

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 Wednesday, July 14th 6:00 pm

3 Providence City Office Building,

4 164 North Gateway Dr., Providence Ut

5  
6 Members of the Planning Commission may be attending this meeting electronically. This meeting was live streamed on Providence  
7 City's YouTube Channel.

8  
9 **Call to Order:** Kathleen Alder, Chair

10 **Chair Roll Call of Commission Members:** Kathleen Alder, Chair

11 **Attendance:** Kathleen Alder, Rowan Cecil, Joe Chambers (non-voting alternate), Michael Fortune, Brian Marble, Robert Perry

12 **Pledge of Allegiance:** Robert Perry

13  
14 **Approval of Minutes:** The Planning Commission will consider approval of the minutes for May 26th, & June 9th, 2021.

15 **(EXHIBIT (MAY 26th) and (EXHIBIT (JUNE 9th)**

16 ***Motion to approve the minutes of May 26<sup>th</sup> and June 9<sup>th</sup>, 2021: — R Cecil, second — M Fortune***

17 ***Vote:***

18 ***Yea: K Alder, R Cecil, M Fortune, B Marble, R Perry***

19 ***Nay:***

20 ***Abstained:***

21 ***Excused:***

22  
23 **Public Comments:** Citizens may express their views on issues within the Planning Commission's jurisdiction. The  
24 Commission accepts comments: in-person, by email [providencecityutah@gmail.com](mailto:providencecityutah@gmail.com), and by text 435-752-9441. By law, email  
25 comments are considered public record and will be shared with all parties involved, including the Planning Commission and the  
26 applicant.

- 27 • No public comments

28  
29 **Public Hearing(s):**

- 30  
31 ➤ **Item No. 1 Alder Annexation Zoning:** Planning Commission will take comments and questions in regards to the  
32 zoning of parcels 02-089-0019, 02-090-0002, 02-090-0005, 02-090-0008, 02-090-0009, 02-090-0010, 03-002-0003, and  
33 03-002-0004 located in the area of 1700 S and 500 S SR165: per the petition the majority of the parcels are to be zoned as  
34 Commercial General with 03-002-0003 & 03-002-004 having the first 60 feet (East to West) from HW/y 165 be  
35 considered HWY Commercial, and the remainder to the west to be considered for Commercial General. Parcel 02-090-  
36 0004 is requesting that a 100 Ft strip be Commercial Hwy with the remaining property being Multi-Family High  
37 **(PETITION) & (REQUESTS) & (MAP)**
- 38 ○ K Alder joined the audience and turned the meeting over to Michael Fortune, Vice Chair for this item because  
39 she has involvement in the properties in question.
  - 40 ○ S Bankhead explained the background of this request.
  - 41 ○ Rob Cruz of Providence said that he supports the annexation. It will bring in a commercial area that Providence  
42 needs. It will provide job opportunities and increase the tax base.
  - 43 ○ Ty Cameron, Providence City Recorder, read from an email by Kendall and Shari Pace. They would like the city  
44 to hold off on further zoning decisions until there can be a review of the current zoning code. The code is broad  
45 and gives developers too much freedom. Once the zone is changed, they can change their plan and put in more  
46 intrusive development. Some of our zoning code is obsolete. We need to plan for parks and greenbelts before the  
47 city passes the point of no return. The residents of Providence need more assurance that the city intends to  
48 preserve the rural feeling of Providence rather than allow developers to shape the future of the city. They would  
49 like to put a hold on rezoning requests for a short time so that we can reevaluate the General Plan to incorporate  
50 the will of the residents.
- 51  
52 ➤ **Item No. 2 Parcel 02-115-0027 Rezone:** Planning Commission will take comments and questions in regards to  
53 the petition for the rezoning of property in the general area of 1070 S 400 E. Parcel 02-115-0027, filed by Jabaa LLC.

54 Petition is requesting the zone which is currently zoned as Agricultural (AGR) to be rezoned as Single-Family High  
55 (SFH) (PETITION)

- 56 ○ S Bankhead gave some background about this request. The applicant had previously requested Multi Family  
57 Medium but is now requesting Single Family High.
- 58 ○ Rob Cruz of Providence requests that this item be tabled for a few weeks. He has been speaking with the city and  
59 with the developer. They had set up a meeting with most of the residents in that area, but Mr. Bentley (the  
60 developer) was unable to attend. The residents concluded that they want that piece of land developed, but they  
61 want it done in such a way that it preserves home values and the character of the area. They would like this to be  
62 tabled so that they can have time to speak to Mr. Bentley.
- 63 ○ Ty Cameron, city recorder, read an email from Ramona Rukavina of Providence. R Rukavina lives directly north  
64 of the parcel. She is opposed to the proposed rezone. R Rukavina spoke about the general plan section 3-4, which  
65 shows this area as a potential conservation zone. The bench is a historical winter range habitat for big game. We  
66 are slowly eliminating species diversity. She has observed species such as foxes, owls, marmots, etc. disappear  
67 from the area. She suggested that the city retain this as an open area for wildlife. The general plan states that we  
68 should preserve open spaces, scenic views, and the character of Providence. The character of this area was  
69 orchards. The general plan also states that we should create new parks and promote open space as a part of new  
70 development and create a network of green spaces. The Parks and Recreation Master Plan 2021 identifies this  
71 area as a gap in park service. Developments in the surrounding area have been rezoned to Single Family  
72 Traditional, Single Family Estate, and Single Family Large. Why should this parcel be rezoned to anything  
73 different? R Rukavina bought her property because of the rural character. How is it fair to existing property  
74 owners to decrease the value of their property and their quality of life? R Rukavina expressed concern about the  
75 drought and Providence's water resources. She was concerned that Providence will take some of her land to  
76 make a wider road. The proposed zoning does not follow the general plan, does not fit the area, will decrease  
77 property values, and will decrease quality of life.
- 78 ○ T Cameron read a letter from an anonymous resident who attended the meeting when this property was  
79 considered for a rezone in June. They felt that some problems had not been addressed: a) a traffic study along  
80 1000 South b) a road noise study c) Determining if the existing roads can handle the number of cars. d.) a sewer  
81 and water utilization study. e.) a storm water retention study. f.) the parcel has a limited number of entry and exit  
82 points. g). the plans for road widening on 400 South. They felt that the proposed zone change is out of character  
83 with the surrounding uses. It is recommended to be zoned Single Family Large or Single Family Traditional.
- 84 ○ Susan Parkinson lives across the street from the proposed rezone. Her daughter Andi expressed concerns about  
85 the changes that will take place, including safety concerns for children playing along the street. S Parkinson  
86 expressed her support for what other residents have said.
- 87 ○ Stephanie Short lives south of the proposed development. She is not in favor of the proposed development  
88 because it does not match the neighborhood.
- 89 ○ Rob Cruz said that the arguments that were made during the previous rezone attempt have not changed. A  
90 question he wants to have answered is: what is the change in the condition that requires high density housing  
91 here? The half acre lots nearby were developed around three years ago. The developer was looking for 1/5 acre  
92 lots, but the residents brought up various issues. The City Council decided that the lots needed to be larger. The  
93 developer to the north also wanted smaller lots, but the city said that those needed to be larger lots. He  
94 questioned what has changed, and whether the city is motivated by an increased taxed base. He felt that once the  
95 door is opened to higher density in this area, it will be hard to close.
- 96 ○ Von Farnsworth said that he is the realtor working with both the seller and the buyer. He also lives a few blocks  
97 from this property. He said that putting higher density housing here will not affect the comparative market  
98 analysis value of the homes in the area. He also spoke about lot size. He moved to a smaller lot and was grateful  
99 that the neighbors were willing to accept a smaller home. V Farnsworth spoke about clients who are having a  
100 hard time finding somewhere to live in Providence. Some of them grew up here. Some people also want less land  
101 to take care of. There is a reason to have something like this in a desirable location. Also, the part of 1000 S near  
102 this property is a safer corridor for people to jog, walk, etc.
- 103 ○ Travis Leonhardt of Providence lives across the street from the property. He agrees with some of what V  
104 Farnsworth said. However, this development will take away the view that his home has, which will affect the  
105 value. It will also affect some neighbors who built large homes and will now have many neighbors against their

property. He is in favor of development as long as it is the right kind, and is definitely in favor of developing 470 E to make it wider. The development should not negatively affect the existing neighbors.

- Jennifer Mason lives across the street from the lot in question. She is not opposed to development even though having the empty lot there has been meaningful to her family. The lot is a part of their community, and they will welcome new neighbors no matter what size of lots go in there. She hopes that the zoning will blend beautifully with what is already there, and she feels that high density zoning is out of place in the area.
- William Mason of Providence agreed that the land is going to be developed but that high density doesn't fit here. Single family traditional fits. He asked for time to meet with the developer.
- Andy Bentley of the developer spoke about the development. He is planning a 55 and older community. Because of that, they want smaller lots. He explained that he plans on building single level homes. There will be no entrance to 470 E. He said he could meet with the residents of the area before the city council meeting next week. A Bentley showed a concept plan for the lot.
- Anne Rowley of Providence said that the residents need more time to understand what may be built under the proposed zoning. This decision will have a profound and permanent influence on the future of the neighborhood, and the developer may not build what he showed the Commission.
- Kendall Pace of Providence was concerned that if the rezone proceeds, the developer may or may not buy the property and may or may not build according to the plan that was shown.

**Legislative – Action Item(s):**

- **Item No. 3 Alder Annexation Zoning Recommendation:** Providence City Planning Commission will consider and may recommend to the Providence City Council the zoning of property in the general area 1700 S and 500 S SR165 consisting of Parcels: 02-089-0019, 02-090-0002, 02-090-0005, 02-090-0008, 02-090-0009, 02-090-0010, 03-002-0003, and 03-002-0004 (**ZONE ANALYSIS**)
  - K Alder stepped into the audience because she owns some of the properties in question.
  - B Marble felt that there should be more commercial along 1700 South. He asked if we want that area to be residential.
  - K Alder explained that she brought in [the residential sections] as LCR as they were shown on the master plan. Her goal is to put something commercial there when a developer comes along, but she didn't want to hold up the annexation process by putting something different than what is on the plan.
  - Roger Dahle of Providence said that he is planning to build a 40-60,000 sq ft office building on one of these lots for his company. The front of the lot would be for highway commercial and the back would be for the office. They would create a park area for their employees against the pond.
  - J Chambers asked about the property that would like a 100 ft strip of commercial zoning and then Multi Family High on the rest of the lot.
  - Hans Peterson, property owner, explained that there was a typo on the agenda. The parcel that is requesting this is 02-090-0010. He explained that against the pond, they have to leave 100 ft open for the flood plain. It has been suggested that this could be a city park/walkway. An underpass crossing Highway 165 has also been discussed. They are also thinking about live-work units along the pond.

***Motion that the Planning Commission recommend to the City Council for this Alder annexation zoning [for] the property in the general area of 1700 S and 500 S SR 165 consisting of parcels 02-089-0019, 02-090-0002, 02-090-0005, 02-090-0008, 02-090-0009, 02-090-0010, 03-002-0003, and 03-002-0004 [that it] be approved for rezone of the annexation according to the findings of fact and the conditions and conclusions previously discussed: — R Cecil, second — B Marble***

- S Bankhead noted that there is a narrow parcel on the north west of the area in question (02-090-0019) that was meant to be included in the staff report as LCR.

***Vote:***

***Yea: R Cecil, M Fortune, B Marble, R Perry***

***Nay:***

***Abstained: K Alder***

***Excused:***

157 ➤ **Item No. 4 Parcel 02-115-0027 Rezone Recommendation:** Providence City Planning Commission will consider  
158 and may recommend to the Providence City Council the rezoning of property in the general area of 1070 S 400 E  
159 Providence City Utah ([REZONE ANALYSIS](#))

160 *Motion to table [Item No. 2] on our agenda until our next meeting: — R Cecil, second — B Marble*

161 *Vote:*

162 *Yea: K Alder, R Cecil, M Fortune, B Marble, R Perry*

163 *Nay:*

164 *Abstained:*

165 *Excused:*

166  
167 **Administrative Action Item(s):**

168  
169 ➤ **Item No. 5 Final Plat – Gateway Condominiums Phase L & M:** The Planning Commission will consider and  
170 may vote on an amended final Plat by Visionary Homes for Providence Gateway Condominiums Phase L & M; a phased  
171 multi-family development located in the general area of 460 W 60 S. ([EXHIBIT](#))

172 ○ S Bankhead explained the background of this request.

173 ○ Jon Harrop of Visionary Homes explained that they are making changes so that they can have ADA accessible  
174 units.

175 *Motion to accept Item No. 5 Gateway Condominiums Phase L & M along with the findings of fact and conclusions and the*  
176 *conditions that the staff has provided us: — B Marble, second — R Cecil*

177 *Vote:*

178 *Yea: K Alder, R Cecil, M Fortune, B Marble, R Perry*

179 *Nay:*

180 *Abstained:*

181 *Excused:*

182  
183 ➤ **Item No. 6 Visionary Homes Revised Building Elevations:** The Planning Commission will consider and may  
184 vote to approve revised building elevations and front facades for Vineyard Subdivision Phases 1, 2, and 3. ([EXHIBIT](#))

185 ○ S Bankhead explained the background of the request.

186 ○ Jon Harrop of Visionary Homes showed the Wellington model and the Avon model to the Commission. The  
187 Wellington model was not in the agenda packet, and the Avon model was missing some of the elevations in the  
188 packet. J Harrop explained that there are now nine floor plans that can be chosen for the Vineyard Subdivision.  
189 The exterior finish has three spec levels that can be chosen. They are looking for approval for those exterior  
190 finishes.

191 ○ S Bankhead explained the LCR zone and why the Planning Commission gets involved with single family home  
192 facades in this zone.

193 *Motion that the Planning Commission approve the revised building elevations and front facades for Vineyard Subdivision*  
194 *Phase 1, 2 and 3 according to the findings of fact, conclusions of law and conditions so stated: — R Cecil, second — M*

195 *Fortune*

196 *Vote:*

197 *Yea: K Alder, R Cecil, M Fortune, B Marble, R Perry*

198 *Nay:*

199 *Abstained:*

200 *Excused:*

201  
202 **Study/Discussion Items(s):**

203  
204 ➤ **Item No. 7 Land Use Code Amendment Application:** Application for code amendment to change the setback for  
205 accessory dwelling units ([EXHIBIT](#))

206 ○ S Bankhead said that the applicant is seeking to change the code so that the rear setback for accessory dwelling  
207 units would be 5 or 10 ft which would be more consistent with the city code for accessory buildings. S Bankhead  
208 said that we reviewed the setbacks in early 2020 which gave us the setbacks we have today. S Bankhead gave  
209 some history on our setback ordinance. Previous councils or commissions felt that ADUs should have the same

- 210 setbacks as the primary structure because they have the same use as the primary structure (ie, they are a  
 211 residence). There is a part of our code that would allow existing structures to convert into an ADU even if they  
 212 do not meet the setbacks.
- 213 ○ Mayor Drew explained the thinking of the Council when they passed the accessory dwelling unit ordinance.
  - 214 ○ S Bankhead said that we have had one ADU built in Providence since the ordinance was passed. She explained  
 215 some code issues that make it difficult for ADUs to be built.
  - 216 ○ Mayor Drew felt that it was worthwhile for the Planning Commission to reconsider the setbacks for ADUs.
  - 217 ○ M Fortune explained the reasons for building ADUs that customers have expressed to him in his construction  
 218 business. He felt that they are good reasons. Mayor Drew felt that it helps keep families together and is a win-  
 219 win for the city and the property owner.
  - 220 ○ K Alder said that we will table this item until the resident applicant can come to explain his application.

222 ➤ **Item No. 8 Ombudsman Training (Follow Up):** Date?, Times?, Land Use 101? - ([EXHIBIT -Land Use 101](#)  
 223 [\(2015\)](#)) & ([EXHIBIT – Land use 101 PP \(2015\)](#))

- 224 ○ J Chambers reported that he did 1 hour of conditional use training.
- 225 ○ T Cameron reported that he contacted the Ombudsmans’s Office. There are online trainings that we have the  
 226 links for. T Cameron asked if the Commission still wants to get someone from the ombudsman’s office to come  
 227 to us for a training.
- 228 ○ R Snow said that he can send a survey to see what dates work for everyone.
- 229 ○ Tracking training was discussed.
- 230 ○ R Cecil reported on a state land use meeting he went to where the Lt. Governor attended. One of the messages of  
 231 the meeting was that Planning Commissions should ignore NIMBYs.
- 232 ○ Mayor Drew explained that we listen to the public and need to at least look into the issues that are brought up,  
 233 but we don’t need to bow to public clamor.

234 **Motion to close the meeting: — R Cecil, second — R Perry**

235 **Vote:**

236 **Yea: K Alder, R Cecil, M Fortune, B Marble, R Perry**

237 **Nay:**

238 **Abstained:**

239 **Excused:**

240 Meeting adjourned at approximately 8:40 PM

241 Minutes prepared by Jesse Bardsley

242 Minutes approved by vote of the Commission on July 28<sup>th</sup>, 2021

246 \_\_\_\_\_  
 247 Kathleen Alder, Chair

246 \_\_\_\_\_  
 247 Tyler Cameron, City Recorder