

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building, 164 North Gateway Drive, Providence UT 84332**
3 **May 8, 2019 6:00 p.m.**

4
5
6 **Call to Order:** Gary Sonntag, Chair

7 Attendance: Gary Sonntag, Laura Banda, John Parker, Bob Perry, Rowan Cecil, Joshua Paulsen, Sharon
8 Johnson

9 Swearing in: R Cecil was sworn in for a second term.

10
11 **Approval of the Minutes:**

12 **Item No. 1.** The Planning Commission will consider approval of the minutes for April 24, 2019.

13 **Motion to approve the minutes of April 24: —R Cecil, second —B Perry**

14 Vote:

15 Yea: R Cecil, G Sonntag, L Banda, B Perry, J Parker

16 Nay:

17 Excused:

18
19 Corrections:

20 Line 46 north.

21 Line 62 we.

22 Line 138 This is a property.

23 Line 191 ~~Robert James~~ Gary Sonntag

24 Line 60 J Paulsen made the suggestion that it be LCR. R Cecil agreed.

25
26
27 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues within
28 the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per
29 person. The total time allotted to public comment is 15 minutes.

- 30
- 31 • Cindy Montoya of Providence asked about Administrative Land Use authority. The website says that the
32 Planning Commission is the land use authority for subdivision approval. She said that her understanding is
33 that the City Council has been approving annexation and zoning, which bypasses the Planning
34 Commission.
 - 35 • G Sonntag said that ideally, the city council would follow the future zoning and annexation map approved
36 by the Planning Commission when there are annexations. Subdivision approval is a different process than
37 annexation and zone assignment.
 - 38 • C Montoya asked whether a developer would come to the planning commission with specific plans for a
39 new development.
 - 40 • G Sonntag said that for a subdivision, the concept plan goes to the executive staff review committee first.
41 The next step, the preliminary plat, comes to the Planning Commission after being reviewed by the
42 executive staff review committee.
 - 43 • C Montoya spoke about the proposed changes to the LCR zone. She referenced section A #3. The word
44 "residential" was struck. She doesn't believe that that is a positive change. She also referenced section E
45 that lists permitted housing types. Three types are being eliminated. She wondered whether apartments
46 would be required in all LCR developments that are over 20 acres.
 - 47 • G Sonntag said that this is only a draft. There is a suggestion in this draft that apartments be eliminated
48 from the zone.
 - 49 • C Montoya asked how many housing types there are in the draft. G Sonntag said that there are four.
 - 50 • C Montoya said that the original plans that she saw for the LCR zone had larger houses mixed with
51 townhomes mixed with active adult homes. She felt that this plan fulfilled the purpose of Life Cycle
52 housing. The most recent proposals have smaller houses on smaller lots that don't really fulfill this
53 purpose.
 - 54 • C Montoya referenced the proposed changes in the bylaws, section 6.3. This would require people to
come before the meeting and sign in, stating what they are going to talk about. She felt that this is a

55 crackdown on public comment that is unnecessary in a small city. She also didn't like the rule that the
56 commission doesn't have to respond to a citizens' comments.

57
58 **Public Hearing(s):** None

59
60 **Action Item(s):** None

61
62 **Study Items(s):**

63 **Item No. 1. Ordinance and Design Standards for Life Cycle Residential Zone, LCR**

64 The Commission will review and discuss the proposed changes for Title 10 Chapter 4, LCR Zone.

- 65 • G Sonntag said that the Life Cycle Zone is a replica of the existing city but on a smaller scale. He said that it
66 is nice to think about grandparents living in the same neighborhoods as grandkids, etc. However, he does
67 not believe that this will happen very often. It is best to think of it as a microcosm of the city as a whole.
- 68 • G Sonntag read suggested language changes to the Intent and Purpose section: "It is the intent of this
69 zone to guide development in accordance with the following goals: 1. The intent of this ordinance is to
70 provide residential housing that is a reflection of the city's current demographic and housing diversity.
71 The reflective pattern would be developed on a smaller scale, in a cluster, with buffered borders allowing
72 high density housing with a similar diversity in housing and demographics. The generational cycle could
73 start in such a development, but is not required nor promoted. 3. The life cycle rezone would be located
74 in or adjacent to current commercial zoning districts or high density residential housing areas or
75 agricultural zones. It would not go beyond nor into other zones of a differing land use, such as Single
76 Family Traditional, Single Family Large, Single Family Estate and Multi-Family Residential. Just as in the
77 city, a variety of housing types would be appropriate, such as single family detached, active adult homes,
78 single family attached, twin homes, condominiums and townhomes. Apartments would be discouraged
79 unless located in or next to a commercial district with related higher volume road systems."
- 80 • G Sonntag said that in the past, Life Cycle Zone had been considered as an infill development tool. He
81 asked if there are large enough areas for it to be used for infill.
- 82 • R Cecil said that there are entire blocks of older houses that could be replaced with infill. He feels that
83 there are many places in the city that this could work.
- 84 • G Sonntag felt that a minimum acreage standard is important for LCR.
- 85 • J Parker asked J Jackson about his opinion of the proposed changes that G Sonntag had read.
- 86 • J Jackson said that the idea would be sellable. However, he feels that it is missing the second-home move-
87 up category. He also disagrees with the idea of pushing all of the high density housing to within a few
88 blocks of main street. If you really want those who are middle aged and successful to mix with those who
89 are just starting in life and those who are finishing life, it won't happen within two blocks of main street.
90 Putting all of the higher density down by main street will perpetuate the segregation of income and life
91 stage.
- 92 • G Sonntag said that if the LCR is adjacent to other higher density housing, the chances of it being received
93 well by the public are higher. Through public hearings, the commission has heard reasons why LCR should
94 be in the downtown areas. One reason is that higher density provides more people who can walk to
95 downtown businesses. One example of this is The Falls apartments (located in Logan near to the
96 Providence City boundary).
- 97 • The Providence Gateway subdivision was also mentioned as a walkable area. J Paulsen asked what its
98 density per acre is. J Jackson said that it is about 18 units per acre. J Paulsen asked if J Jackson would have
99 chosen an LCR zone if LCR allowed higher density.
- 100 • J Jackson said that height requirements are the limiting factor once you do more than 18 units per acre.
101 Even if LCR allowed 18 units per acre, it would require buildings taller than three stories in order to
102 preserve the open space.
- 103 • J Paulsen said that if having five or six story buildings could preserve green space in the city core, he
104 would be for it. Logan is now allowing taller buildings, but it is too late for them to preserve green space.
- 105 • S Bankhead said that the Mixed Use zone now allows 39 units per acre and an increased height limit. It is
106 not as much as Logan allows, but there will be some areas in Providence that allow higher density and
107 taller buildings.

- 108 • J Paulsen said that he is in favor of higher density if it will preserve green space. He feels that preserving
- 109 the green space is one of the primary purposes of LCR.
- 110 • G Sonntag said that we are trying to find a way to adjust LCR so that it will be acceptable to the residents
- 111 of Providence. On the other hand, we could get rid of LCR and try to incorporate some of its features into
- 112 other zones.
- 113 • R Cecil said that he has 26 grandchildren. About 10 of them are old enough to own a home. None of them
- 114 wants a lot that is large where they need to mow the lawn. Some want condos or townhomes, but most
- 115 of them want a house with almost no lot.
- 116 • The commission discussed section D. G Sonntag said that the suggested language he read earlier would
- 117 apply to this section.
- 118 • B Fresz said that we don't typically make a requirement that one zone be next to a certain other zone. He
- 119 is not aware of any city that does that.
- 120 • G Sonntag said that in this particular case, considering the public attention and the things we have
- 121 learned, such a requirement could be helpful to establish the zone in the city.
- 122 • L Banda asked if other cities have a Life Cycle Zone.
- 123 • S Bankhead said that many cities have a mixed residential zone. We named ours Life Cycle to avoid
- 124 confusion with the Mixed Use zone. There is also a trend in planning to allow for multiple generations in
- 125 the same neighborhood. It is not as unique as some people are making it out to be.
- 126 • J Paulsen said that we should seek to borrow from other cities' code as much as possible. He is worried
- 127 that we have re-written the Life Cycle code so many times that it may have veered far from the standard.
- 128 • L Banda agreed.
- 129 • G Sonntag agreed that all the modifications have become confusing.
- 130 • B Perry asked J Jackson if changing the name to Mixed Use would affect future development.
- 131 • J Jackson said no. He is used to the term Mixed Residential.
- 132 • G Sonntag wondered if it would be confusing to people.
- 133 • S Bankhead said that it would just be a matter of explaining to people the differences in the zone. We
- 134 already have to do that anyway.
- 135 • B Perry asked if the lot sizes and setbacks in the Life Cycle zone differ from other places in the code.
- 136 • S Bankhead said that the multi-family elements of the LCR zone are similar to the Multi Family zones, and
- 137 that the single family elements are similar to the Single Family High zone.
- 138 • G Sonntag asked how the commission feels about putting boundaries on the location of the zone based
- 139 on adjoining zones as he suggested earlier.
- 140 • R Cecil said that he believes LCR should be allowed anywhere in the city as long as it meets the other
- 141 requirements.
- 142 • L Banda asked if it would make sense to have a buffer area. With a buffer, it could go in areas of the city
- 143 even where it does not adjoin to high density housing or commercial zones.
- 144 • G Sonntag wasn't sure if a buffer of open space or a fence would be enough to separate it from another
- 145 zone.
- 146 • L Banda said that the LCR zone itself is a good transition zone.
- 147 • B Perry said that another option is that we could shelve this for a while. We could make no changes, and
- 148 wait and see what happens in the city.
- 149 • B Fresz spoke about why the LCR ordinance was sent to the commission for review. He said that when
- 150 applying the zone to actual projects, there were several areas of the ordinance that caused some issues.
- 151 • S Bankhead mentioned that one issue was the lack of a specific landscaping requirement. There were a
- 152 few definitions that needed to be tweaked. We weren't looking for major modifications.
- 153 • J Paulsen said that if we just leave it on the books, it will continue to be challenged by the citizens. There
- 154 are some flaws in the ordinance that have people concerned. We need to address those issues in order to
- 155 move on from the contention that has happened because of this zone.
- 156 • B Fresz said that the contention will be addressed by the referendum in November.
- 157 • G Sonntag asked if we should take a few steps back and ask the staff to remind us what the areas of
- 158 concern were. He feels that the commission has lost sight of the original goal.
- 159 • S Bankhead asked about apartments. They are problematic even for the developers. S Bankhead feels that
- 160 they should not be mandated.

- 161 • J Jackson said that in the current ordinance apartments are not mandated.
- 162 • L Banda said that many of the suggestions that the commission is currently considering have come from
- 163 the opinions of experts and from applying the zone to different areas of the city. She values the work that
- 164 has gone into this draft.
- 165 • The commission decided to pass this back to staff so that staff can help them re-focus on the
- 166 modifications that were originally suggested.

167
168 **Item No. 2. General Plan Map of Future Re-Zone of Existing Districts and Annexation Areas**

169 The Commission will review and discuss the proposed changes to the map.

- 170 • The Commission discussed parcel #02-096-0058. There is an annexation petition for this parcel that is
- 171 requesting Single Family High. It is currently shown on the map as commercial. The commission decided
- 172 to leave it the way it is shown on the map. The developer may still apply for a different zone.
- 173 • S Bankhead explained that the planning commission can recommend against the general plan. The
- 174 general plan is a guide. Also, S Bankhead said that the city has to follow the due process and bring a
- 175 rezone request to the planning commission even if the planning commission will be against it.
- 176 • The commission discussed the area behind the Edward’s furniture building. Previous discussions had
- 177 concluded that it is too isolated to be a good area for mixed use.
- 178 • The commission discussed the southeast corner of the city.
- 179 • J Paulsen said that he did some homework on that area. He talked to 15 residents who live in the area.
- 180 Within the Highlands 1 area (SFT), two said that they were happy with their lot size, but most said that
- 181 they wanted a larger lot. There is a surplus of lots in the ½ acre range. Those on 800 East seem to favor
- 182 SFL lots in the area.
- 183 • J Paulsen would prefer that the area were split between SFT and SFL. S Bankhead said that this is
- 184 allowable. J Paulsen suggested making the lots north of 1000 South SFT, and those south of 1000 S SFL.
- 185 • J Paulsen asked what the reasoning criteria for changing a zone should be. He prepared a worksheet with
- 186 criteria and shared it with the commission.
- 187 • B Fresz said that the zone sets the minimum lot size. If it were zoned smaller, such as SFT, the developer
- 188 can still decide to make larger lots.
- 189 • G Sonntag said that he feels that an SFT zone would provide more flexibility.
- 190 • R Cecil said that SFT also gives the developer more flexibility to adjust to the lay of the land.
- 191 • J Paulsen felt that if we give more flexibility to the developer, the development will most likely end up as
- 192 SFT-sized lots.
- 193 • J Paulsen felt that we should change the zone on the map only when there is a compelling reason to do
- 194 so. We should respect the work of previous commissions.
- 195 • G Sonntag said that if there is any doubt, we could just leave it SFL, but felt that SFT would help the
- 196 developer and help the area to develop.
- 197 • J Paulsen questioned whether our goal should be to help the developer or development.
- 198 • B Perry said that one of our goals is affordable housing and SFT would be better for that.
- 199 • J Paulsen questioned whether any housing on the bench could be considered affordable.
- 200 • S Bankhead wondered if the infrastructure cost up on the bench would put those homes out of the
- 201 “moderate income” range.
- 202 • B Fresz asked if the commission wants 100 acres of 800,000 homes. This is what would happen if this land
- 203 were developed as Single Family Large. That would be around 180 homes.
- 204 • L Banda is in favor of SFL in this area.
- 205 • B Perry would like it to be SFT.
- 206 • J Parker is in favor of SFT.
- 207 • R Cecil wants it to be SFT.
- 208 • J Paulsen is in favor of SFL.
- 209 • G Sonntag is in favor of SFT.
- 210 • The commission discussed the north of the city.
- 211 • G Sonntag noted that the area that is zoned LCR is near an existing band of higher density housing in the
- 212 city.

- 213 • The commission discussed the area that is zoned LCR on the west side of the city, west of Highway 165. G
214 Sonntag felt that LCR should be near commercial and/or other high density housing. He feels that this
215 area meets that criteria.
216 • The other commission members agreed that this should stay LCR.
217 • J Paulsen said that we will need to make LCR attractive enough for developers when it comes to density.
218 Otherwise, they may prefer Multi Family High in this area.
219 • The commission will pass this map on to city staff so that it can be prepared for the next step in the
220 approval process.
221 • S Bankhead suggested that the commission look at a transportation map overlaid on top of the future
222 rezone map.
223

224 **Item No. 3. Providence Planning Commission Bylaws**

225 The Commission will review and discuss the Bylaws and consider potential updates.

- 226 • Was not discussed this meeting
227

228 **Question & Answer (Q&A):**

229 **Item No 1. Procedural process:** The Commission will allow time for Q&A regarding the procedural process

- 230 • G Sonntag said that he will bring forward the question and answer segment of the agenda.
231 • G Sonntag explained why he removed the item regarding the Vineyard Subdivision from the agenda. He
232 spoke about the geotechnical report on the Vineyards subdivision. The geotechnical report was done on a
233 smaller site than the current site in consideration today. There was groundwater found at 11 feet at one
234 bore hole and 8 feet at the other two holes. This made the area a sensitive area as defined by Providence
235 City Code. The geotechnical report recommended that there be no basements built, among other things.
236 G Sonntag explained that he asked Executive Staff whether there should be another geotechnical report
237 done that better represents the entire property. The staff recognized that the report might not represent
238 the entire area, and so they decided to treat the entire area as a sensitive area as a precaution. This would
239 mean that no basements would be allowed, and that a land drain might be installed. After discussion with
240 the city attorney, G Sonntag felt that the issue was resolved and that there was nothing further the
241 planning commission needed to do. This is why that item was removed from the agenda.
242 • G Sonntag said that he also received a call from Jeff Jackson. J Jackson told him that he plans to do
243 additional geotechnical work on the property to see if they can make basements work on the property,
244 which may require the use of perimeter drains.
245 • G Sonntag spoke about procedure. He explained that the city decided some years ago to have the
246 executive staff review the concept plan because it was mostly administrative in nature. The committee
247 just had to decide whether some basic requirements were met. Then the preliminary and the final plats
248 come before the planning commission.
249 • S Bankhead explained that the concept plan is very simplified. The preliminary plat has a longer list of
250 requirements. The executive staff reviews both, but the planning commission only reviews the
251 preliminary plat and final plat. About 10 years ago, the city created an Administrative Land Use Authority
252 to take administrative decisions away from the city council. Some citizens were getting frustrated with
253 city councils because they were approving subdivisions that they did not like. The residents did not
254 understand that the councils had no choice as long as the subdivisions met the code. The goal with taking
255 these decisions away from the council was to have the city council be as legislative as possible. When it
256 came to the subdivision process, we decided that we still wanted the planning commission to be involved.
257 The staff can do their best to get it ready, and then the planning commission can give the final approval in
258 a public meeting.
259 • S Bankhead mentioned Brent Bateman's suggestion that the Planning Commission do less administrative
260 items. S Bankhead said that she can see what he is saying, but she also likes the way that Providence City
261 does it right now, because it allows the staff to work out the kinks in a subdivision and then give it to the
262 Planning Commission for public review and public approval. Without this process, the staff would have to
263 turn into a public body, which would make things less efficient because developers sometimes require
264 several iterations of submissions in order to meet the code.
265 • As to concept plans, S Bankhead read from Providence City Code 11-3-1. With the concept plan, city staff
266 is mostly looking at the zone and the sensitive areas to see if the development is feasible. The preliminary

- 267 plat stage has many more requirements. If they meet the requirements, the planning commission must
 268 approve it.
- 269 • G Sonntag explained that the commission members should study the preliminary plat and the analysis
 270 that is done by the executive staff and ask any questions that they have before voting to approve or
 271 disapprove a plat.
 - 272 • J Paulsen said that he feels that it is a good idea that the Planning Commission serve as a check on the
 273 administrative staff.
 - 274 • J Paulsen spoke about the Vineyard Subdivision. He said that the feasibility study was done for a
 275 preliminary plat that is quite different than the one that is being proposed now. J Paulsen asked if the city
 276 would be liable if the feasibility study is deemed non-relevant to the preliminary plat that we approved.
 - 277 • C Wooley, city attorney, said that it is important to have checks and balances. He said that the code and
 278 the ordinances that set forth the roles of the commission members are important. Commission members
 279 cannot step outside those roles. He said that the executive staff's role is to have the technical expertise to
 280 answer the commission members' question. The planning commission should ask enough questions to get
 281 a comfort level that the work has been done. However, it is not usually the role of the Planning
 282 Commission to question the opinions of the city engineer or other experts employed by the city with
 283 regard to their areas of expertise. Also, the Planning Commission doesn't get to decide whether they look
 284 at the concept plan or the preliminary plat. Such decisions about roles are the decision of the city council.
 285 The planning commission also can't change much about development that is happening right now. They
 286 must look to the future to make improvements to the code for future development. C Wooley feels that
 287 the Planning Commission's role should be as legislative as possible.
 - 288 • J Paulsen asked if the city would have liability if the feasibility study doesn't fully represent the current
 289 preliminary plat. If something went wrong, would the city have more liability because of the mismatch of
 290 the feasibility study with the plat?
 - 291 • C Wooley said that there is no way to fully avoid liability, but that he is comfortable with the current level
 292 of liability.
 - 293 • J Paulsen asked about the city engineer's opinion of the applicability of the feasibility study.
 - 294 • M Pierce said that he didn't decide where to drill the bore holes. He said that the feasibility study MAY
 295 apply to the entire property, but that there is still time to do additional research.
 - 296 • M Pierce said that it would be best to wait until the final plat and construction drawings phase to do
 297 another feasibility study. The developer may do some mitigation efforts that would invalidate any study
 298 done now. We are waiting to see what happens.

299
 300 **Item No 2. Projects:** The Commission will allow time for Q&A regarding current and upcoming projects.

- 301 • G Sonntag asked what the executive staff is working on right now.
- 302 • S Bankhead said that they are working on The Corner Commercial subdivision that is on 100 south on the
 303 southwest side of the roundabout. They are deciding whether to split the lot into two. This would be an
 304 amendment to The Corner Subdivision. S Bankhead explained that when someone does an amendment to
 305 a final plat, we make them start from the preliminary plat stage.
- 306 • We are also looking at another plat amendment that was a result of legal action. This is for Sunrise Acres
 307 Phase 3.
- 308 • We are also looking at the Vineyard Phase 1 Final Plat. We will make sure all the conditions of the
 309 preliminary plat are met before sending the final plat to the Planning Commission. Staff is starting their
 310 review on the construction drawings.
- 311 • Providence Gateway is submitting plats for each building. Building 1 is in process right now.
- 312 • The Arbor Fields discussion is ongoing. This is the property that had the old Edwards furniture building.
 313 They are considering vertical mixed use.
- 314 • Doyle Zollinger's subdivision that is off of Baur Avenue is an ongoing discussion. We are waiting to receive
 315 the concept plan.
- 316 • S Bankhead spoke about the Champlain Development. This is the 10 acre piece that is off of 5th South.
 317 The future zoning map shows it as single family residential. They want single family high, which has not
 318 been discussed for that parcel. Therefore, we will send it to Planning Commission for review.
- 319 • S Bankhead said that when a parcel is submitted for annexation, the city council first decides whether to
 320 approve it for further consideration. Then, if it is approved, it goes to planning commission. Also, before

321 the city council approves the final annexation, an annexation agreement is made that may require the
322 developer to provide certain infrastructure improvements, etc.
323 • There is also a two-lot subdivision that planning commission has not seen yet. The preliminary plat was
324 submitted yesterday. It is off of Center Street and 200 East.
325 • S Bankhead explained that staff has been reviewing Planning Commission recommendations for code
326 changes. Staff reviews them for legality and attempts to write draft versions of what the commission has
327 recommended. For the Life Cycle Zone, staff has decided that it is time to leave it to the Planning
328 Commission. We will not be drafting changes to it unless the commission requests us to.
329 • S Bankhead said that executive staff is also working on setbacks. Certain architectural features don't fit in
330 our current setback ordinance. An example is window wells. Also, our setback ordinances are too rigid for
331 unusual lot shapes.
332 • S Bankhead explained that the General Plan is waiting on some maps, including the future zone map and
333 the transportation map. Once the future zone map is finished, the transportation map will need to be
334 examined to see if it will work with the future zone map.
335 • Mayor Drew spoke on behalf of the council members. Mayor Drew said that in Logan, if you want to
336 speak, you have to sign in. He said that at city council, as long as things stay civil, the council feels that
337 there is no need to change the bylaws.
338 • Mayor Drew said that the primary duty of the Planning Commission is to finish the general plan. We are
339 now going on our third year of working on the plan. He strongly suggests that the commission clear their
340 agenda in order to finish the general plan. The council is not happy that the plan has not been completed.
341 The City Council can un-appoint members of the planning commission if they are not completing their
342 assignments.

343
344 **Reports:**

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

- 347 • None

348
349 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no
350 formal action will be taken.

- 351 • None

352
353 **Motion to close the meeting— R Cecil, second — J Parker**

354 **Vote:**

355 **Yea: J Parker, R Cecil, L Banda, G Sonntag, B Perry**

356 **Nay:**

357 **Excused:**

- 358 • The commission thanked John Parker for his service

359

360 Meeting adjourned at approximately 8:55 PM

361 Minutes prepared by Jesse Bardsley

362 Minutes approved by vote of the commission on May 22, 2019.

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367 _____
Gary Sonntag, Chair

368

_____ Skarlet Bankhead, City Recorder