

1 **PLANNING COMMISSION MINUTES**

2 Wednesday, January 11th, 2023, 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 YouTube Link: [Planning Commission 1/11/2023 - 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 (Chair)

11 **Chair Roll Call of Commission Members:** Shelly Nazer, Robert Henke, Brian Marble, Michael Fortune, Tyler  
12 Riggs, Bob Washburn & Joe Chambers.

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

15 **Pledge of Allegiance:** Michael Fortune

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17 **3 MIN. 20 SEC.**

18 **Approval of Minutes:** The Planning Commission will consider approval of the minutes for December 14th,  
19 2022. **(MINUTES)**

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  - Michael Fortune called for the approval of the minutes of December 14<sup>th</sup>, 2022.
  - Shelly Nazer indicated corrections were needed on line 78 with the word ‘hundred’ which should be  
22 ‘one hundred’, and line 84 the word ‘and’ should be ‘an’.

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25 **Motion to approve the minutes of December 14<sup>th</sup> with the stated corrections – Tyler Riggs. 2<sup>nd</sup> – Brian  
26 Marble.**

27 **Vote:**

28 **Yea- Brian Marble, Michael Fortune, Tyler Riggs & Joe Chambers**

29 **Ney-**

30 **Abstained- Shelly Nazer**

31 **Absent-**

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33 **Motion passes, minutes are approved.**

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

36 The Commission accepts comments: in-person, by email [providencacityutah@gmail.com](mailto:providencacityutah@gmail.com) , and  
37 by text 435-752-9441. By law, email comments are considered public record and will be shared  
38 with all parties involved, including the Planning Commission and the applicant.

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  - Michael Fortune opened the floor for public comment. Asked staff if any comments had come in via text  
41 or email. Staff indicated that they had received an emailed comment from a citizen but that it was  
42 regarding item number 3 and would be read on the record when the item was called.
  - No further comments. Michael Fortune closed the public comment section of the meeting.
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47 **Public Hearings:**

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49 **6 MIN. 40 SEC.**

50 ➤ **Item No. 1 Providence Springs 55+ Cluster Development Special Review Public Hearing:**

51 The Providence City Planning Commission will take questions and comments from the public regarding  
52 a special review/request of an applicant requesting front porches be allowed to extend 6-ft. into the front  
53 setbacks. The development has a minimum front setback of 20-ft.

- 54
- 55 • Michael Fortune called item 1 gave a brief introduction and opened the floor for public comment.
  - 56 • Planning Commission asked staff how the hearing or notice was posted regarding the item.
  - 57 • Staff indicated that the public hearing was posted on the city website, on the city building, in the post  
58 office, at Macey's Grocery Store and on the Utah Public Notice website.
  - 59 • Planning Commission asked if an A-frame was set up near the property.
  - 60 • Staff responded that no A-frame was set up and that usually staff only sets up A-frames for rezones and  
61 annexations.
  - 62 • No further comments. Michael Fortune closed the public hearing.
- 63
- 64

65 **Administrative Action Item(s):**

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67 **9 MIN. 55 SEC.**

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

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

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- 73 • Michael Fortune called item 2, gave a brief introduction and asked Skarlet Bankhead to give an  
74 overview of the application.
  - 75 • Skarlet Bankhead indicated to the Planning Commission that no new information has come in since the  
76 last they met regarding this request. This special review has been requested as the developers have a  
77 minimum front setback of 20-ft and they are requesting that their front porches be allowed to extend 6-  
78 ft. into the front setback.
  - 79 • Jody Robins, Developer, indicated that they are now requesting 4 ft instead of the 6 ft. Discussed with  
80 the Planning Commission the length between the driveways. He referenced last meetings discussion and  
81 why they are requesting this modification. Indicated that by allowing the porches to be developed into  
82 the front setbacks their residents would be better able to talk with and see their neighbors as the garage  
83 would not be blocking their view. Commented that granting this request would provide the area or  
84 homes with more outdoor living spaces and social interactions.
  - 85 • Skarlet Bankhead reminded the Commission that this request was needed as these porches will be  
86 covered porches.
  - 87 • Planning Commission asked Jody Robins if the 2 ft was being cut from somewhere else on the lots or  
88 buildings. Mr. Robins responded that they are not adjusting for cutting 2 ft from anywhere except the  
89 porches, so instead of requesting 6 ft, as the discussed in last meeting, they are now only requesting 4 ft.

- 90 • Parties discussed 55 + developments.
- 91 • Joe Chambers asked about page 6 of the application and the setbacks that were being proposed or
- 92 shown. Parties discussed and clarified the changes and feet requirements.
- 93 • Joe Chambers asked staff for clarification regarding this application and variance requirements or
- 94 procedures. Staff indicate that this is not a built project and is a cluster development so the Planning
- 95 Commission has authority to allow this request.
- 96 • Parties discussed spacing between the garages in this development and how they relate or compare to
- 97 other like developments.
- 98 • Parties discussed the purpose of setbacks indicating there is no definitive answer as there are a lot of
- 99 potential reasons.
- 100 • Planning Commission asked if a Fire Marshalls review was needed. Developer indicated that the road
- 101 width is not changing per their previous plans that were reviewed and approved from the Deputy Fire
- 102 Marshall. Staff commented that fire codes go through the building code and each building will of course
- 103 need to be approved that way.
- 104 • Jody Robins discussed with the Planning Commission that the change they are requesting is in
- 105 compliance with the code and zoning, that it is compatible with the surrounding land and the physical
- 106 features of the land. This change will provide a better sense of community for those who live there.
- 107 • Tyler Riggs commented that he was in favor of allowing it as it was a cluster development that complied
- 108 with the code.
- 109 • Shelly Nazer asked if the applicants needed to submit a new application since they were changing from
- 110 6 ft to 4 ft. Staff indicated that they would not need to submit a new application but that the Planning
- 111 Commission would need to include that change in their motion. Shelly Nazer thanked the developer for
- 112 compromising and indicated that if uncovered porches were allowed she sees no problem with covered
- 113 porches being allowed.
- 114 • Michael Fortune commented that he believed the change would be aesthetically pleasing and improve
- 115 the look of the buildings and neighborhood.
- 116 • Staff indicated that when the Planning Commission make their motion to please in include the change
- 117 from 6 ft to 4 ft and include the four items that needed to be discussed for this applications approval.
- 118

119 **Motion to approve a special review for covered porches to extend 4 ft in the front setbacks for the**  
 120 **Providence Springs 55+ cluster development with review and application being compliant with code**  
 121 **requirements and applicable ordinances and/or regulations, being consistent with purpose and objectives**  
 122 **of the zoning regulations, compatible with the surrounding land uses and compatible with the physical**  
 123 **features of the site and incorporating the staff report with its findings of fact, conclusions of law and**  
 124 **conditions – Tyler Riggs 2<sup>nd</sup> – Shelly Nazer.**

125 **Vote:**  
 126 **Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs & Joe Chambers**  
 127 **Ney-**  
 128 **Abstained-**  
 129 **Absent-**

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 131 **Motion passes. Special review approved.**  
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**Study Items(s):**

**32 MIN. 55 SEC.**

➤ **Item No. 3 Rezone of Parcel 02-092-0018:** The Providence City Planning Commission will discuss a request from DLMAC LLC to rezone parcel 02-092-0018 from R-1-12 to R-1-6.

**(APPLICATION) & (ANALYSIS)**

- Michael Fortune called item 3, gave a brief introduction and asked Skarlet Bankhead to give an overview of the request.
- Skarlet Bankhead indicated that applicant DLMAC LLC is under contract to purchase parcel 02-092-0018 and that they are requesting that the parcel be rezoned to SFH, or R-1-6 per our updated code, to allow more affordable lots. She commented that applicants plan to build single family homes on the lots and that the smaller lots will allow for more affordable homes. There is similar zoning to the north and east of the parcel and smaller lots in a multifamily zone to the west. Applicants indicated in their application that this zoning is similar to the surrounding developments.
- Ms. Bankhead reviewed with the Planning Commission the staff report which indicates that there are no non developable sensitive areas or potentially developable sensitive areas on the property; and 100 East contains sewer, water, power, and communications. Discussed with the Planning Commission the General Plans vision and key initiatives as it relates to this request.
- Ms. Bankhead commented on the differences and restrictions between the two zones and referenced there use and area charts.
- Danny McFarland, applicant, discussed with the Planning Commission their reason for the rezone request indicating finding more affordable housing solutions, and that this change fits into the area zoning wise. Mr. McFarland indicated that the parcel was 1 acre.
- Parties discussed if this would be an inner block or flag lot development. Mr. McFarland indicated that the existing house is staying and that they don't yet have exact plans but are hoping to put in 5 lots.
- Staff indicate that a resident had emailed in a comment regarding this item. Staff read the comment on the record (comment attached to minutes below).
- Danny McFarland responded to the public comment discussing the current affordable housing market.
- Parties discussed the zoning and the city's general plan. Parties discussed what the next steps would be including setting this for a public hearing.
- Planning Commission discussed previous rezone hearings, transparency and if the developers would propose a plan or concept to show the public. Mr. McFarland indicated that he would be willing to put something together but worried it being a disservice since it wouldn't be something they had to stick to. Staff indicated that anything that was shown would not be reviewed by staff to see if it was in compliance with the code so there would be no guarantees.
- Parties discussed affordable housing and lot sizes.
- Parties and staff indicate that this item will go to a public hearing.

**Motion to adjourn meeting – Shelly Nazer. 2<sup>nd</sup> – Brian Marble.**

**Vote:**

**Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs & Joe Chambers**

**Ney-**

176 **Abstained-**  
177 **Absent-**

178  
179 **Motion passes, meeting adjourned.**

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181 **Minutes approved by the Planning Commission on \_\_\_\_\_ day of \_\_\_\_\_ 2023.**

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186 **Michael Fortune, Chair**

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186 **Ty Cameron, Recorder**

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191 **Emailed Public Comments**

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193 **Comment Regarding Item 3.**

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195 Since granting this rezoning takes lot sizes from 12000 to 6000 square feet which dramatically reduces the size of the home  
196 as well as adjoining transportation corridors and other related recommendations relative to the 12000 feet and its safety  
197 and compatibility....and The General Plan anticipates for the future this zone remain R-1-12, I recommend this zone  
198 request be denied. In addition, it would be feasible for the Commission to identify in dollar amount their definition of  
199 moderate and/or affordable and correspond that range with the developer.

200  
201 Even though a prior Council in 2020 adopted a Moderate Income Plan relative to our state's request (not a requirement),  
202 and the city of Providence is very far ahead of such implementation relative to neighboring cities, consider the effect of  
203 such crowded habitation relative to our present recommended zone in The General Plan. Are the Covid 19 Local  
204 Assistant Matching Grants as well as a "supposed" priority considerations (not an out right denial) really relative? Don