

1 **Providence City Planning Commission Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT 84332**
4 **April 8, 2015 6:00 PM**

5
6 **Attendance:**

7 Chair: Larry Raymond
8 Members: K Allen, R James, S Sanders
9 Alternates: H Hansen
10 Excused: L Hogge, W Simmons

11
12 **Study Items:**

13 **Item No. 1.** The Providence City Planning Commission will discuss which element of the Providence City
14 general plan they will consider for possible amendments.

- 15 • S Bankhead was asked which element of the general plan needs to be addressed as a first
16 priority. Her suggestion was general zoning: existing zoning map, future rezone of districts and
17 future rezone of annexed properties.
- 18 • J Baldwin said he has some items in the ordinance that he will submit for discussion at the next
19 meeting.
- 20 • R James suggested studying the 2000 plan for updates and revisions.
- 21 • S Bankhead asked members of the audience to come and participate in the general plan
22 discussion and express their opinions.

23 **Public Hearing(s) 6:15 p.m.:**

24 **Item No. 1. Proposed Code Amendment.** The Providence City Planning Commission will hold a public
25 hearing to receive public comment on proposed amendments to Providence City Code Title 10 Zoning
26 Regulations, Chapter 6 Use Regulations Section 1 Use Chart by adding Recreation/Entertainment as a
27 conditional use in an SFL zone.

- 28 • L Raymond opened public hearing at 6:18 pm.
- 29 • Mimi Recker, 280 No. 400 East, feels like purchasing a home in a certain zone is an implied
30 contract. Changing the zone or spot zoning violates the contract and she opposes the
31 amendment.
- 32 • Everett Barney, 299 N. 400 E., also opposes the amendment. He feels it will decrease property
33 values and that it may eventually permit thrill rides being installed on the property. He feels it
34 will be a negative impact for existing and future residents.
- 35 • Douglas Smith, 410 E. 300 N., son of Barbara Rinderknecht who owns property near the
36 Checketts property. He feels this area should remain residential not commercial or
37 entertainment. It will also increase traffic in this area. Property would have to be taken to make
38 the road big enough to handle the increased traffic.
- 39 • Stan Checketts, 890 E. Canyon Road, agrees with what has been said. He feels his proposal
40 would be an asset to the community. He just wants a race golf course to go in. He does not want
41 the zoning to be changed. He feels he has rights to do what he wants on his property, without
42 interference from the city.
- 43 • D Smith asked about the traffic and where parking would be. Stan said the parking would be on
44 his property.
- 45 • E Barney asked Stan if his proposed temporary golf course works, what is to stop him from
46 making it permanent. Stan said he just wants this to be temporary. If it is successful he intends
47 to build them all over the country, but this one will be temporary.
- 48 • S Bankhead said we are not changing zoning. This will remain SFL. What is being considered is a
49 conditional use. Activity on property for a commercial endeavor needs to go through certain

1 processes. The use chart in the city code does not allow a home business that falls under
2 recreation/entertainment.

- 3 • D Smith felt like this has the potential to become a nuisance.
- 4 • Amy Croft, 260 N. 400 E., feels there is misinformation and misunderstanding. She did not
5 realize this was just for a conditional use permit. She prefers the open space by her home rather
6 than more homes.
- 7 • Jeff Baldwin, 246 N. 300 E., adding recreation/entertainment amendment to the SFL zone opens
8 the door to any type of commercial business such as motor-cross, etc. It changes the use of the
9 property and that is a concern. That part of the community is not set up for high traffic use.
10 Overall impact of the city needs to be considered.
- 11 • Susanne Eliason, 322 Cove Street, feels this amendment will open a can of worms. If
12 entertainment type of ideas are allowed, then perhaps unsafe and unhealthy activities could be
13 allowed, as well as a noise nuisance. She opposed the amendment to this zone.
- 14 • S Sanders, as a clarification, people need to apply for a conditional use permit, which would be a
15 control over what types of businesses would be allowed.
- 16 • Ned Miller, 480 N. 400 E., feels the uncertainty is the biggest issue. He talked to Skarlet and
17 asked her what entertainment and recreation allow. It is not clearly defined in the ordinances of
18 the city. His concern is that there is a classification not easily defined.
- 19 • Bob Bissland, 1590 Canyon Road, feels part of the problem is this would be a conditional use, an
20 added use. He feels enforcement is an issue and it sets a precedence. He feels the City would
21 have a difficult time legally stopping many types of businesses that may come in. He feels
22 conditional use is an end run around the ordinance. Read definition of spot zoning.
- 23 • Laura Fisher, 1590 Canyon Road, feels there needs to be a definition of
24 recreational/entertainment zone. She understands that this is a request for a spot zone. Feels it
25 is a potential commercial zone. Feels home buyers would be wary if the city is unreliable in
26 enforcing the ordinances and zones. The conditional use permits are mostly very uneventful, but
27 feels this one has the potential to become a nuisance. No provision in the zoning code for
28 removing temporary use permits. Does not see how any negative impacts can be mitigated.
29 Noise, visual blight, traffic, lighting the hillside at night, etc. Feels these would be negative
30 impacts. Does not see anything in the general plan that supports the new use. Suggests
31 commercial trial be added to SFL conditional use permit, not recreational/entertainment.
- 32 • Jon Mock, 95 S. 100 W., said he would like to see sunset laws as part of the conditional use
33 permit.
- 34 • L Raymond thanked the public for their comments. The Planning Commission makes
35 recommendations to the City Council, who in turn makes the final decision. Based on the fact
36 that there is so much ambiguity, he proposes no decision be made tonight on recommendations
37 to City Council.

38 K Allen arrived at 7:00 pm.

- 39 • L Raymond closed public hearing at 7:05 pm in order to discuss the comments that have been
40 put forth. He encouraged the public to attend the City Council meeting.
- 41 • The commission discussed some of the items that are already permitted in SFL zone.
- 42 • S Sanders asked if there was a way to add a time element in a CUP.
- 43 • S Bankhead said the attorney said they can add time allowances as far as daily use goes, but
44 cannot allow a calendar time permit.
- 45 • L Raymond asked if this is setting a precedence.
- 46 • S Bankhead said that ideas would have to be entertained, but disturbances would need to be
47 mitigated.
- 48 • H Hansen asked about Laura Fishers comments and about further defining the amendment.

- 1 • S Bankhead said most home businesses are a trial commercial business, if they are successful
- 2 they most likely will move into commercial zones. However, this is a different type of business
- 3 and it would be difficult to control when a business goes from home business boundaries to
- 4 commercial business.
- 5 • R James said this isn't just about Stan Checketts' request, but the fact that this will cover the
- 6 entire SFL zone.
- 7 • S Sanders said Stan is the one driving this change and he is concerned about setting a
- 8 precedence.
- 9 • J Baldwin said his concern was the property zone. Each time someone comes in and asks for a
- 10 change, then the City is infringing on the intent of the zone and undermines other residents.
- 11 • K Allen said if Stan chooses to not charge, then he could do whatever he wanted. He feels like
- 12 Stan wants to do the right thing and is not trying to upset the community. If he were putting in a
- 13 regular golf course, most people would like it and property values would go up.
- 14 • H Hansen said the use list needs to be reviewed.
- 15 • S Bankhead said the problem is still the recreation/entertainment amendment. Perhaps the city
- 16 needs to add rustic golf rather than recreation/entertainment. If we keep it
- 17 recreation/entertainment, then the City needs to figure out how to allow recreation on a
- 18 conditional use basis without changing the entire integrity of residential zones.
- 19 • K Allen said changing this to recreational is an easy first step, but this isn't just recreational, it is
- 20 a business and standards would have to be set. There is a whole series of city codes that would
- 21 need to be addressed.
- 22 • R James proposed reviewing the use permits and postponing this for another meeting. He does
- 23 not think it wise to rush into a decision.

24 **Action Items:**

25 Item No. 1. Proposed Code Amendment. The Providence City Planning Commission will review proposed

26 amendments to Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1

27 Use Chart by adding Recreation/Entertainment as a conditional use in an SFL zone.

28 **Motion to recommend that City Council deny adding recreation/entertainment as a conditional use in**

29 **the SFL zone and Planning Commission will continue this item for further study : R James, second – H**

30 **Hansen**

31 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, S Sanders**

32 **Nay: None**

33 **Excused: L Hogge, W Simmons**

34 **Abstained: None**

35 Tony Ekins, Landscape Architect, from Skyline Engineering addressed the Planning Commission

36 regarding landscape buffers between commercial and residential zones.

- 37 • Landscape buffers protect the health, safety and welfare for users on either side of the buffer
- 38 zone; enhance property values and provide attractive streetscapes; protect environmental
- 39 spaces; reduce soil and water erosion; mitigate air, dust, noise, heat and visual nuisances; can
- 40 create continuity in areas that have two completely different uses.
- 41 • Slide show presentation.

42 Item No. 2. Proposed Code Amendment. The Providence City Planning Commission will consider for

43 recommendation to the Providence City Council proposed amendments to Providence City Code 10-8-5:

44 Commercial Zoned Districts; Site Development and 10-8-6: Parking Regulations.

- 45 • This will be continued as a study item for next meeting.

46 **Motion to continue as a study item for next meeting: S Sanders, second – R James**

47 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, S Sanders**

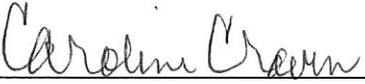
48 **Nay: None**

49 **Excused: L Hogge, W Simmons**

- 1 **Abstained: None**
- 2 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.
- 3 • No staff report.
- 4 **Commission Reports:** Items presented by the Commission Members will be presented as informational
- 5 only; no formal action will be taken.
- 6 • No Commission report.
- 7 **Motion to adjourn: R James, second – H Hansen**
- 8 **Vote: Yea:** **K Allen, H Hansen, R James, L Raymond, S Sanders**
- 9 **Nay:** **None**
- 10 **Excused:** **L Hogge, W Simmons**
- 11 **Abstained:** **None**

12 Meeting adjourned at 8:25 pm.
13 Minutes recorded and prepared by C Craven.

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18 _____
Larry Raymond, Chairman



Caroline Craven, Secretary

6 April 25

Dear Providence Planning Commissioners:

We understand that you will be holding a public hearing Wednesday to consider whether to add 'recreation/entertainment' as a conditional use for a property in an SFL zone. We are not going to be able to attend this meeting, but I am hoping that you will consider our concerns about this issue.

We object to the practice of ad hoc small-scale zoning changes in general, unless they are strongly supported by residents, and especially residents who may be adversely impacted. Generally such small-scale, targeted zoning changes are detrimental since they are contrary to the overall zoning plan. Certainly residents should have the right to make such proposals, but zoning is meant for the 'greater good' and longer-term stability of the community, and the erosion of zoning through these sorts of small ad hoc changes are usually destructive to the community as a whole.

In this specific case, we are particularly concerned that this zoning change will initiate a new round of long-term conflict among residents. I may not be entirely clear on what is possible under recreation/entertainment zoning, and I certainly don't have any idea what the proposers intend. But granting this kind of conditional use, without a detailed description of the proposed project, weakens the position of the residents and city officials down the road when the landowner becomes invested in making plans. This particular zoning change seems to open the possibility of commercial recreational development, which could have a myriad of negative local impacts.

We urge you to vote against this zoning change and uphold the current zoning plan for this area, which was the product of a great deal of citizen involvement and long-term thinking.

Thanks for considering our viewpoints,

Jon and Karen Mock
Providence, Utah

