

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building,**  
3 **164 North Gateway Drive, Providence UT 84332**  
4 **September 25, 2019 6:00 p.m.**

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6 Call to Order: Bob Perry, Vice Chair

7 Roll Call of Commission Members: Bob Perry

8 Pledge of Allegiance: Bob Perry

9 Attendance: Laura Banda, Ruth Ann Holloway, Bob Perry (acting chair), Josh Paulsen (voting alternate),  
10 Kathleen Alder (voting alternate)

11 Note: Rowan Cecil arrived at around 7:42 PM, and Kathleen Alder became a non-voting alternate.

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13 **Approval of the Minutes:**

14 **Item No. 1.** The Planning Commission will consider approval of the minutes for September 11, 2019.

15 **Motion to approve the minutes of September 11, 2019: — K Alder, second — R Holloway**

16 **Yea: K Alder, L Banda, R Holloway, B Perry, J Paulsen**

17 **Nay:**

18 **Abstained:**

19 **Excused: R Cecil**

20 **Corrections:**

- 21 • Line 351: R Holloway discussed fence examples in her neighborhood as examples for 4 ft to 6 ft  
22 with see-through application on side yards where there is a common road.

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24 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues  
25 within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3  
26 minutes per person. The total time allotted to public comment is 21 minutes. Persons wishing to address  
27 the Commission during Public Comments should sign on the public comment sign-in sheet located at the  
28 entry to the meeting room.

- 29 • Eric Watterson of Logan said that his family is looking to adjust the boundary between two lots  
30 in Providence that his family owns. There is a public utility easement on the plat, which is why  
31 the commission needs to look at it.
- 32 • The commission did not have this item on the agenda. E Watterson thought that it would be on  
33 the agenda. B Perry said that E Watterson could show the plat to the commission, but they  
34 would not be able to act on it tonight.
- 35 • E Watterson said that his family owns all of the properties around the cul-de-sac, as well as the  
36 property to the east. They want to straighten out a lot line so that a proposed home can be  
37 built.
- 38 • R Holloway asked what the setback will be from the home to the adjusted property line. E  
39 Watterson said that it will be 16 ft.
- 40 • L Banda noted that there is a utility easement that will need to be abandoned. E Watterson said  
41 that there are no utilities currently in it.
- 42 • The commission decided to make this a public hearing and an action item at the next meeting.

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44 **Public Hearing(s):** Remarks during the hearing are limited to 5 minutes per person. The total time  
45 allotted to hearing comment is 50 minutes. Persons wishing to address the Commission during public  
46 hearing should sign on the sign-in sheet for the public hearing located at the entry to the meeting room.  
47 You may also email comments to the City Recorder, [sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov) by 2:00 PM the  
48 day of the meeting. By law, email comments are considered public record and will be shared with all  
49 parties involved, including the Planning Commission and the applicant.

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**6:20 PM:** Prior to making a recommendation on the proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 1-Section 5, by adding requirements for a rezone application, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken.

- No public comments

**Study Items(s):**

**Item No. 1. Proposed Rezone:** Pioneer Builders Company Inc. is requesting a rezone for the north portion (approximately 18,000 sq. ft.) of Parcel 02-048-0010, located at 52 E Center, Providence UT. The property is currently zoned Commercial General District (CGD); applicant is requesting Multi-Family Medium (MFM).

- B Perry reviewed the nature of the request.
- Jesse Bardsley, city staff, brought up the discussion from the last commission meeting about rezoning this parcel to Single Family Traditional. He reported from S Bankhead that a bed and breakfast in Single Family Traditional would need to be owner occupied. Ralph Call would have to live there, which isn't the intent of this request. He reported that S Bankhead said that we could potentially get rid of the owner-occupied requirement, but then it would also be gone in all areas zoned Single Family Traditional. He reported that the owner chose Multi-Family Medium so that he could rezone the smallest portion of the property possible, and have the rest remain Commercial General District. The higher density allows him to rezone a smaller portion of the property. J Bardsley read from S Bankhead's calculations in the staff report. She found that with the area he proposed for the rezone, there could be a maximum of 4.32 units. The applicant currently has two bed and breakfast units on the main floor, an apartment downstairs, and would like to remodel the downstairs to add another bed and breakfast unit. This would total 4 units. Even if he were to tear down the building and rebuild it, it would still only be 4 units.
- B Perry asked about the sprinklers that are required in multi-family units. Max Pierce, city engineer, said that he believes the applicant is planning on installing sprinklers.
- J Paulsen asked if the area highlighted in yellow is 0.36 acres. M Pierce said that he believes that the intent of the applicant is to rezone 15,686 square feet as stated in the staff report. The highlighted portion on the map may not be exact.
- J Paulsen asked about the parking lot area that is included in the area for rezone. J Bardsley said that the applicant cannot build another multi-family building there, because there is only enough area for 4 units in the total area proposed for rezone (which includes the parking lot).
- The commission would like to make this an action item and a public hearing for October 9<sup>th</sup>.

**Item No. 2. PCC 10-6-1 Use Chart:** Proposed amendments add accessory apartment unit, amend accessory dwelling unit and bed & breakfast.

- J Bardsley brought up the discussion at the last meeting about what conditions would be imposed on a bed and breakfast. He reported from S Bankhead that conditional uses are site-specific. The land use authority can decide mitigation strategies based on the site. For example, if there was a parking problem for a bed and breakfast, they could limit the number of bed and breakfast rooms that the applicant could rent. They look at parking, traffic flow, noise, etc. J Bardsley read from PCC 3-4-5(G) about the restrictions on a home business.
- The commission discussed whether a conditional use for a bed and breakfast would come to the commission or to the Administrative Land Use Authority. J Bardsley said that he is fairly sure that everything with a "C" on the use chart goes to the Administrative Land Use Authority, made up of Skarlet Bankhead, Max Pierce, and Rob Stapley.

- 100 • R Holloway felt that there is no reason that we shouldn't approve [bed and breakfasts as a  
101 conditional use]. She felt that it would open up possibilities in our city that will be beneficial to  
102 the citizens. The residents like that we are a family-oriented, bedroom community with small  
103 businesses. The conditional use process allows us to consider each application individually and  
104 mitigate the effects on the neighborhood.
- 105 • L Banda was concerned about bed and breakfasts coming into Single Family High zones. There is  
106 a lot of density there already.
- 107 • R Holloway asked if the approval of a bed and breakfast would require a public hearing.
- 108 • J Bardsley said that it will be considered at a public meeting of the Administrative Land Use  
109 Authority, but it will not have a public hearing.
- 110 • J Paulsen said that at first he thought the proposed change was odd. However, we already allow  
111 bed and breakfast in Single Family Traditional, and there are not that many of them. He felt that  
112 if someone wanted to do a bed and breakfast in a densified area, it is within the property  
113 owner's right to do so.
- 114 • K Alder said that she likes the fact that it is a conditional use so that conditions can be imposed  
115 to make it less disruptive.
- 116 • The commission would like to make this a public hearing and an action item on October 9<sup>th</sup>.

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118 **Public Hearing:**

119 **6:35 PM:** Prior to making a recommendation on the proposed code amendments to Providence City  
120 Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an  
121 annexation petition, the Planning Commission is holding a public hearing. The purpose of the public  
122 hearing is to provide an opportunity for anyone interested to comment on the proposal before action is  
123 taken.

- 124 • No public comments

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126 **Action Item(s):**

127 **Action Item Note:** Should the Planning Commission not be able to make a decision or take exception to  
128 an Action Item(s), then that item will be tabled and revert back to a study category. The applicant will  
129 have 15 minutes to introduce and make a brief presentation.

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131 **Item No 1. Proposed Code Amendment:** The Providence Planning Commission will consider for  
132 recommendation to the City Council proposed code amendments to Providence City Code Title 10  
133 Zoning Regulations-Chapter 1-Section 5, by adding requirements for a rezone application.

- 134 • L Banda said that there were changes proposed by the commission at the last meeting that were  
135 not added into the ordinance language. The changes were reflected in line 190-195, 198-199,  
136 and 200-205 of the September 11 minutes.
- 137 • J Paulsen asked that city staff be extra cautious to make sure that changes requested by the  
138 planning commission are actually made.
- 139 • B Perry brought up the proposed addition of language encouraging the developer to provide  
140 plans when making an application. J Bardsley said that S Bankhead probably intended to make  
141 that change. However, she may be checking with the city attorney about it.
- 142 • B Perry would like to know if there was any reason that city staff did not add the suggested  
143 language.
- 144 • The commission decided to postpone this item until changes requested by the commission last  
145 meeting are added. It may require another public hearing.

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147 **Item No 2. Proposed Code Amendment:** The Providence Planning Commission will consider for  
148 recommendation to the City Council proposed code amendments to Providence City Code Title 10

149 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation  
150 petition.

- 151 • The commission decided to postpone this item until changes requested by the commission last  
152 meeting are added. See the previous item. It may require another public hearing.
- 153 • The commission asked that the agenda for next meeting be arranged so that each public hearing  
154 has the relevant action item directly following it.

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156 **Study Items:**

157 **Item No. 3. PCC 10-8-1, 2, & 3 Set Backs:** Proposed amendments make changes to the setback  
158 requirements.

- 159 • M Pierce explained that the executive staff had extensive discussions on setbacks. The  
160 consensus was that we wanted to try to keep things simple. We decided to suggest 20 ft  
161 minimum in the front (or wherever a property line fronts a street), and 10 ft everywhere else  
162 (side and rear). The current setbacks have a 20 ft minimum in the front, but the combination of  
163 the front and rear has to be 50 ft. [The current side yard setback is 10 ft]. The staff felt that if 10  
164 ft was good enough on the side, then it was good enough on the rear as well.
- 165 • M Pierce said that he feels that setbacks are there to assure that you don't impact your  
166 neighbor. The executive staff felt that 10 ft was enough for that purpose.
- 167 • B Perry said that if there are different setbacks in different zones, then when two zones meet,  
168 someone's neighbor could have different privileges than they do.
- 169 • B Perry brought up J Paulsen's emailed comment about neighbors putting ADUs closer to their  
170 neighbor's house than to their own house.
- 171 • J Paulsen said that he finds 10 ft too close for an ADU.
- 172 • M Pierce said that in executive staff, they were trying to strike a balance between not impacting  
173 the neighbor and allowing people to use their own land.
- 174 • J Paulsen asked about Shauna Beckett who spoke at a previous meeting about putting an ADU in  
175 her backyard. She said that the setbacks would put the ADU in the middle of her yard. Could she  
176 have built her ADU close to her house? What is the distance required between her house and  
177 the ADU?
- 178 • M Pierce said that generally fire code requires 10 ft unless the buildings are fire rated.
- 179 • J Paulsen felt that the Becketts could build an ADU near to their house and still have an  
180 unobstructed back yard behind that.
- 181 • R Holloway noted that in the code [10-8], "distance between residential structures on same lot"  
182 is not defined.
- 183 • J Paulsen said that he is fine with standardizing the front and rear setbacks. However, the ADU  
184 ordinance that was recently passed changes the calculus of how we structure things. We should  
185 further define how the ADU can be used before deciding on the setbacks.
- 186 • M Pierce noted that if the rear setback is 10 ft, then the primary home could also go back that  
187 far. Also, a home could potentially fill nearly the entire lot if it was 10 ft from the sides and rear  
188 and 20 ft from the front.
- 189 • K Alder asked how big of a problem it would really be. Are we worrying about something that  
190 shouldn't be worried about?
- 191 • B Perry said that the question is probably whether we want ADUs at all.
- 192 • J Paulsen said that he is fine with ADUs, but that there should be more restrictions.
- 193 • L Banda asked about the proposed change on the chart in 10-8 under height. It replaces "IBC"  
194 with 50 ft.
- 195 • M Pierce said that we were referencing International Building Code (IBC), but IBC actually does  
196 not have a height limit. Therefore, there is no limit in the current code.

- 197 • L Banda thought that 40 or 45 ft was the previous limit for height. J Paulsen also remembered  
198 something like that.
- 199 • J Bardsley said that they may be referring to the multi-family design standards.
- 200 • J Paulsen responded to the idea that because 10 ft is fine on the sides, it should be fine in the  
201 rear also. He said that just because it is fine to have a small setback on the sides of the property  
202 doesn't mean it is fine to multiply that effect. Residents don't actively use their side yards  
203 because they are too close to the neighbor's house. They need an area that they can use [and  
204 have more privacy].
- 205 • R Holloway said that she understands J Paulsen's point. It depends on how the house is situated  
206 and on the shape of the lot. In her property, the side yard is where she has more space. We  
207 shouldn't overly define things. People will choose their lot based on how they can place their  
208 house, the appropriateness of the yard, etc. We can't write something that will make everyone  
209 happy. In some lots, 10 ft from the property line would be fine, and in some lots, it would  
210 negatively impact the neighbor. She would prefer to do a 15 ft setback.
- 211 • K Alder asked if ADUs are a conditional use. J Bardsley said that ADUs are a permitted use. He is  
212 not sure if they could be made into a conditional use.
- 213 • J Paulsen said that he is in favor of a 25 ft setback for an occupied unit.
- 214 • R Holloway said that she would like 25 ft, but there are many lots that are smaller nowadays  
215 because of the need for more housing. 25 ft may not be practical in the future.
- 216 • M Pierce said that executive staff struggled with the same questions. For them, it came down to  
217 property rights. The owner should be able to use as much of their property as possible. There  
218 are other choices, such as where someone chooses to place their house within the setbacks,  
219 that could also impact neighbors, but we don't control those kind of choices, so why do we  
220 control setbacks?
- 221 • J Paulsen said that we do regulate property rights. It is a question of where you draw the line.
- 222 • R Holloway asked if we could mandate a distance that new homes need to be from existing  
223 homes.
- 224 • M Pierce said that this can get complicated if two homeowners come in for a building permit on  
225 the same day. Also, this allows a homeowner to directly influence what someone else does on  
226 their property.
- 227 • J Paulsen said that another problem could arise if someone bought a lot first thinking of a  
228 certain plan, and then someone else bought the adjacent lot and filed their plans faster. It is not  
229 fair to the first person who bought their lot with an expectation in mind.
- 230 • J Paulsen said that under the current system, people buy their lots knowing what the setbacks  
231 are. When we lessen the setbacks, we are actually granting additional property rights.
- 232 • J Paulsen said that the smaller lot sizes are where the setbacks are creating issues [with fitting  
233 an ADU or a house]. However, where it creates consternation is on the larger lots where people  
234 have expectation of larger setbacks. Maybe we do need different setbacks in different zones. On  
235 the smaller lots, we can't take away 25 feet from the property owner. But on the larger lots,  
236 there is no reason why an ADU needs to be close to the property line.
- 237 • M Pierce said that the large lots are where more of the issues occur, because on the small lots,  
238 everyone does pretty much the same thing because that is all they have space for. On the larger  
239 lots, however, there is more flexibility and people get conflicting expectations about how things  
240 are going to be.
- 241 • M Pierce said that he is not personally opposed to making different setbacks in different zones.  
242 However, other members of the executive staff wanted to keep them all the same. He can see  
243 some of the wisdom in keeping things consistent, though, because it avoids errors and situations  
244 where people wonder why others have different rights than they do.
- 245 • K Alder asked if the city staff can warn applicants about potential conflicts with neighbors.

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- M Pierce said that on the smaller lots, people may well fill the entire buildable envelope with a house. Brookside is already close to this. Many houses already fill the lot from side to side in many subdivisions.
  - J Paulsen said that this is why we have a general plan and a zoning map that designates some zones for higher density.
  - R Holloway asked about the 10 ft rear setback. What was the discussion that came up with that number?
  - M Pierce said that the staff kicked around 5 ft at first. But they felt that that was too close. 10 ft seemed more reasonable. We also have an ordinance that allows projections into the setback, such as for window wells. We decided that some things would be able to project into the 10 ft setback, but nothing would be able to project into the last 5 ft of the setback. This made it so we didn't have to spend so much time defining window wells, etc.
  - R Holloway said that five feet between a fence and a window well would not be much space for a child or an elderly person.
  - J Paulsen said that if staff is going to look at this again, he would like to see different setbacks for different zones.
  - J Bardsley said that the commission could come up with the reasons that they want something different, and sell that idea to the city council. Otherwise, the council may just go with what staff have recommended.
  - K Alder said that it would be good to visit a few properties to see what this could look like. We should make housing as flexible as we can so that people can house their relatives if they need to. [ADUs] also allow us to add more people without developing more land.
  - J Paulsen said that it would be good to visit the woman's property who spoke at the last meeting. J Bardsley said that her name is Shauna Beckett. The commission looked up her parcel on Cache County Parcel Viewer.
  - Rowan Cecil arrived at the meeting at about 7:42 PM.
  - R Cecil said that we should consider the situation of homes with rear-loading garage units that don't require a large front setback. Also, a 20 ft front setback might be too small for some trucks, but not for most.
  - R Holloway said that maybe the commission should go look at a subdivision that has already been built that has 10 ft rear setbacks.
  - K Alder said that we have to put some limitations on property owners, but she wants them to be flexible enough that people can take care of their family.
  - B Perry asked if ESR might have more ideas for them.
  - J Bardsley said that his impression was that it is in the Planning Commission's court now, and they need to either come up with their own ideas, or pass it on to the council. However, he can ask S Bankhead.
  - M Pierce said that if the executive staff is going to do anything else, it should probably be a workshop with the Planning Commission where we could all sit down and discuss it together. He said that at this point, it is in the court of the Planning Commission to either accept the staff's recommendation or come up with their own ideas.

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

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- J Bardsley explained that this ordinance was created by taking the Accessory Dwelling Unit ordinance and adapting it to accessory apartments. It is basically the same language.
  - R Holloway asked if this is attached or detached. J Bardsley said that it could be an addition, but it needs to be attached to the home.
  - R Cecil was concerned about the lack of an off-street parking requirement.

- 295 • J Paulsen said that this is the same as what is in the current ADU ordinance.
- 296 • J Bardsley recalled the discussion of the council about this matter. He said that the council felt
- 297 that people could manage the parking situation themselves without it being regulated. They
- 298 could arrange with their renters regarding the amount of spaces they have in the driveway
- 299 instead of the city requiring extra driveway space to be added. Some people may not even need
- 300 extra parking, such as if they are housing their elderly grandmother who doesn't drive.
- 301 • J Paulsen asked why someone would want to choose an accessory apartment unit over an
- 302 accessory dwelling unit. R Cecil said it is easier because you can simply add it onto the garage,
- 303 etc.
- 304 • M Pierce said that sometimes a lot may not be large enough for an accessory dwelling unit, but
- 305 an accessory apartment might work in the basement, etc.
- 306 • J Paulsen said that he likes the ordinance. It allows homeowners options and causes little impact
- 307 on the neighborhood. Parking is a bit of an issue, however.
- 308 • R Holloway asked how the 1,200 sq ft maximum requirement was determined. Her son rents a
- 309 basement that is 2,200 square feet. Her own house has a basement that is larger than 1,200
- 310 square feet that she could rent out. She has enough parking area that it would not impact the
- 311 neighborhood. What was the reason for this limit?
- 312 • J Bardsley felt that this square footage requirement was taken from the ADU ordinance. The
- 313 council wanted to restrict the size of detached units. It may not be relevant to accessory
- 314 apartment units.
- 315 • R Cecil suggested changing the language so that the AAU cannot be larger than the first level of
- 316 the home.
- 317 • B Perry said that we could remove the last half of the sentence on 10-12-2(D)(3), so that it says:
- 318 "The total area of the AAU shall be less than fifty percent (50%) of the total square footage of
- 319 the primary residence."
- 320 • J Paulsen said that we should try to move this ordinance forward. It gives people a more
- 321 palatable option than the ADU, and allows people to work with their familial situations.
- 322 • R Holloway said that the ordinance should say that the property needs to meet winter parking
- 323 requirements.
- 324 • J Paulsen said that he is in favor of the "no off street parking" clause.
- 325 • K Alder said that the landlord and the renters can manage parking themselves.
- 326 • R Holloway said that she doesn't feel that there needs to be a parking requirement of any kind.
- 327 They have to follow the city ordinance about winter parking anyway. We should just delete 10-
- 328 12-2(E). The commission agreed.
- 329 • The commission discussed the maximum square footage. R Cecil said that if we want the AAU to
- 330 be able to be the same size as the main dwelling unit, it should say "100% of the total square
- 331 footage of the primary residence."
- 332 • M Pierce suggested using the language "shall not exceed 50%." The commission agreed.
- 333 • The commission agreed to make this a public hearing and action item on October 9<sup>th</sup>.
- 334 • J Paulsen suggested making the public hearings 5 minutes long if possible.

336 **Item No. 6. PCC 10-13 Accessory Dwelling Units:** The Commission will review the current code.

- 337 • B Perry asked about the maximum square footage.
- 338 • J Bardsley said that this is an ordinance that was already passed. The maximum square footage
- 339 requirement was created to answer the question of how big an accessory building should be
- 340 allowed to be. Some relevant questions that the council thought about are: should an accessory
- 341 building be taller than a house? Should it be the same size as a house, so that it looks like there
- 342 are two homes on the lot?

- 343           • J Paulsen asked about why AAUs are referenced in this ordinance if they don't exist in the code  
344           yet. J Bardsley thought it may be because AAUs were previously allowed in the code, and now  
345           they are grandfathered in.  
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347 **Reports:**

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

- 349           • No staff reports

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

- 352           • R Holloway said that she emailed S Bankhead about the photos in the general plan. They are not  
353           photos of our city. She asked S Bankhead to forward this email to the city council.  
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355 **Motion to close the meeting:** —R Cecil, second — K Alder

356 **Vote:**

357 **Yea:** L Banda, R Cecil, R Holloway, J Paulsen, B Perry

358 **Nay:**

359 **Abstained:**

360 **Excused:**

361 Meeting adjourned at approximately 8:22 PM

362 Minutes prepared by Jesse Bardsley  
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369 Bob Perry, Vice Chair

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369 Skarlet Bankhead, City Recorder