

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **February 24, 2010, 6:00 p.m.**

3 **Providence City Office Building**

4 **15 South Main, Providence, UT 84332**

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6 **Chairman:** W Wimmer  
7 **Commissioners:** D Briel, G Busch, R Gustaveson, S Flammer  
8 **Excused:** C Kirk  
9 **Alternates:** R Sneddon

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11 **CONFLICT OF INTEREST:**

12 None

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14 **ACTION ITEM:**

15 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of February 10, 2010.

16 **Motion to approve the minutes with the following changes: S Flammer, G Busch second**

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18 **Vote: Yea: W Wimmer, G Busch, R Gustaveson, S Flammer, D Briel**

19 **Nay: None**

20 **Abstain: None**

21 **Excused: C Kirk**

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23 **STUDY ITEM:**

24 **Item No. 1.** The Providence City Planning Commission will discuss a request from Amsource for a code amendment  
25 for Title 10 Chapter 6 Use Regulations (Amended: Ordinance No. 006-2009 09/22/2009; Ordinance No. 011-2009,  
26 12/08/2009).

27 KC Bills and Bruce Baird are here to represent Amsource.

28 K Bills went through the exhibits that he sent to the Commission via e-mail.

29 W Wimmer appreciated the fact that K Bills narrowed down the list from the last meeting.

30 W Wimmer asked what the percent was on exhibit A.

31 K Bills said it was tenants. Tenants are looked at by numbers not square footage.

32 W Wimmer asked what the zeros meant on the chart.

33 K Bills said it meant there were tenants and now there aren't.

34 G Busch asked why it is broken up in two different colors of green.

35 K Bills said the first part is Amsource owned the second part is not.

36 K Bills said exhibit B is tenants that Amsource thinks will fit into the development.

37 W Wimmer said exhibit B replaces the list Amsource gave the Commission at the last meeting.

38 S Flammer asked if all of exhibit B would fit into exhibit C.

39 B Baird said yes, that is correct.

40 K Bills said Amsource will self regulate.

41 W Wimmer asked what the DEC agreement is.

42 B Baird said this is essentially a CC&R for a commercial development.

43 K Bills said there are certain tenants that they don't want in this development.

44 D Briel asked where the category is for Gold's Gym in exhibit B.

45 K Bills said it is listed in entertainment.

46 K Bills said when they start a shopping center they basically know what they want. 95% of sales are produced by 60%  
47 of the users. Exhibit C shows that not all users will produce sales tax. Their intent is not to develop an office complex.

48 S Flammer asked if it would be doable to put a restaurant in the Maceys development.

49 B Baird said there is plenty of room for the building and parking.

50 G Busch asked if Amsource owned the property that Maceys is on.

51 K Bills said Amsource partnered with the Alder's. They both own the property.

52 B Baird talked about the percentage in exhibit E. Sometimes services are taxable and sometimes their not.

53 K Bills said exhibit E is the Gold's Gym. This shows the sales tax that they can bring in.

54 G Busch said he doesn't think that Amsource will have a hard sale on anything that produces sales tax. It is the  
55 businesses that don't produce sales tax.

56 Mike Shetler of Gold's Gym showed a picture of the complex that they plan on building. He explained where the other  
57 tenant's would be located. He talked about the sales tax that would be generated.

58 C Carlston reminded the Planning Commission that there is no approved final plat for the Amsource development.

1 W Wimmer asked why the push for Doctors.  
2 M Shetler said if they have 3000 patients that's 3000 more people coming to his gym.  
3 B Baird said there may be other tenants that would fit in this development. The point is you have a tenant that can bring  
4 in massive amounts of sales tax.  
5 R Sneddon asked what the totality of this project is.  
6 B Baird said he doesn't know yet.  
7 R Gustaveson asked if this was all in phase 1.  
8 K Bills said this is in phase 2.  
9 S Flammer asked if the City would have a say to what businesses went in if the Commission approved this.  
10 B Baird said yes and no.  
11 S Flammer asked if a financial institution would be allowed.  
12 B Baird said yes depending on how your CAP was written. They would be allowed under the sub-cap.  
13 R Sneddon asked about service alcohol.  
14 B Baird said the DEC doesn't allow that in phase 1. That will depend on what the City allows.  
15 C Call asked about exhibit E. He brought up the fact that the gross sales tax in this exhibit is not the City's portion.  
16 S Bankhead said approximately \$4000 a month would come to the City.  
17 M Shetler said he has already doubled the membership for Gold's Gym. He is not worried about filling his gym. He  
18 believes this will grow a lot in the next 5 years.  
19 B Baird said he hopes that the Commission will forward a positive vote to the Council quickly.  
20 G Busch asked what this would include. He believes that in order to change percentages it would be necessary to change  
21 the code again.  
22 B Baird said he believes that this can be done as a text change.  
23 R Sneddon asked what percentage of square foot area will be consumed by Gold's Gym in phase 2.  
24 K Bills said he doesn't know.  
25 S Bankhead said she believes about 50%.  
26 S Flammer asked about the wetlands in the area.  
27 K Bills said they understand that this is an issue that needs to be mitigated.  
28 W Wimmer said they want what's best for the City.  
29 D Briel said he is not opposed to a development like this. He believes the Commission needs to get more specific as to  
30 what is allowed. Everything generates a little bit of property tax. This needs to be sales tax generated.  
31 S Bankhead said you have to be careful of percentages. You have to get your retail percentages first.  
32 D Briel asked if we lose anything by letting non-sales tax come in first.  
33 B Baird said competition is what businesses seem to want.  
34 R Sneddon said that none of the Commission wants the wetlands filled.  
35 M Shetler said that they are working with the Army Corp of Engineers on the wetlands.  
36 R Sneddon asked if it could be used for something else.  
37 M Shetler said it will be a landscaped area.  
38 M Shetler said he has property in Logan. If the City won't allow this he will move to Logan. This is a 13 million dollar  
39 building. It will be a beautiful area.  
40 S Bankhead said if the Commission wants Gold's Gym that is fine. She doesn't think that Gold's Gym will bring in the  
41 amount of memberships that they think.  
42 G Busch asked where this goes from here.  
43 S Bankhead explained that exhibit B undefined is under specialty store/variety store/general merchandise.  
44 B Baird said this needs to be defined clearly.  
45 R Sneddon said he believed that B Baird said earlier that things should be defined loosely.  
46 B Baird said the definitions are too loose. It needs to be clearer.  
47 C Call said the Commission needs to work on the general uses. Some things have already been defined. Beyond what is  
48 in the code now, what is the applicant asking for?  
49 B Baird said he suggest that cities have a mixed use zone or a development agreement with a special zone that have  
50 individualized restrictions.  
51 D Briel asked if they wanted to start over or tweak what is already done.  
52 W Wimmer said she doesn't agree with their idea of entertainment uses.  
53 B Baird said they will work with the Staff on this.  
54 S Bankhead said there is a use for a fitness center. Since B Baird seems so anxious to write it let him do it.  
55 B Baird said he will be more than happy to get this done.  
56 S Flammer said she has talked to a lot of people in Providence and they would like Gold's Gym here.  
57 W Wimmer asked if the use chart that Amsource provided to them is null and void.  
58 C Call said the Commission could adopt this chart and then modify it.

1 D Briel asked if they can take what they have and modify it.  
2 S Bankhead said she thinks that they should see what B Baird proposes.  
3 W Wimmer would like to move this to a public hearing on March 24<sup>th</sup>.  
4 S Bankhead said there can't be a gym facility in phase 1. The City will respect their DEC.  
5 K Bills said this can be done as a temporary facility.  
6 S Bankhead said they can't come here until the use is in the use chart.  
7 C Call said they could do 2 public hearings. One for the Gold's Gym and one for the rest of the use chart.  
8 B Baird said they just want the project to go forward.  
9 The Commission is OK with moving Gold's Gym to a public hearing on March 10<sup>th</sup>.  
10 W Wimmer said the fitness center will move to a public hearing on March 10<sup>th</sup> and then an action item.  
11 B Baird said he will get the information to the Commission by March 5<sup>th</sup>.  
12 W Wimmer said the rest of the code amendment will be a study item on March 10<sup>th</sup>.  
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14 **Item No. 2** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter  
15 6, adding ^Use is allowed as a permitted or conditional use only if it is a home business, child care business or  
16 nonconforming business that complies with Title 3, Chapter 4 of this code, Conditional Businesses.  
17 S Bankhead said there is nothing additional to add to this. This just needs to be noticed for public hearing. She reminded  
18 the Commission what was being changed with this amendment.  
19 W Wimmer said that a fitness center needs to be added in the CHD, CGD and the MXD zones.  
20 This will be noticed for public hearing on March 10<sup>th</sup> and an action item.  
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22 **Item No. 3.** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter  
23 1, adding definitions for Business Office – General, Business Office – Low Impact and Business Office – Medium  
24 Impact.  
25 S Bankhead said the definitions in 10-1, business offices - general not be allowed in the residential zones but be allowed  
26 in CND and conditional in CGD and not in CHD. It is allowed in MXD use. Business office – low impact be allowed in  
27 residential and business office – medium be allowed in residential zones as conditional.  
28 S Bankhead read the definitions of the different business offices.  
29 D Briel would like low impact have no customers.  
30 S Bankhead suggested low impact is for a business office out of your home with no walk-in traffic.  
31 G Busch said he thinks that is too restrictive. Anything less than minimum impact is low impact.  
32 C Carlston said you need to come up with a number.  
33 This will be noticed for public hearing on March 10<sup>th</sup>.  
34 R Sneddon said you need to look at the nuisance involved.  
35 S Bankhead suggested minimal walk in traffic.  
36 R Sneddon said the threshold is when neighbors complain.  
37 S Bankhead said when you have a neighbor that doesn't like you and they complain then this creates other problems.  
38 S Flammer said 2 or less a day is low impact.  
39 W Wimmer said no more than 6 or less than 2 is medium impact.  
40 This will be noticed for public hearing on March 10<sup>th</sup> and an action item.  
41  
42 **Item No. 4.** The Providence City Planning Commission will discuss the Land Use Authority and Conditions/Design  
43 Standards for Chapter 10-4-4 Mixed Use District, Commercial Highway District and Commercial General District.  
44 C Carlston apologized for not being at the last meeting. This is a tough ordinance to try and implement what the  
45 Commission and the Council wants.  
46 C Carlston explained what an ordinance should be.  
47 C Carlston went through the ordinance with the Commission.  
48 C Carlston read 10-4-4C – needs to say not permitted uses. Must include retail and/or professional and/or residential.  
49 C Carlston suggested 10-4-4D – put in a percentage range for open space.  
50 C Carlston said you can put in exceptions.  
51 D Briel said there needs to be words that tell them a minimum but they can have more if they want it.  
52 W Wimmer said this would encourage more.  
53 C Carlston said he could play with the wording on this one.  
54 D Briel suggested 5% total site.  
55 R Gustaveson asked if any other City had a percentage.  
56 C Carlston said he would check into that.  
57 D Briel said it needs to be the overall not parcel to parcel.  
58 C Carlston suggested 5 to 15% and the developer can request more.

1 R Sneddon said make it contiguous with the whole parcel.  
2 D Briel said 10-4-4-D2 – I'm confused by the general development plan. Do we need to define this?  
3 S Bankhead said we don't have a general development plan. Instead of a site plan maybe a developer needs to bring in a  
4 general development plan. The thing you live and die by is the Preliminary Plat.  
5 C Carlston said you want to be able to have the density, etc.  
6 W Wimmer said they need a development plan.  
7 C Carlston suggested that they take out the last sentence of that section.  
8 S Bankhead asked what residential zone and what commercial zone are you going to base things on.  
9 C Carlston said density is not looked at anywhere else in the code.  
10 S Bankhead said the developer will want to know what residential density zone you are going to require him to use. Are  
11 you going to decide when you rezone or will you decide now.  
12 S Bankhead talked about the different areas that the mixed use zone can go. She wants developers to know what the  
13 zone is when they come in.  
14 D Briel asked about going vertical.  
15 S Bankhead said in our mixed use zone it might be easier to decide the maximum density. This would be dwelling units  
16 per acre.  
17 D Briel suggested splitting it out between conditional and permitted for the density.  
18 S Bankhead said maybe always permit medium density, but high density is only permitted if it goes vertical.  
19 C Carlston said 10-4-4-D2 – he thinks this will be problematic. This should go to the Commission and the Council.  
20 Eliminate the exception language.  
21 S Bankhead said developers could ask to be exempt from curb and gutter because it is a desirable living environment.  
22 C Carlston asked 10-4-4-E – What will that look like? Should we add professional services?  
23 G Busch suggested no one zone exceed 60%.  
24 C Carlston suggested not less than 40% for retail use.  
25 D Briel said 60% retail. Can we use sales tax generating instead of retail.  
26 C Carlston 10-4-4-F – Architectural design – 3 – should we identify a height.  
27 S Bankhead said you should be careful in thinking this zone will only be done on a flat service.  
28 R Sneddon said you could say none.  
29 G Busch said strike #3. Building shall have no exposed foundation walls.  
30 C Carlston - 10-4-4-F-4 – add air conditioning, fans, vents  
31 C Carlston - 10-4-4-F-5 – doesn't changing the exterior of a building require a building permit.  
32 S Bankhead said right now we don't govern exteriors. This is talking more about a theme. Do you want to be able to tell  
33 them no?  
34 D Briel said this is very subjective. Do we want to tell them what to do?  
35 S Bankhead asked if you want all structures in the MXD district to look the same.  
36 K Bills said cities can ask it to be similar in appearance.  
37 C Carlston said you could make it compatible with the architectural design and materials of the new development.  
38 C Carlston said this is a policy decision that has to be decided.  
39 C Carlston read through some of the architectural design standards from Park City. They have a particular look they are  
40 going for.  
41 C Carlston read 10-4-4-F-6 – There will be an entrance located facing the public street.  
42 S Bankhead said these might be small boutiques, so they wouldn't want more than one public door. It will be difficult to  
43 do a walking community until we have a transit system like Europe.  
44 R Sneddon suggested a door other than one facing the parking lot.  
45 W Wimmer suggested entrances should not face the street.  
46 Glenn Busch asked to be excused.  
47 S Bankhead suggested putting pictures in the ordinance that show examples of what is permitted.  
48 C Carlston suggested 10-4-4-G-2 – last sentence. Strike color and texture.  
49 C Carlston read 10-4-4-G-4 – he suggested adding: by fencing, landscaping or other means.  
50 D Briel asked about adding upward facing lighting. Keep lighting pollution down. All lighting shall be 90 degree cut off  
51 fixtures.  
52 C Carlston asked if we want to legislate this.  
53 S Bankhead said you don't have the same kind of living conditions as you do in a residential area.  
54 C Carlston suggested 10-8-6 be changed to not include MXD zone.  
55 C Carlston suggested referring to the sign ordinance.  
56 This will be noticed for public hearing on March 10<sup>th</sup> and an action item.  
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1 **STAFF REPORTS:**

2 None

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4 **COMMISSION REPORTS:**

5 S Flammer told the Commission what happened at the Council meeting last night. The Council upheld the decision that  
6 the Commission made concerning Deseret First Credit Union. She also explained that 300 South has met warrant.

7 Eventually a traffic light will be installed there. She informed them that the CMPO road for Providence will be bid out  
8 this week.

9 R Sneddon told the Commission what happened at the Envision Utah meeting last week. He asked the Commission if  
10 they would be interested in an agricultural buffer for the City.

11 W Wimmer suggested Jay Nielson come talk to the Commission about buffering.

12 W Wimmer will go to City Council meeting on March 9<sup>th</sup>.

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14 **Motion to adjourn: S Flammer, R Gustaveson second**

15 **Vote: Yea: W Wimmer, D Briel, S Flammer, R Gustaveson**

16 **Nay: None**

17 **Abstain: None**

18 **Excused: C Kirk, G Busch**

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20 Meeting adjourned at 9:30 p.m.

21 Minutes taken and prepared by Terri Lewis

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Wendy Wimmer, Chairman

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Terri Lewis, Secretary