRC's recommendations for final plat approval. The City Engineer will provide lot  
29 addresses which will be added to the plat. There is a property pin out of alignment that needs to be fixed. A  
30 note needs to be added indicating that the property owner of lot 1 needs to be made aware of and agree to  
31 his responsibility to maintain the detention pond, and that the City will have access to the pond. Spelling  
32 error needs to be corrected on Note 3. Even though final plat may be approved tonight, it won't be recorded  
33 until the Development Agreement has been approved by City Council. The construction plans need to be  
34 reviewed and signed by the City Engineer and he will need his bond and water shares transferred. City  
35 Attorney and City Engineer will make sure these conditions are met before they sign the plat.
- 36 • Commission discussed whose responsibility maintenance of the detention pond will be. S Bankhead  
37 reviewed the City's policy on detention ponds.

38 **Motion to approve: J Baldwin, second K Allen**

39 **Vote: Yea:** R Sneddon, K Allen, J Baldwin, R Cecil, S Sanders

40 **Nay:** None

41 **Excused:** G Walker, G Allred

42 **Abstained:** None

43 **Item No. 2:** The Providence City Planning Commission will consider for approval a preliminary plat for the Grace  
44 Baugh Subdivision, a 3-lot residential subdivision located at 300 East and 300 South.

- 45 • J Baldwin questions removing requirements by the exception. Referred to Administrative Provisions,  
46 Section D. He feels like there are no exceptional conditions and that the Planning Commission made no  
47 recommendations.
- 48 • S Bankhead said the Planning Commission did make a recommendation to the City Council which was to  
49 stick to the Ordinance. The City Council did not list their reasons as part of the motion. The Council  
50 reviewed the exceptional conditions and felt like this neighborhood was not conducive to new development  
51 and therefore the sidewalk, curb and gutter were not required. In lieu of sidewalk S Baugh will be required  
52 to provide a profile similar to what has been done on Canyon Road. The park strip will be designed to  
53 channel storm water to the retention pond. Their biggest concern appears to be they did not want a sidewalk  
54 that would not be continued to the north.

- 1 • R Sneddon felt like the conditions should be enumerated so citizens would have guidelines for future
- 2 subdivision exceptions.
- 3 • S Eames commented that the resolution S Bankhead reviewed was never passed.
- 4 • S Bankhead said they were read into the minutes rather than passed as a resolution.
- 5 • S Sanders felt like this issue was addressed at last meeting. The Attorney addressed the concerns and he
- 6 feels the Commission does not have just cause and should no longer delay the process.
- 7 • Gary Stauffer felt like it was unfair to allow 3<sup>rd</sup> East to be excepted from installing a sidewalk when other
- 8 subdivisions have been made to comply.
- 9 • S Bankhead commented that the City Code, whether correct or not, gives the City Council the authority to
- 10 vary the requirements. There is a procedure in place and the time to appeal this issue is over. The decision
- 11 was based on advice from the attorneys. The Council acted within their authority.
- 12 • R Sneddon reviewed 11-5-15 d. Some feel the statute of limitations has passed, whether or not the City
- 13 Council acted according to intent of the title is open to discussion. However, at this point, it is moot.
- 14 • B Bagley reminded the Commission that originally Mr. Baugh was asking them for a curb and gutter
- 15 exception, not a subdivision exception. Planning Commission made a recommendation to the City Council
- 16 on curb and gutter and the City Council overruled them on the curb and gutter issue, not the subdivision
- 17 issue. Tonight you can deny or approve the subdivision preliminary plat, but that decision cannot be made
- 18 based on the City Council's decision on curb, gutter and sidewalk.
- 19 • D Calderwood brought up the issue of sidewalks to help manage storm water. Downtown does not require
- 20 curb and gutter, but sidewalk is required. There was a proposal before the Council in the March 2, 2013
- 21 meeting to address storm water and it never passed.
- 22 • S Bankhead mentioned that S Baugh is required to manage storm water. It will be addressed in the retention
- 23 pond and swales. The Mayor wanted the Council to reconsider curb and gutter in that meeting on March 2,
- 24 2013; he brought it up but the Council did not make a motion to reconsider.
- 25 • S Baugh asked for a vote.
- 26 • K Allen feels it is important to do what is right and sensible in this situation. A sidewalk down 3<sup>rd</sup> East is
- 27 not sensible or responsible, neither is curb and gutter. We shouldn't be tied solely to what decisions have
- 28 been made in the past. Agrees that a vote should be made.
- 29 • B Bagley suggested the ordinance needs to be changed and charged the Planning Commission to continue
- 30 working on that ordinance change.
- 31 • R Sneddon asked if the request were to be denied again what the consequences would be.
- 32 • S Bankhead felt like it would be better to continue this and recommend changes rather than deny the
- 33 request; otherwise, Mr. Baugh could file an appeal with the Appeal Authority. They would review the
- 34 decision and decide if the Planning Commission's decision was soundly based. This development should be
- 35 approved based on current ordinance and with what the City Council feels are acceptable exceptions, not on
- 36 whether or not someone agrees with the City Council.

37 Gordon Allred arrived at 7:00 pm.

- 38 • S Bankhead agrees the ordinance needs to be fixed, but this will not make the problems go away. There
- 39 will always be disagreements on ordinances, sidewalks, etc., and changing times and situations will always
- 40 require changes to ordinances.

41 **Motion to approve Grace Baugh subdivision with the exceptions as listed by the City Council: K Allen,**

42 **second G Allred**

43 **Vote: Yea: G Allred, K Allen, J Baldwin**

44 **Nay: R Cecil, R Sneddon**

45 **Excused: G Walker, Alternate S Sanders did not vote**

46 **Abstained: None**

- 47 • J Baldwin would like it noted that he feels like eliminating curb, gutter and sidewalk is a bad decision and
- 48 his vote is in favor only because he feels like the Planning Commission's hands are tied.

49 **Item No. 3: The Providence City Planning Commission will discuss amending Providence City Code Title 11**

50 **including but not limited to Concept Plan and road grades.**

- 51 • S Bankhead asked R Sneddon to keep the recommendations to changes in the ordinance specific to Title
- 52 11, Chapter 1

53 **Motion to accept with proposed changes: J Baldwin, second R Cecil**

54 **Vote: Yea: G Allred, K Allen, J Baldwin, R Cecil, R Sneddon**

55 **Nay: None**

1           **Excused:**       **G Walker, Alternate S Sanders did not vote**

2           **Abstained:**     **None**

3 Page 4 variance committee needs to be deleted.

4  
5 **Study Items:**

6 **Item No. 1:** The Providence City Planning Commission will discuss amending Providence City Code Title 10  
7 Chapter 5 Overlay Zones addressing non-developable sensitive area, potentially developable sensitive area, hazard  
8 wildfire zones, and engineering geotechnical report.

- 9       • Continued to next meeting because Fire Marshall was not able to attend.

10 **Item No. 2.** The Providence City Planning Commission will discuss amending Providence City Code Title 11-5-2  
11 by adding the following to the minimum improvement requirements: All curb, gutter and all utility trenches that lay  
12 inside the roadway.

- 13       • S Bankhead explained this is to close loopholes. The intent of the current ordinance is that trenches be  
14 installed before all the grading is done; however, occasionally some feel like the wording doesn't require  
15 them to install before grading. This is to close that loophole.
- 16       • R Sneddon asked what difference this would make. He felt like this was an added burden to  
17 contractors/builders.
- 18       • S Bankhead said the Fire Department does not want us to issue building permits before we can guarantee  
19 access. If the road isn't hard surfaced with road bases, then we can't issue permits. We don't want  
20 contractors/developers to rush and get bases laid without required utilities in order to get the permits and  
21 then have to come back and compromise our road by putting in some of the underground utilities that  
22 should have gone in earlier.
- 23       • Discussion by the Commission on curb, gutter and utility trenches. The curb and gutter help stabilize the  
24 road base as well as manage storm water. A question was raised about developers/contractors needing to  
25 sell lots in order to get the money to complete projects.
- 26       • S Bankhead said this doesn't prevent anyone from selling lots; it delays the issuance of building permits  
27 until we have a safe area for people to build in.
- 28       • S Bankhead discussed the problem of the mud tracking. Curb and gutter will also help with some of the  
29 storm water. It will protect the road base; it won't be compromised with weather during this time of year.  
30 She suggested the Commission could continue this and Randy Eck could address the Commission. This  
31 could be made a study item/public hearing for next meeting.

32 **Item No. 3.** The Providence Planning Commission will discuss amending Providence City Code Title 11-3  
33 addressing the approval time frame for dependent subdivisions and a criteria test for the installation of curb, gutter,  
34 and sidewalk.

- 35       • S Bankhead said 11-3-0 has been seen before. This proposal says that development or phase A needs to be  
36 completed before a developer/contractor can move on to development or phase B, whether by the same  
37 developer/contractor or a different one. The City will accept a concept and preliminary, but not final plat  
38 application on the dependent phase or subdivision until after the previous subdivision is completed. It will  
39 vest the developer and give him a certain amount of confidence that he can proceed with his development,  
40 but also requires him to get the infrastructure in and finish the development in a timely manner. This  
41 prevents gaps in the infrastructure. This should be 11-3-9.
- 42       • R Sneddon would like to have input from developers/builders.
- 43       • J Baldwin – said 11-3-8 proposes putting a test in place to determine if sidewalk requirements are the  
44 correct action to take. This is a first cut and there may need to be additions/modifications. Reviewed  
45 proposed changes.
- 46       • Commissioners discussed the proposed changes. Also discussed what would decrease the City's liability  
47 issues, dead end sidewalks, gaps in sidewalks, connector sidewalks, curb and gutter, etc.
- 48       • J Baldwin feels like there needs to be some kind of criteria in place to take the ambiguity out of whether or  
49 not sidewalks should be required.
- 50       • S Bankhead said the people most frustrated by the sidewalk ordinance are 2-3 lot subdivisions than are  
51 being done with family in mind. The expense is critical. Perhaps we should recommend that subdivisions  
52 with 3 lots or less, that are not part of a bigger plan, should not be required to install sidewalk. Removing  
53 trees is also an issue. People don't like to remove trees to put in concrete. A bigger concern for small 2 and  
54 3 lot subdivisions is curb and gutter because it is more expensive.
- 55       • S Sanders commented that aesthetics is also a concern, not everyone loves curb, gutter and sidewalk.

- 1       • More discussion about sidewalks, safety, etc.  
2 This item will be held over as a study item.

3  
4 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- 5       • S Bankhead addressed a few inconsistencies with the State Code:  
6           ○ Because we are not part of a college town our definition of family needs to be updated to 4  
7           unrelated, instead of 3, for the purposes of single family neighborhoods.  
8           ○ Animal rules and regulations used to be in Title 10 Chapter 13, needs to be corrected to Title 5,  
9           Chapter 1.
- 10       • 100 North round-about has been started.

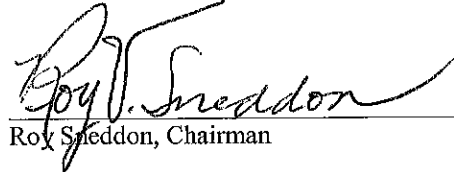
11 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no  
12 formal action will be taken.


13  
14 **Motion to adjourn: R Cecil, second J Baldwin**

15 **Vote: Yea: G Allred, K Allen, J Baldwin, R Cecil, R Sneddon**  
16 **Nay: None**  
17 **Excused: G Walker, Alternate S Sanders did not vote**  
18 **Abstained: None**

19  
20 Meeting adjourned at 7:55

21 Minutes taken and prepared by Caroline Craven

22  
23  
24  
25  
26   
\_\_\_\_\_  
Roy Sneddon, Chairman

  
\_\_\_\_\_  
Caroline Craven, Secretary

## Planning Commission Meeting

May 1, 2013

Please Sign In

Name

City of Residence

Sharell Edmes

Providence

