

1 **Providence City Planning Commission Meeting**
2 **15 South Main, Providence UT 84332**
3 **August 24, 2016 6:00 p.m.**

4
5 Attendance

6 Chairman: Robert James
7 Commissioners: Andrea Diamond, Wendy Simmons, John Parker, Mike Harbin
8 Excused: Rowan Cecil

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10 Mayor Don Calderwood
11 Council Member, John Drew
12 Skarlet Bankhead, Administrative Services Director

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14 **Robert James called the meeting to order at 6:00 PM.**

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16 **Approval of the Minutes:**

17 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of August 10, 2016.

18 Corrections

19 pg 1, line 53, change evolved to revolved.

20 pg 3, line 39 change comment J Parker to Robert James.

21 Pg 3, lines 48 to 49 revisions per request submitted by Sharell Eames.

22
23 **Motion made to approve the minutes of August 10, 2016 - W Simmons, second- J Parker.**

24 **Vote: Yea: M Harbin, J Parker, W Simmons**
25 **Nay: None**
26 **Abstained: Andrea Diamond**
27 **Excused: R Cecil**

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29 **Public Hearing(s):**

30 **Item No. 1. General Plan Amendment:** The purpose of the public hearing is to provide an opportunity for anyone
31 interested to comment on the proposed amendment to the Moderate Income Housing element of the Providence
32 City General Plan before action is taken. The Planning Commission invites you to attend the hearing in order to
33 offer your comments.

- 34 • No comments were made.
- 35 • Public hearing closed.

36 **Action Items:**

37 **Item No. 1. General Plan Amendment:** The Providence City Planning Commission will consider for
38 recommendation to the City Council an amendment to the Providence City Moderate Income Housing element of
39 the General Plan with the intent of amending the plan to reflect the current and future needs of the city. In
40 drafting the moderate income housing element, the planning commission will consider the Legislature's
41 determination that cities facilitate a reasonable opportunity for a variety of housing, including moderate income
42 housing to meet the needs of people desiring to live there; and to allow persons with moderate incomes to benefit
43 from and fully participate in all aspects of neighborhood and community life.

44
45 **Motion made to recommend to City Council an amendment to the Providence City Moderate Income Housing**
46 **element of the General Plan -John Parker, second – M Harbin.**

47 **Vote: Yea: Andrea Diamond, M Harbin, J Parker, W Simmons**
48 **Nay: None**
49 **Abstained: None**
50 **Excused: R Cecil**

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52 **Item No. 2. Exception to the requirements of Title 11 Subdivision Regulations Chapter 4 Design Standards**

53 **Section 1 Standards and Specifications:** The Providence City Planning Commission will consider for
54 recommendation to the City Council an Exception to the requirements of Providence City Code 11-4-1 by varying

1 the typical street cross-section in the proposed Providence Estates Subdivision. The Developer is requesting the
2 asphalt width be reduced from 39-feet to 37-feet and that the sidewalk width be increased from 5-feet to 6-feet.

3 **Public Comments**

- 4 • Todd Hendricks, Providence, UT: I think what this developer is trying to do is great. I intend to be a future
5 owner of one of the lots and I spoke with several others. I know several others emailed in on this topic and
6 I believe you received those emails. I believe we are all in agreement. All the ones that I spoke to and that
7 I am aware of and believe and maybe Matt will speak to this too but two of the majority investment
8 holders of the development will be living there and they would like this as well. I believe they are doing
9 this for the better and not just out of the goodness of their heart but because they will live there with
10 their families as well. Widening the sidewalk is more costly than reducing the asphalt. In other words two
11 feet of asphalt costs a fair amount less than two feet of concrete. You can usually tell if a developer has
12 their heart is in the right place if it is costing them money and in this case it is. Two of the developers will
13 be living there and as I said I spoke with others. My thought is a wider sidewalk really promotes healthy
14 living. You can walk two strollers side by side. It makes it more convenient. It looks nice to have a wider
15 walking area and in this particular case increasing the asphalt by two feet really has no impact. This road is
16 so wide, 44 feet wide, that reducing it by two feet to 42 feet is still going to keep it over 95% of all the
17 roads in Providence. To put it squarely in perspective for each of you, I went to each of you on the map
18 and measured the roads on your house. Mr. Harbin, your street from curb to curb is 34 feet. Mr. Parker,
19 yours is 27 feet. Ms. Simmons, yours is 35 feet wide. Mr. James, yours is very narrow but you do not have
20 a curb or gutter and yours is 23 feet wide. Ms. Diamond, your road is 34 feet. This road would be
21 significantly wider than any of the roads you live on even with the width reduction and I wanted to put
22 this into perspective for you. I don't think it will have any significant effect. If anything, in my opinion a
23 wider road promotes speeding and if we leave all this room for parking, so now kids are speeding up and
24 down the road if anything people will slow down. Esthetically if this sets this neighborhood apart as a nice
25 place where people want to live since we do not have a lot of green space or walking trails, this would be
26 a great way to set this neighborhood apart in a nice way. There is no additional burden to the city. It
27 removes two feet off the road. One aspect the city pointed out is a wider sidewalk promotes a friendly
28 environment for walking and jogging can be said throughout the city and not this particular area. Great, I
29 agree. It would be wonderful. Anyone who wants to do this in the city I think it would be great. As far as
30 a variance versus an ordinance change I would state in this case that I would say we should use a variance
31 change. I do not necessarily think we need an ordinance change for someone to retroactively come back
32 and act as if this is a big exception. If other developers want to spend more money and have a little wider
33 sidewalk, I am sure they would be all right with a variance as well. If you are all in favor, I would love your
34 vote. I spoke to several other future owners and the builder will contribute his views as well. Do any of
35 you have any question?
- 36 • J Parker commented that because his road is 27 feet and so narrow, no parking on either side of that road
37 allowed due to concerns over emergency vehicles being able to get in. He also noted that it is a dead end
38 street.
- 39 • S Bankhead explained that an exception must have specific circumstances or reasons that would qualify it
40 as an exception. Narrow sidewalks can be found anywhere in Providence. There is nothing that creates a
41 unique circumstance with this particular location. A variance according to state code cannot be something
42 that is man-made. It has to do with the physical layout of the area like a hazard slope that impacts a
43 certain piece of property creating a unique situation. The request for an exception in this case is more a
44 matter of preference and although it may be of good intent, it does not qualify for an exception or
45 variance. There is a purpose behind 39 feet of asphalt. That 39 feet gives you 24 feet for two-way traffic,
46 two 12 foot travel paths and then it gives you an additional seven and one-half feet on the side of that
47 when combined with an 18 inches of span in the gutter to allow for water flow. This gives you nine feet
48 which is the width of a standard parking stall. This standard width is pretty tight for larger especially if
49 they have mirrors that extend. Most of the complaints we receive about cars parking on the street are
50 those parked on the more narrow roads because it is a parking hazard. An additional concern identified
51 by the Executive Staff in regard to six foot sidewalks is that it may attract the Razor folks.
- 52 • Mayor Calderwood asked Skarlet if there is anything in the city code that would prevent future lot
53 owners from giving up a foot of their property and having a six foot sidewalks?

- S Bankhead replied that because the sidewalk width is not a standard width as identified in the ordinance, it would need to be approved and that would be a little different process.
- Matt Henson, Developer, Midville, UT: I am here representing Sierra Homes at the request of the homeowners who expressed their desire for wide sidewalks and wider roads. We evaluated various options to see how we could accommodate this and taking the right of way down from 66 feet to 64 feet was the way they wanted to go so we decided to talk to the city. There will be an HOA to regulate any issues that may arise. A six foot sidewalk is large but it would be nice. We do understand why there are standards for parking and travel way. It is a bit arbitrary though and this is just for one subdivision. We do look forward to working with you.
- M Harbin commented that the argument about 1000 South 400 East was that the streets were too narrow in that subdivision. Now we are one block over and they want to make that narrow.
- R James commented that before the discussion goes further, one of the first consideration to be made is are we following our city code. If we do not want to follow the current city code, we need to change our city code. In reference to 11-2-7 of the code states “What conditions exists that compliance to the code is not necessary?” When approving a request for an exception to the title, the city council shall specifically identify conditions that exist that support a determination that a complete compliance is unnecessary to serve the public interest and the global objectives of the code and the general plan. This is at the heart of the matter. I agree with our executive staff when they ask, “Does the request for six foot sidewalks qualify as an exception according to the city code requirements for an exception?” We are not doing the City Council or the general public a favor by ignoring the code. It does not mean we cannot change code standards if we think this is a good idea. As a reminder, this is an action item so we do need to decide on whether to make a recommendation to City Council. I would like to pull away on study of possibly changing the ordinances and how that would be complete and focus on whether or not we should make a recommendation to City Council on an exception.
- S Bankhead commented that a compelling argument would need to be made in order to warrant an exception.
- J Drew commented that this is correct and agreed with the need remain consistent so we able justify and defend our decisions. In general, it is difficult to get an exception because a unique circumstance needs to exist to warrant an exception. Safety issues and ease of traffic are solid reasons for having the asphalt 39 feet wide. In this situation it does seem that the simpler solution would be that the owner gives one foot off their property.
- R James commented that he was all for six foot sidewalks but cannot help but come back to Councilman Drew’s point. Can you quantify a condition that exists that supports recommendation or qualifies it as an exception?
- Tod Hendrickson responded that he would identify this as a safety issue and a need for continuity across roads coming into that area. Wide roads narrowing into smaller roads are a safety issue. There is no downside to two feet less here. I would support an ordinance change, but I do not know if the developer can wait that long. It would be nice to build some flexibility into the ordinances.
- R James commented that if the commissioners do not have any other questions, they can make a motion.

Motion made to recommend to the City Council they deny an Exception to the requirements of Providence City Code 11-4-1 by varying the typical street cross-section in the proposed Providence Estates Subdivision. -A Diamond, second – J Parker

Vote: Yea: Andrea Diamond, M Harbin, J Parker, W Simmons
Nay: None
Abstained: None
Excused: R Cecil

Study Items:

Item No. 1. Rezone Request: The Providence City Planning Commission will discuss a rezone request to change the zone of parcel no. 02-005-0005, a 77.5 acre parcel located in the northeast corner of the City at approximately 500 North 600 East, from Agricultural (AGR) to Single-Family Traditional (SFT).

- S Bankhead commented that she apologizes but not all the information requested on city water usage has been gathered yet. The information on one acre lots has been completed and they are working on the other lots sizes. It was more difficult to gather the information than expected. The market study information is also still pending; the real estate broker has not replied back yet.
- J Parker asked how many shareholders were using the water in Spring Creek for irrigation purposes.
- S Ames response was that there were 911 shares in that area.
- Study session closed.

Item No. 2. Code Amendment: The Providence City Planning Commission will discuss proposed code amendments to Providence City Code Title 10 Zoning Regulations Chapter 1 General Provisions Section 4 Definitions by adding a definition for an “Accessory Building (Small)” and Providence City Code Title 10 Zoning Regulations Chapter 8 Area Regulations and Parking Requirements Section 1 Area Regulations, Space Requirement Chart by adding setback and height requirements for “Detached Accessory Building (Small)”.

- R James asked Skarlet to please provide an overview and update on this.
- S Bankhead discuss the background history identifying that every year there are several requests from residents who want to put their shed closer to their property line. A shed or building less than 200 sq. ft. does not require a building permit unless water, plumbing or electricity is going to the building. Because these small buildings do not require a building permit it is assumed that no other zoning laws apply when in fact all accessory buildings need to be five feet away from the property line. This has been discussed with council members and staff. It has been suggested that we include that even though a building permit is not needed you do need to follow the setback rules. We also do not know how to define “permanent” structure or foundation. We do have many people who do not follow the code so enforcement is also an issue.
- R James commented that these are the tuff sheds or pre-fabricated sheds.
- S Bankhead identified various approaches to address the issue and mentioned that it could be addressed as an educational and enforcement issue or we could look at rewording the ordinances and make a recommendation to City Council then have a public hearing on it
- R James asked if this could be left as a study item for the next meeting. Since the subject of enforcement comes up regularly, would Skarlet please provide us with information about ways and methods the city uses to enforce our ordinances and I would like to see what the county recommends.

Item No. 3. Amended Plat - Lot Consolidation. The Providence City Planning Commission will discuss a proposed lot consolidation combining Lots 6 and 7 of the Grand View Hills Subdivision, located generally at 893 Foothill Dr.; requested by Robert James.

- R James commented on a proposal to combine the two adjacent lots that he and his wife own in order to build an attached garage to their home.
- S Bankhead further identified that an accessory building must be on the same lot. It cannot be a standalone on a separate property. People can combine the lots as a general rule without any problem. A review is needed because the property owner owns both lots in this case. Spring Creek Water has also looked at it and they have no problem. The executive staff also reviewed it and they do not see a problem. We can review it tonight and add it as an action item if you choose to do that.

Reports:

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

S Bankhead provided staff updates.

- J Drew added a list of training projects and opportunities that he would like to have considered.
- The city council is looking at changing an ordinance on water usage and we are having our engineer review it.
- Executive staff report is a consensus of the staff’s opinions. These opinions are coming from the fire marshal, the irrigation company, public works staff, and the city engineer. The staff report is composed of the views of a team of people.
- The road on 400 South should be completed per contract by October 5.

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

Motion to adjourn meeting : J Parker, second – M Harbin.

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| Vote: | Yea: | R James, Wendy Simmons, M Harbin, J Parker |
| | Nay: | None |
| | Abstained: | None |
| | Excused: | R Cecil |

Meeting adjourned at 7:53 pm.
Minutes recorded and prepared by K Merrill.

Robert James, Chairman

Kristine Merrill, Office Specialist