

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building**
3 **164 North Gateway Drive, Providence UT 84332**
4 **August 14, 2019 6:00 p.m.**

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6 **Call to Order:** Gary Sonntag, Chair
7 Voting Member Attendance: Laura Banda, Rowan Cecil, Ruth Ann Holloway, Bob Perry, Gary Sonntag
8 Excused alternate: Josh Paulsen
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10 **Approval of the Minutes:**

11 **Item No. 1:** The Planning Commission will consider approval of the minutes for June 26, 2019.

12 **Motion to approve the minutes of June 26, 2019: —R Cecil, second — B Perry**

13 **Vote:**

14 **Yea: L Banda, R Cecil, R Holloway, B Perry, G Sonntag**

15 **Nay:**

16 **Abstained:**

17 **Excused:**
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19 **Item No. 2.** The Planning Commission will consider approval of the minutes for July 10, 2019.

20 **Motion to approve the minutes of July 10: — B Perry, second — R Cecil**

21 **Vote:**

22 **Yea: L Banda, R Holloway, B Perry, G Sonntag**

23 **Nay:**

24 **Abstained: R Cecil**

25 **Excused:**

26 **Corrections:**

27 Line 186: capitalize Providence

28 Line 112: it to proceed to public hearing

29 Line 11: ~~the~~ Sharon
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31 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues
32 within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3
33 minutes per person. The total time allotted to public comment is 21 minutes.

- 34
 - No public comments
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36 **Study Item(s):**

37 The city staff will introduce the following proposed code amendments to Providence City Code (PCC)

38 Title 10 Zoning Regulations:

39 **Item No. 1. PCC 10-1-5 [Zoning] Amendments, Changes:** Proposed amendment adds requirements for a
40 rezone application.

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 - S Bankhead said that this amendment would not change the process [of a rezone application]. It
42 puts into the city code those things that we already require. We wanted to have it in the code to
43 back up our application process.
 - S Bankhead read from the proposed amendment in the agenda packet.
 - G Sonntag asked the commission if they had any questions. They did not. He asked S Bankhead
46 to schedule a public hearing on September 11 for this item.
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48 **Item No. 2. PCC 10-3-6 Annexation:** Proposed amendment adds to the information required with an
49 annexation petition.

- 50 • S Bankhead said that this item is like the previous one. We are not asking for a change in the
- 51 process. We are putting our current process into the code.
- 52 • S Bankhead read from the proposed changes in the agenda packet.
- 53 • S Bankhead said that the big requirement is the feasibility study. Some potential developers do
- 54 not want to perform one.
- 55 • G Sonntag asked that we add the word “transportation” to the list of items covered by the
- 56 feasibility study.
- 57 • L Banda asked if the annexation petition comes to planning commission or to city council. S
- 58 Bankhead said that according to state code, it goes to city council if the area proposed for
- 59 annexation is already in the annexation policy plan. The planning commission has already
- 60 weighed in on the annexation policy plan, and therefore does not get to comment again.
- 61 However, if a property is proposed for annexation that is not in the annexation policy plan, then
- 62 it comes to planning commission to revise the plan.
- 63 • L Banda asked about a case where the applicant asks for a different zone than the planning
- 64 commission recommended on the future rezone map. S Bankhead said that in that case, it
- 65 comes to planning commission again.
- 66 • G Sonntag asked S Bankhead to schedule this item for a public hearing on September 11.
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68 **Item No. 3. PCC 10-6-1 Use Chart:** Proposed amendments add accessory apartment unit, amend
69 accessory dwelling unit and bed & breakfast.

- 70 • S Bankhead said that Bed and Breakfast is allowed as a conditional use in a single family
- 71 residential zone, but is not allowed in a multi family zone. The staff feels that there are some
- 72 multi-family areas that would work well for a bed and breakfast. The staff would like the
- 73 commission to consider adding it as a conditional use in multi-family zones. S Bankhead said that
- 74 conditional uses do not give the city power to selectively deny or approve the use. They allow
- 75 the city to impose some conditions to mitigate the negative effects of the use, but we cannot
- 76 deny an application unless there is really no way for them to meet the conditions. Most of the
- 77 time, they can find a way to meet the conditions.
- 78 • G Sonntag said that we will wait on this item until we can see the amended use chart.
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80 **Item No. 4. PCC 10-8-1, 2, & 3 Set Backs:** Proposed amendments make changes to the setback
81 requirements.

- 82 • S Bankhead said that we have struggled with having differing setbacks for primary uses,
- 83 accessory uses, and now accessory dwelling units.
- 84 • S Bankhead said that citizens have brought to our attention the fact that we require a home to
- 85 be 10 feet from the side yard, but we allow a large detached garage to be 5 feet from the [side]
- 86 property line. There is also inconsistency in the rear setback. The home must be at least 20 feet
- 87 from the rear property line, but a large detached garage can be 5 feet from the line.
- 88 • S Bankhead said that our current ordinance allows certain architectural features, such as eaves,
- 89 to project into the setback. Some of the things that people are asking us to allow are feeling like
- 90 an extension of the primary structure. The staff would like there to be a clear line after which
- 91 nothing can cross into the setback. We have decided that 7 feet could work.
- 92 • S Bankhead said that there is a good argument for having sufficient setback so that emergency
- 93 and law enforcement personnel can get around the building.
- 94 • S Bankhead explained that on page 7 of 32, there is a section in purple that was voted into our
- 95 code previously that we accidentally did not add to the code. It is not new, but it still needs to
- 96 be put into our code.
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98 **Public Hearing(s): (6:30 PM)** Prior to making a recommendation on the proposed General Plan
99 Comprehensive Revision and the Future Zoning Map, Parks and Open Space Map, and Transportation
100 Classification Map, the Planning Commission is holding a public hearing. The purpose of the public
101 hearing is to provide an opportunity for anyone interested to comment on the proposal before action is
102 taken. The Planning Commission invites you to attend the hearing in order to offer your comments. You
103 may also email comments to the City Recorder, sbankhead@providence.utah.gov by 2:00 PM the day of
104 the meeting. Email comments are public record and will be given to the Planning Commission and
105 Applicant. (50 minutes is allocated for this public hearing.)

- 106 • Sharell Eames asked about the zoning map. She asked whether it was the commission's
107 intention to put LCR zoning on the Chugg property.
- 108 • G Sonntag said that it is. It was in the annexation policy plan as LCR. The city council then
109 received an application and approved the annexation [in accordance with the plan]. There was a
110 second piece of property that was also approved. The planning commission felt that they had no
111 choice but to show it on the map. G Sonntag noted that the approval of the annexation and
112 rezone of the northern parcel in that area is subject to a referendum.
- 113 • James Holloway spoke about the planning commission meeting when Brent Bateman [of the
114 Utah Property Rights Ombudsman's Office] came and instructed the commission. He felt that
115 the information he gave about how planning commission operates and what needs to be left to
116 the city council was quite enlightening. He feels like the public should know about it.
- 117 • Gary Gettman of Millville asked about the properties that he listed in his email (Parcel Nos. 02-
118 124-0005, 02-124-0006, 02-124-0013, 02-125-0007, 02-124-0015). He wanted to clarify whether
119 they were marked as Multi Family Medium (MFM) on the Future Rezone Map.
- 120 • G Sonntag said that it looks like those parcels are part of the proposed MFM area.
- 121 • G Gettman asked if the staff put that on the map, since it wasn't on the previous draft [that he
122 saw].
- 123 • S Bankhead explained that staff didn't have much input in this map. The Planning Commission
124 discussed it at several meetings and went through several drafts of the map. They looked at
125 general areas and assigned zones, but didn't necessarily consider specific parcels when making
126 their decision.
- 127 • G Gettman suggested that the parcel numbers be included when the planning commission
128 makes a map. This would make it easier for the public to see. He would also like the resolution
129 to be better.
- 130 • Steve Guymon of 200 west in Providence said that his parcel of land is near an area that is
131 marked as MXD (Mixed Use District) on the map.
- 132 • S Bankhead said that it was changed to SFR.
- 133 • S Guymon said that he is happy that it was changed.
- 134 • Sandi Berrett of 800 East in Providence asked about the highlands area. It looks like on the map,
135 that area has been changed from Single Family Large to Single Family Traditional. G Sonntag said
136 that this is true.
- 137 • S Berrett asked about the annex to the south of 800 East. She asked if it is a done deal.
- 138 • G Sonntag said that it is not a done deal. It is proposed that it be annexed in, and it is proposed
139 that it be assigned the SFT zone. G Sonntag said that there is a mutual agreement between
140 Providence and Millville that Providence can annex that area. This is because Millville is not able
141 to service that area.
- 142 • S Berrett asked about possibly keeping some of that section Single Family Large in the area
143 where there are already homes built. She and some other residents had discussed with Josh
144 Paulsen (Planning Commission Alternate) about having the area near the existing homes be
145 Single Family Large, and everything north of that be Single Family Traditional. She asked if this
146 was discussed.
- 147 • S Bankhead said that this map does not change any existing zoning. S Berrett [and her
148 neighborhood] will continue to be Single Family Large.

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- S Berrett explained that she was concerned about those on the edge of the current Single Family Large area having new homes built close to them due to the Single Family Traditional Zone.
 - G Sonntag explained that the area will remain Single Family Large until someone requests a zone change. What is shown on this map is a proposal for the future. He said that even if it does get rezoned to Single Family Traditional, a builder could still create lots that are comparable to Single Family Large.
 - L Banda said that J Paulsen did bring up S Berrett’s suggestion to the commission.
 - Tim Kohler of Providence asked about the properties that were brought up by G Gettman. He asked if they will retain their current zoning until someone requests a change. G Sonntag said that this is correct.
 - S Bankhead explained that this is correct. Also, someone could request a different zone than what is suggested on this map.
 - G Sonntag explained that there was a situation recently where a property was marked as commercial on the future zoning and annexation map, but the developer requested Single Family High. It was approved by the City Council.
 - Steve Guymon of Providence spoke about the transportation classification map. He asked if the commission is still planning on putting 700 South across the Theurer property. [It is the road located in the bottom left quarter of the map marked with a red hash mark line]. G Sonntag said that it is a future option that we are considering.

169 **Item Number 4 Continued:**

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- S Bankhead said that on page 5 of 32, number 4, of our proposed changes to Title 10 Chapter 8, we discuss window wells and public utility easements. We want to help people understand that when there is a public utility easement, it cannot be violated by a window well or any architectural features.
 - S Bankhead said that we had some confusion about some landscaping structures that involved retaining walls. We weren’t sure how our setback laws applied to these structures. We addressed this issues on page 6 of 32, number 8.
 - S Bankhead explained that there was a conflict between two different sections of our code regarding the height of buildings and the associated setback. On page 8 of 32, number 9, we changed this section of code to match our Multi Family Design Standards.
 - S Bankhead spoke about page 10 of 32, section E, covering double frontage, interior, and odd-shaped lots. Sometimes it is difficult to determine which is the front yard, which is the side yard, etc.
 - G Sonntag commented on the change on page 1 of 32 to the front yard setback. It is proposed to be 20 feet. He felt that this may be too small of a space for parking cars.
 - G Sonntag asked if we are trying to move away from having the public utility easement in the back yard. S Bankhead said that we are. G Sonntag said that [having them in the front] is a much smarter way to do things. However, we would not want anything to encroach on that easement in the front.
 - G Sonntag said that all the exceptions to the setbacks (things that can project into them) become tedious to deal with. He suggested simplifying the front yard setback so that only an open porch with its steps can extend into it. He said that we should also draw a clear line with the side setbacks.
 - G Sonntag said that the setbacks are also there to create open space/elbow room. We might also consider not allowing things to project unless they are at a certain height above the ground.
 - G Sonntag asked if we have considered having flexibility on the side setbacks, such as a total side setback of 18 feet for both sides combined with a minimum of 6 feet on each side.
 - S Bankhead said that we do have one zone that is like that (Single Family High).

- 198 • S Bankhead said that we have considered making a “bright line” setback ordinance [with a
199 distance beyond which nothing can protrude]. This isn’t very common in other cities, and might
200 create some difficulties for those who don’t read the ordinance. However, neither she nor the
201 city attorney is against the idea. We want to protect the overall safety and aesthetic value of the
202 city, but gives people as much flexibility as possible for utilizing their property.
- 203 • S Bankhead said that we can’t base our setbacks on life safety, because building code allows
204 buildings to be built at a zero lot line [no setback] if they are built properly. Even so, we
205 approached these setbacks from the idea of emergency personnel moving around the buildings.
206 She said that she welcomes the Planning Commission’s input on this ordinance.
- 207 • S Bankhead said that it is important that we make the setback ordinances clear, since mistakes
208 are hard to fix once construction starts. She said that it is difficult when people have their dream
209 home all planned out, but they do not meet the setbacks.
- 210 • R Holloway said that due to the shape of her property and the setbacks, they couldn’t
211 reconfigure to make the garage deeper. Her current garage can’t fit one of her vehicles. She
212 would like some flexibility on unusual lots.
- 213 • R Holloway asked about the protrusions that are allowed into the setback. She felt that there
214 should be a minimum height for protrusions, as G Sonntag suggested earlier.
- 215 • G Sonntag asked whether it was realistic to think that emergency services personnel would be
216 able to get around the house anyway. There may be other obstacles, such as fences, trees, dogs,
217 etc.
- 218 • G Sonntag asked that this item be marked as a study item for August 28.

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220 **Item No. 5 PCC 10-12 Accessory Apartment Units:** Proposed amendments allow for accessory
221 apartment units.

- 222 • S Bankhead said that we used to allow accessory apartments, but since 2006 we do not. People
223 are seeking to build these more and more. The commission recently approved the ordinance for
224 a small secondary residential structure (accessory dwelling unit). This accessory apartment
225 ordinance would allow someone to do the same thing within their primary structure.
- 226 • S Bankhead said that many residents were afraid that we would double our density with this
227 type of ordinance. However, based on our experience with the accessory dwelling unit
228 ordinance so far, it seems that there will be very few who will take advantage of this
229 opportunity.
- 230 • S Bankhead said that with both the accessory dwelling unit and the accessory apartment unit,
231 one of the units has to be owner occupied. Also, to create an accessory apartment unit, people
232 will have to follow the building code for creating a separate unit. Back before 2006, when
233 people found out what it would take to make an apartment within their home, many people
234 realized that it would be very expensive.
- 235 • S Bankhead said that there is a section in the ordinance that allows people with an existing non-
236 compliant accessory apartment unit to bring the unit into compliance.
- 237 • G Sonntag asked if the occupant of a detached accessory dwelling unit has to be blood related. S
238 Bankhead said that if we don’t have a university in the city, state code requires us to allow up to
239 four unrelated individuals [in each single family dwelling unit]. In theory, there could be four
240 unrelated individuals in both the main dwelling unit and the accessory dwelling unit/apartment
241 respectively.
- 242 • G Sonntag asked about the lack of requirement for off street parking. If there can be four
243 unrelated individuals, each of them will likely have a car.
- 244 • Jesse Bardsley, office staff, asked if there is anything to prevent there from being an accessory
245 apartment and an accessory dwelling unit on the same lot. S Bankhead said that this is
246 something that the commission should consider.

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- L Banda asked if we could postpone the next discussion on this item until September 11 so that she can participate in the discussion.
 - G Sonntag said that we should move both this item and the other item that was scheduled for August 28th to September 11.

252 **Reports:**

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

254 S Bankhead, Administrative Services Director:

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- Last night, the city council approved the new planning commission bylaws.
 - The city council held a public hearing on the budget. They reduced the requested amount for the property tax increase by \$100,000. They reduced the amounts for salaries and benefits in the administrative and community development area, because some of the employees that we anticipated hiring aren't hired yet.
 - The city manager ordinance was also approved.
 - The city council made a change to the streets code. It modifies the text to specify that damage to streets must be repaired. We also added the words "recklessly" to "intentionally" to describe those who damage a street [who will be subject to a class B misdemeanor].

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

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- G Sonntag explained that the commission will send a letter of consideration to Sharon Johnson in appreciation for her service. S Bankhead will collect signatures and have it mailed out by Friday.
 - G Sonntag said that it would be beneficial to the commission to review the conversation with Brent Bateman. He asked S Bankhead to distribute a copy of that portion of the minutes from that meeting.
 - R Cecil said that those minutes would be good to give to any new member of the commission.
 - G Sonntag said that on the city's website, under planning commission, there is a repeated sentence. Also, we need to remove Sharon Johnson's name.
 - G Sonntag asked about the sheriff's deputy that attended city council. He asked S Bankhead to ask the deputy to stop by the commission meeting sometime to familiarize himself with the commission.
 - G Sonntag asked if we can have the screens set up to display the current city zoning map at every meeting.
 - G Sonntag asked if we could have copies of the zoning map that are larger and easier to read. Each member of the commission should receive one. There should also be a few for interested individuals. We should also move the word "draft" to a different position, so that it is not blocking the visibility of the map.
 - R Holloway asked if we could have the city divided in quarters on transparencies. Then we could have a manageable size, but we could still combine them if we needed to. We could also overlay different maps on top of each other [like the transportation map on top of the zoning map]. We could also use dry erase markers on them.
 - R Cecil said that the commission used to have some laminated maps that they shared with city council.
 - G Sonntag said that we are not ready to come back to the LCR zone amendments yet.
 - G Sonntag said that there will be another public hearing on the general plan on August 28th. G Sonntag said that he would like to put a study item for the general plan on that same night.
 - B Perry said that we should add the pledge of allegiance to the agenda.

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- G Sonntag said that we should include in the public hearing description that remarks are limited to 5 minutes per person.
 - R Cecil asked if we want to allow an opening prayer at the beginning of the meetings like city council does.
 - G Sonntag said that since we didn't discuss it in our bylaws, we will not have one.
 - The section on the agenda labeled "Election of chair and vice" was removed because it had already been accomplished in a previous meeting.

303 **Motion to close the meeting:** — R Cecil, second — R Holloway

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305 Meeting adjourned at approximately 8:06 PM

306 Minutes prepared by Jesse Bardsley

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Gary Sonntag, Chair

Skarlet Bankhead, City Recorder

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