

1 **PLANNING COMMISSION MINUTES**

2 Wednesday, December 14th, 2022, 6:00 pm

3 Providence City Office Building, 164 North Gateway Dr., Providence Ut

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5 To view the video recording account of the Planning Commission meeting please view the Planning
6 Commission webpage or click on the following link: [Providence City Planning Commission 12/14/2022 - YouTube](#)

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8 **HR. MIN. SEC.** in **GREEN** above agenda item are time stamps of the YouTube Meeting.

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10 **Call to Order:** Michael Fortune

11 **Chair Roll Call of Planning Commission Members:** Brian Marble (Via Zoom), Robert Henke, Michael
12 Fortune, Bob Washburn, Tyler Riggs & Joe Chambers.

13 **Members Absent:** Shelly Nazer

14 **Staff Present:** Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director) & Ty
15 Cameron (City Recorder)

16 **Pledge of Allegiance:** Robert Henke

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18 **1 MIN. 35 SEC.**

19 **Approval of Minutes:** The Planning Commission will consider approval of the minutes for November 30th,
20 2022. (**MINUTES**)

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- Michael Fortune called for the approval of the minutes of November 30th, 2022.
 - Bob Washburn indicated that on line 137 the word ‘subjective’ should be ‘subject to’. Staff will make that correction.
- 23
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26 **Motion to approve the minutes of November 30th, 2022, with the recommended correction – Bob**
27 **Washburn. 2nd- Joe Chambers.**

28 **Vote:**

29 **Yea- Brian Marble, Michael Fortune, Tyler Riggs, Bob Washburn & Joe Chambers.**

30 **Ney-**

31 **Abstained-**

32 **Absent- Shelly Nazer.**

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34 **Motion passes, minutes approved.**

35
36 **Public Comments:** Citizens may express their views on issues within the Planning Commission’s jurisdiction.

37 The Planning Commission accepts comments: in-person, by email
38 providencecityutah@gmail.com , and by text 435-752-9441. By law, email comments are
39 considered public record and will be shared with all parties involved, including the Planning
40 Commission and the applicant.

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- Michael Fortune opened the floor for public comment and asked staff if any comments had been made via email or text.
 - Staff indicated that no comments have been made.
 - No comments from the audience. Michael Fortune closed the public comment portion of the meeting.
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49 **Administrative Action Item(s):**

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51 **4 MIN 15 SEC.**

52 ➤ **Item No. 1 Rocky Hollow Estates Subdivision Amended Final Plat:** The Providence City
53 Planning Commission will review, consider, and may take action on an amended final plat for the Rocky
54 Hollow Estates Subdivision Amendment No. 1 adjusting an internal lot restriction by amending the front
55 and street-side setbacks to a minimum 20-ft setback for Lot 1, located at 585 S 480 E. **(ANALYSIS)**

- 56
- 57 • Michael Fortune called item 1, gave a brief introduction and asked Skarlet Bankhead if she would give
- 58 an overview of the application.
- 59 • Skarlet Bankhead reviewed with the Planning Commission the staff analysis and commented on what
- 60 the applicants would like to do on their existing residence. The petitioner is requesting a front yard
- 61 setback of 20 feet and a street-side setback of 20 feet, which meet the setback requirements in the
- 62 current Providence City Code. Skarlet indicated that applicant will be dedicating some property to the
- 63 City for a right of way.
- 64 • Ms. Bankhead reviewed with the Planning Commission the City and State codes regarding internal lot
- 65 restrictions and indicated that there were no issues with their request regarding the city’s master plans or
- 66 general plans. Discussed with the Planning Commission lot restrictions and requirements for amending a
- 67 subdivision.
- 68 • Ms. Bankhead reminded the Planning Commission that like other requests that have come before, the
- 69 Planning Commission would need to find good cause to approve this amendment. No public street or
- 70 municipal utility easement is being vacated or amended. Skarlet indicated that the parties have talked
- 71 about putting a trail in the area if possible.
- 72 • Ms. Bankhead commented that Aaron Walker, Deputy Fire Marshall, did not have any concerns at this
- 73 point in time.
- 74 • Parties discussed the width of the road and the right of way. Parties discussed the conditions, the
- 75 dedication of the right of way and the setbacks.
- 76 • Joe Chambers commented on property exactions and proportions. The Planning Commission discussed
- 77 setting a precedent with approving this request.
- 78 • Alex Bearson, applicant, commented on his request and his reason for it. Indicated that he was hundred
- 79 percent ok with dedicating the right of way to the City. He understands their issue of setting a precedent
- 80 and stated that he believes such requests should be by a case-by-case basis.
- 81 • Michael Fortune commented on internal lot restrictions and setbacks. Parties discussed setbacks with
- 82 other properties in the area for comparison. Brian Marble asked if the applicant would accept payment
- 83 for the right of way.
- 84 • Parties discussed exactions and Joe Chambers referenced an exaction that occurred with the County
- 85 and the issues that followed. Parties discussed the applicant donating the land versus the City paying for
- 86 it. Parties discussed the changes they have seen regarding setback requirements back when the house
- 87 was first built versus now.
- 88 • Ryan Snow commented on road sizes, road classifications and deficiencies that the City tries to resolve
- 89 if they can.

- 90 • The Planning Commission discussed what good causes they see in approving this request. Parties
- 91 discussed the landowners property rights, being consistent with current code and allowing the city to
- 92 increase the road width, which would be beneficial for everyone.
- 93 • Parties continued discussion on the owner dedicating the property or the City paying for it. Joe
- 94 Chambers commented that in the future the adjacent properties should be notified of such requests and
- 95 changes.
- 96 • Parties discussed current setbacks. Alex Bearnson commented on donating the land for the right of way.
- 97 • Parties discussed the recommendation procedures and the possible need to get the City Council
- 98 involved. Parties agree that there are two separate issues being discussed and that they should focus on
- 99 whether or not they approve the request; and if the owner wants to seek compensation he can go through
- 100 the City or City Council.

101
 102 **Motion to approve the Amended Final Plat for Rocky Hollow Estates Subdivision Amendment No 1;**
 103 **adjusting an internal lot restriction by amending the front and street side setbacks to a minimum 20-ft**
 104 **setback for Lot 1 located at 585 S 480 E. Incorporating the staff report with its findings of facts,**
 105 **conclusions of law and conditions; with good cause being shown that the applicant is being allowed to**
 106 **enhance his property rights – Joe Chambers 2nd- Brian Marble.**

107 **Vote:**

108 **Yea- Brian Marble, Michael Fortune, Tyler Riggs, Bob Washburn & Joe Chambers.**

109 **Ney-**

110 **Abstained-**

111 **Absent- Shelly Nazer.**

112
 113 **Motion passes, Amended Final Plat Approved.**

114
 115 **53 MIN. 15 SEC.**

- 116 ➤ **Item No. 2 Providence Springs 55+ Cluster Development Special Review:** The Providence
- 117 City Planning Commission will review, consider, and may take action on a special review for porches in
- 118 the front setbacks for the Providence Springs 55+ Cluster Development.

119 **(Special Review/Development Agreement)**

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- 121 • Michael Fortune called item 2, gave a brief introduction, and asked Skarlet Bankhead to give an
- 122 overview of the request.
- 123 • Skarlet Bankhead reviewed with the Planning Commission the special review indicating that the final
- 124 plat was recorded back in September. This Special Review has been requested as the development has a
- 125 minimum front setback of 20-ft and the applicant is requesting front porches be allowed to extend 6-ft.
- 126 into the front setback. Ms. Bankhead reviewed with the Planning Commission the cluster and inner
- 127 block development requirements and review procedures indicating Cluster and inner block
- 128 developments provide more intensive use of land in further developing existing areas.
- 129 • Ms. Bankhead reviewed the findings and commented to the Planning Commission that such special
- 130 reviews need to comply with all requirements as set out in title 10 and title 11 of the Code. She indicated
- 131 that such requests or modifications needed to be designed to be compatible with the surrounding land
- 132 use and with the physical features of the site.

- Ms. Bankhead discussed with the Planning Commission the conditions and that the Planning Commission needs to find that the request is in compliance with code requirements, be consistent with the zoning regulations, compatible with surrounding area and with its physical features of the site.
- Parties discussed the different requirements for covered porches versus non covered porches. Parties discussed setback requirements. Skarlet indicated that no formal site plan application has been submitted.
- Jody Robins, applicant, discussed with the Planning Commission his request and why they are seeking this special review. Indicated that by allowing the porches to be developed into the front setbacks their residents would be better able to talk with and see their neighbors as the garage would not be blocking their view. Commented that granting this request would provide the area or homes with more outdoor living spaces and social interactions.
- Parties discussed the back porch and back setbacks. Parties discussed possible alternate solutions such as reducing the footprint or size of the house, reducing the back porch or moving the house further back.
- Parties discussed parking for the area and what would be allowed. Parties discussed road width and what the length would be from garage to garage. Some Planning Commission members commented that since this was a private cluster specific to 55 and older residents, they didn't see an issue with the request and thought the porches would work great. Other members commented that the setbacks where set to a specific footage for a reason.
- Parties commented on other senior living areas and Providence needing more senior living communities. Parties continued discussion on alternate solutions that would allow for the request without special review or approval.
- Ryan Snow commented on road width and referenced the gateway apartments. Tyler Riggs commented on the road width in the Vineyard development and how it would be similar in width.
- Parties discussed the possible need to have this request go to a public hearing so they could hear comments from the public. Parties discussed purpose of frontage and setbacks. Tyler Riggs commented on the developers property rights, especially as it related to a private cluster, and stated that he saw no life safety issues with the changes that are being asked for.
- Parties continued discussion on the front porch dimensions and the required setbacks.
- Parties discussed the idea of moving this to a public hearing.

Motion to table item and have the request set for a public hearing – Joe Chambers 2nd – Tyler Riggs.

Vote:

Yea- Brian Marble, Michael Fortune, Tyler Riggs, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Shelly Nazer.

Motion passes, item will be continued and accompanied by public hearing tentatively set for January 11th.

- Staff indicated to the Planning Commission that it might be good for them to sign up for the Utah League of Cities and Towns Legislative Policy Committee newsletter and Friday Facts to keep up with what is happening in the legislature regarding land use and policies.

- The Planning Commission requested that they be emailed more information so that they can sign up.

Motion to adjourn – Joe Chambers 2nd- Tyler Riggs.

Vote:

Yea- Brian Marble, Michael Fortune, Tyler Riggs, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Shelly Nazer.

Motion passes, meeting adjourned.

Minutes approved by the Planning Commission on _____ day of _____ 2023

Michael Fortune, Chair

Ty Cameron, City Recorder