

PLANNING COMMISSION MINUTES

Wednesday, September 27th, 2023, 6:00 pm

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

To view the video recording of the meeting please visit the City's YouTube Channel found [HERE.](#)

HR. MIN. SEC. in green above item are timestamps of the YouTube meeting.

Call to Order: Michael Fortune

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

Members Absent: Shelly Nazer & Tyler Riggs.

Pledge of Allegiance: Michael Fortune.

City Staff in Attendance: Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director) & Ty Cameron (City Recorder).

2 MIN. 45 SEC.

Approval of Minutes: The Planning Commission will consider approval of the minutes for September 13th, 2023. [\(MINUTES\)](#)

- Michael Fortune calls for the approval of the minutes of September 13th, 2023.
- No corrections are made or stated.

Motion to approve the minutes of September 13th, 2023 – Bob Washburn. 2nd – Joe Chambers.

Vote:

Yea- Robert Henke, Brian Marble, Michale Fortune, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Tyler Riggs & Shelly Nazer.

Motion passes, minutes approved.

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

- Michael Fortune opens the floor for public comments.
- Staff indicates that no comments have come in via text or email.
- No comments are made by the public.
- Michael Fortune closes the public comment portion of the meeting.

Administrative Action Item(s):

5 MIN. 40 SEC.

- **Item No. 1 Amended Final Plat for Park View Heights Subdivision Lot 1.:** The Providence city Planning Commission will review, discuss, and may take action on a request to amend lot 1 of the Park View Heights Subdivision. **(ANALYSIS)**
- Michael Fortune calls item 1, gives a brief introduction and asks Skarlet Bankhead to give an overview of the amendment.
 - Skarlet Bankhead communicates that the developer in Parkview Heights Subdivision has setbacks of 20 feet in front, 20 feet on a side, 15 in the back, and 10 feet on an interior side. Lot one, a corner lot, has a 30-foot front yard setback. The purchasers of lot one have requested an internal lot restriction amendment to change their setbacks from 30 feet to 20 feet, which will not impact any easements.
 - Lot one also has a 20-foot public utility easement for irrigation, which means it has a 20-foot rear yard requirement. This means they cannot put anything in the back of the lot, purchasers can use the backyard for other purposes, but cannot build structures.
 - Mrs. Bankhead reviews with the Planning Commission the process of amending a final plat and what State and City codes are used to verify that the applicants request is in compliance. Discusses the city's general and master plans, the definition of internal lot restrictions, amended subdivision requirements, and minimum setbacks.
 - Reports that the Commission must determine if there is good cause for the amendment. The proposed amendment does not alter public streets or municipal utility easements.
 - Mrs. Bankhead comments on the conclusions of law and conditions as laid out in the staff report noting the city's approval does not relieve owners or their agents from their responsibility to understand and conform to local, state, and federal laws.
 - The owners of lot one, the Smethurst, and their builder and developer, D Barrett, are present.
 - The Smethurst introduce themselves and talk with the Commission on why they would like this amendment approved as it will allow them to utilize more of their backyard.
 - Parties discuss the layout of lot 1 in reference to the surrounding lots. Parties discuss the orientation of lot one and how the house will fit and which way it will be facing.
 - The Commission asks the developer about the original plat with the 30-foot set back. Mr. Barrett, the developer, responds that it was just an oversight on their part when they drafted the final plat, though it was acceptable they see how the 20-foot set back would be more beneficial.
 - Parties discuss if the neighbors are going to have any concerns with the change. Mr. Barrett responded that he as talked with most of the neighbors and that they do not have an issue with the amendment.
 - Members of the Commission comment that the ordinances allow property owners to utilize their property according to city standards so long as it shows that their request or change is not impacting anyone else. The Commission believes that this request is appropriate and supports the homeowners' rights to request these changes.

- The parties discuss the positioning of houses and the water line and irrigation easement, which is underground. The water line goes through lots 3 & 4. The Commission comments that there seems to be no specific issue about going from 30' to 20' for this lot, especially since 20' is the code.

Motion to approve the amended final plat for Park View Heights Subdivision Lot 1 allowing to change the setback from 30 feet to 20 feet subject to the findings of fact, conclusions of law and conditions as found in the staff report with the Planning Commission finding good cause that 1) The developer did not know they would be limiting the lot and 2) Allowing the amendment allows the property owners to exercise their property rights to utilize their property as they see fit.- Joe Chambers 2nd- Robert Henke.

Vote:

Yea- Robert Henke, Brian Marble, Michale Fortune, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Tyler Riggs & Shelly Nazer.

Motion passes, final plat for Park View Heights Subdivision is amended.

22 MIN. 40 SEC.

➤ **Item No. 2 Final Plat for Pleasant View Lane Subdivision:** The Providence city Planning Commission will review, discuss, and may take action on a request to approve the final plat for the Pleasant View Lane Subdivision. ([ANALYSIS](#))

- Michael Fortune calls item 2, gives a brief description and asks Skarlet Bankhead to give an overview of the final plat.
- Mr. Fortune asks the applicant if they ever talked to the neighbors regarding this development and potential future impact or future developments with the surrounding neighbors lots.
- Chris Rosenthal, applicant, responds that he did talk with the neighbors but will be moving forward as planned.
- Skarlet Bankhead gives an overview of the staff report discussing what State and City codes are used to verify that the applicant is meeting all requirements for this development. Talks about the city's master and general plans and the city's trails map.
- The development will add sidewalk, park strip, and curb gutter along the front of the development, which will be accessed off a single access. The stormwater master plan includes an easement for stormwater and a pond, while the culinary water system master plan extends service lines into lots two and three. The developer is required to dedicate 3.75 acres of land, which is approximately one and a third shares of water or they may do a fee in lieu.
- The final plat of a property involves a shift of the road, which is now entirely on lot two, instead of previously being split between lot two and three. Discusses floodplain for the area, the ordinance requires a 50-foot setback for a basement, but a slab on grade house does not have to meet this requirement. The engineer will need to put this on the plan for the final plat. The driveway move allows more flexibility for a home with a basement on lot three, as it would be

extremely tight to build on there. If the house is slab on grade, it doesn't have to meet the 50-foot setback but must be built above the base flood elevation level.

- The change in the road is a hammerhead type for fire trucks and for emergency vehicle turnaround.
- Applicants need to clarify who is responsible for maintaining the sewer easement and address the shallow sewer main.
- Ms. Bankhead comments on the process of getting the final plat recorded and what the applicant needs to do prior to it being recorded, mentions that they may put up a bond if needed. In summary, the developer has taken care of all necessary tasks and has been able to meet all relevant regulations.
- Parties discuss access to the development and private road length. Chris Rosenthal explains that the access road goes all the way to the south end of the property to allow the city access to the sewer line. The sewer would not go down the private road going east and west, as it would be a bit shallow once it gets to lot three. Building the road base would be considerably more expensive than bringing it to the south side of the property. By coming south, the sewer would be a higher spot for the property, and the turnaround for the fire department and emergency vehicles would be easier.
- Parties discuss the definition of an inner block development. Parties talk about easements and snow removal for the area.
- Brian Marble asks about the street name. Parties clarify the name in reference to the surrounding streets.
- Robert Henke asks about the retention or detention pond and if that was clarified. Staff indicate that the retention pond is noted on the plat, note number 5 references the retention pond.
- Commission comment on the updated plat that was handed out and reviewed tonight.
- Brian Marble noted that he is against approving this development as it feels like its an inner block development even though it doesn't meet the definition.

Motion to approve item number two, Final Plat for Pleasant View Lane subdivision, according to the findings of fact, the conclusions of law and conditions as found in the staff report – Bob Washburn. 2nd – Robert Henke.

Vote:

Yea- Robert Henke, Michale Fortune, Bob Washburn.

Ney- Brian Marble, Joe Chambers.

Abstained-

Absent- Tyler Riggs & Shelly Nazer.

Motion passes, Final Plat approved.

- Ryan Snow informed everyone that per new State laws final plats will be approved without the need of Planning Commissions approval.

Study Items(s):

58 MIN. 25 SEC.

➤ **Item No. 3 Accessory Dwelling Unit Ordinance Revisions:** The Providence City Planning Commission will review & discuss revisions to the City’s ADU Ordinance **(EXHIBIT)**
(EXHIBIT 2) (B. WASHBURN COMMENTS)

- Michael Fortune called item 3 and proposes to delay discussing this item until the next meeting to allow more time for each member to submit their reviews. The previous agreement was to review, submit questions, and turn revisions into Scarlet. With two commission members absent and with only one commission member having submitted his review, proposing that this item be tabled until the next meeting seems to be in the best interest of everyone.
- Commission talks about the review process and how best to submit their comments. Staff indicate that the Commission needs to be careful if they submit or discuss their comments with other commission members outside of meeting hours as that could be seen as a violation of the open and public meetings act.
- The Commission discusses continuing item and submitting their comments to Scarlet seven days in advance of the next meeting so she can compile their comments into one document for them to review at the next meeting.

Motion to table item until next meeting – Joe Chambers. 2nd – Bob Washburn.

Vote:

Yea- Robert Henke, Brian Marble, Michale Fortune, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Tyler Riggs & Shelly Nazer.

Motion passes, item tabled.

Motion to adjourn meeting – Brian Marble. 2nd -Bob Washburn.

Vote:

Yea- Robert Henke, Brian Marble, Michale Fortune, Bob Washburn & Joe Chambers.

Ney-

Abstained-

Absent- Tyler Riggs & Shelly Nazer.

Motion passes, meeting adjourned.

Minutes approved by Planning Commission on ____ day of _____ 2023.

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Michael Fortune, Chair

Ty Cameron, City Recorder