

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **March 10, 2010, 6:00 p.m.**

3 **Providence City Office Building**

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

5
6 **Chairman:** W Wimmer
7 **Commissioners:** D Briel, G Busch, R Gustaveson, S Flammer
8 **Excused:** C Kirk – she had her baby
9 **Alternates:** R Sneddon

10
11 **CONFLICT OF INTEREST:**

12 None

13
14 **ACTION ITEM:**

15 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of February 24, 2010.

16 **Motion to approve the minutes with the following changes: D Briel, S Flammer**

17 Page 1 of 5 – line 54-55 Businesses that don't produce sales tax.

18 Page 2 of 5 – line 28 – delete revenue

19 Page 4 of 5 – line 45 – should not face the street

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

21 **Nay: None**

22 **Abstain: None**

23 **Excused: C Kirk**

24
25 **PUBLIC HEARING:**

26 **Item No. 1.** The Providence City Planning Commission will hold a public hearing on Wednesday, March 10, 2010 at
27 6:05 p.m. to receive public comment on amending Providence City Code Title 10 Chapter 1 and Title 10 Chapter 6 by
28 adding definitions for Business Office – General, Business Office – Low Impact, Business Office – Medium Impact and
29 Fitness Centers and by adding these uses to the use chart. They will also add to Title 10 Chapter 6 ^Use is allowed as a
30 permitted or conditional use only if it is a home business, child care business or nonconforming business that complies
31 with Title 3, Chapter 4 of this code, Conditional Businesses.

32 **Motion to open the public hearing: S Flammer, R Gustaveson second**

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

34 **Nay: None**

35 **Abstain: None**

36 **Excused: C Kirk**

37 Kathleen Alder spoke in favor of passing this ordinance. She felt the Maceys Center was a great way to produce revenue
38 and all types of businesses should be in this area.

39 **Motion to close the public hearing: G Busch, D Briel second**

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

41 **Nay: None**

42 **Abstain: None**

43 **Excused: C Kirk**

44
45 **ACTION ITEM:**

46 **Item No. 2**

47 The Providence City Planning Commission will consider for recommendation to the City Council a request to amend
48 Providence City Code Title 10 Chapter 1 and Title 10 Chapter 6 by adding definitions for Business Office – General,
49 Business Office – Low Impact, Business Office – Medium Impact and Fitness Centers and by adding these uses to the
50 use chart. They will also add to Title 10 Chapter 6 ^Use is allowed as a permitted or conditional use only if it is a home
51 business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this code, Conditional
52 Businesses.

53 **Motion to recommend for approval: S Flammer, G Busch second**

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

55 **Nay: None**

56 **Abstain: None**

57 **Excused: C Kirk**

1 Craig Carlston explained the definitions that DRC decided to use. DRC incorporated their definitions with Amsources
2 definitions. The Fitness Center is truly a definition for a gym.
3 W Wimmer asked if there were any problems with the definition for a restaurant.
4 S Bankhead said she didn't think so.
5 Craig Call suggested using Commercial Fitness Gym.
6 W Wimmer asked if it should be called a Commercial Fitness Center.
7 C Call said yes. You don't want the same definition in the commercial district as in the other districts. The way it is
8 defined now the only gyms allowed in the City have to charge money. This can be further defined as it moves forward
9 to the City Council.
10 W Wimmer likes the way Amsource worded their definition for a fitness center.
11 W Wimmer suggested comparing the definitions of the City and Amsource.
12 D Briel wants to discuss them individually.
13 W Wimmer wants to change the definition of fitness center to Commercial Fitness Center.
14 D Briel asked about the restaurant in the definitions.
15 C Carlston said they felt like this would be incidental use. They can eliminate restaurant.
16 S Bankhead said to look at the way Amsource defines restaurants. With that definition it makes sense.
17 G Busch asked if a restaurant was a deal breaker.
18 KC Bills said they are thinking more along the lines of a snack bar.
19 W Wimmer asked Craig Carlston to read the definition that DRC came up with. Planning Commission added open to
20 the public for a fee.
21 C Call suggested moving on to the next public hearing and coming back to this action item.
22 **Motion to continue until later tonight: G Busch, D Briel second**
23 **Vote: Yea: W Wimmer, G Busch, D Briel, S Flammer, R Gustaveson**
24 **Nay: None**
25 **Abstain: None**
26 **Excused: C Kirk**
27 **Motion to reopen action item #2 for discussion: G Busch, D Briel**
28 **Vote: Yea: W Wimmer, G Busch, D Briel, S Flammer, R Gustaveson**
29 **Nay: None**
30 **Abstain: None**
31 **Excused: C Kirk**
32 S Bankhead said the staff made some suggestions as to how these definitions should be added to the use chart.
33 C Carlston told the Commission what staff did with the definitions and use chart. Business Office - General is permitted
34 in CGD and MXD. It is conditional in CND and incidental in CHD.
35 The Planning Commission is alright with the Business Office – Low Impact and Medium Impact.
36 G Busch asked about Burruss Automotive.
37 S Bankhead said that is zoned Commercial. There is no CND zone yet. DRC would like to consider a CND for the area
38 where the City office is located.
39 C Carlston read the allowed uses for the Fitness Center. It is permitted in CGD and MXD. It is conditional in CND.
40 Staff is being very conservative about the uses that can go into CHD. They want to protect the CHD zone for sales tax
41 revenue. Staff feels like a gym is a destination. S Bankhead thinks that Mike Shetler feels his building needs to be a
42 highly visible place.
43 D Briel said the issue at hand is do we want to allow a gym.
44 W Wimmer feels like a fitness facility would be good for the City. She believes they could be an anchor tenant.
45 The Commission would like a fitness center be permitted in the CHD zone.
46 C Carlston read the definition that Craig Call came up with for a Commercial Fitness Center (Gym)
47 **Motion to recommend to the City Council that the definitions for Business Office – General, Business Office –**
48 **Low Impact, Business Office – Medium Impact and Commercial Fitness Center be approved. They also**
49 **recommend that the Use Chart for these definitions be approved. G Busch, S Flammer second**
50 **Vote: Yea: W Wimmer, G Busch, D Briel, S Flammer, R Gustaveson**
51 **Nay: None**
52 **Abstain: None**
53 **Excused: C Kirk**
54 **Motion to recommend to the City Council that they adopt Title 10 Chapter 6, ^Use is allowed as a permitted or**
55 **conditional use only if it is a home business, child care business or nonconforming business that complies with**
56 **Title 3, Chapter 4 of this code, Conditional Businesses. – D Briel, G Busch second**
57 **Vote: Yea: W Wimmer, G Busch, D Briel, S Flammer, R Gustaveson**
58 **Nay: None**

1 **Abstain: None**
2 **Excused: C Kirk**

3
4 **PUBLIC HEARING (6:20 P.M.):**

5 **Item No. 2.** The Providence City Planning Commission will hold a public hearing on Wednesday, March 10, 2010 at
6 6:20 p.m. to receive public comment on the Land Use Authority and Conditions/Design Standards for Title 10-4-4,
7 Mixed Use District, Commercial Highway District and Commercial General District.

8 **Motion to open the public hearing: G Busch, S Flammer second**

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

10 **Nay: None**

11 **Abstain: None**

12 **Excused: C Kirk**

13 No comment.

14 **Motion to close the public hearing: D Briel, G Busch second**

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

16 **Nay: None**

17 **Abstain: None**

18 **Excused: C Kirk**

19
20 **ACTION ITEM:**

21 **Item No. 3** The Providence City Planning Commission will consider for recommendation to the City Council a request
22 to amend the Land Use Authority and Conditions/Design Standards for Title 10-4-4, Mixed Use District, Commercial
23 Highway District and Commercial General District.

24 W Wimmer asked if this item could be continued so legal counsel can work on the wording.

25 G Busch asked if they still wanted to include pictures in Title 10-4-4.

26 K Thompson likes the idea of using pictures.

27 G Busch felt like the Charette was very imaginative.

28 D Briel asked if another public hearing would need to be scheduled.

29 C Carlston said he didn't think so.

30 W Wimmer wants this to be brought back as a study item and an action item.

31 **Motion to continue item no. 3 until March 24th meeting: G Busch, S Flammer second**

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

33 **Nay: None**

34 **Abstain: None**

35 **Excused: C Kirk**

36
37 **STUDY ITEM:**

38 **Item No. 1.** The Providence City Planning Commission will discuss a request from Amsource for a code amendment
39 for Title 10 Chapter 6, Use Regulations (Amended: Ordinance No. 006-2009, 09/22/2009; Ordinance No. 011-2009,
40 12/08/2009).

41 KC Bills with Amsource talked about the definitions and uses that he sent the Planning Commission. This is the final
42 list of what they would like to see in their development. They feel like percentages are important to bring in retail.

43 W Wimmer asked if the pharmacy conflicted with the DDC agreement.

44 KC Bills said if it was put in front of Maceys that might be a problem. They are looking at a Walgreens or a Rite-Aid.

45 D Briel said whatever they decide is for any development. Not just Amsource.

46 S Flammer asked what they feel the percentage for non-retail users would be.

47 KC Bills said they felt like 15%. This will bring a lot more retail use.

48 G Busch asked if the 15% was for the development or the entire zone.

49 D Briel said he didn't think it could be the whole zone. It needs to be parcel to parcel.

50 KC Bills said a lot of cities do it per development.

51 G Busch asked how it is implemented.

52 KC Bills said there is a limit. If they go over their limit it is denied.

53 C Call said DRC will just deny it if they have already exceeded their percentage.

54 W Wimmer asked what some of the percentages in other cities are.

55 KC Bills said around 15%. They have been limited on restaurants. He has never had one for sales tax or non-sales tax.

56 S Bankhead said Amsource is asking for this in the CHD zone. C Carlston and C Call are working on the MXD use

57 zone. They were looking at 70%-30%. You probably don't use this kind of percentage in this zone. KC Bills suggested
58 15% the Mayor and S Bankhead suggested 12%.

1 W Wimmer asked what would happen if you had a building with less than 12%.
2 KC Bills said you just don't exceed the percentage.
3 R Gustaveson asked what would happen if there were any 2 story buildings.
4 KC Bills said they don't plan on doing 2 stories.
5 G Busch asked what the percentages are in the Maceys development.
6 KC Bills said non-taxable businesses are about 5%. When they finish the development they want to get a good mix of
7 businesses.
8 W Wimmer asked if an overlay zone could be put in over the CHD.
9 C Call said that is really hard to cut retail uses that fine. The idea is that some of the pads are owned by different
10 companies. If it contributes to the cinergy of the development you can talk about the gross reasonable area. You can
11 make the percentage the whole development, not individual pads.
12 D Briel said he likes the idea of making a percentage of the bigger piece.
13 W Wimmer asked about first come first serve.
14 C Call said whoever puts money down is first come. If it is vacant for a year it is no longer in the formula. That shell
15 can go to another business.
16 W Wimmer asked if you look at it by parcel or by geographical area.
17 S Bankhead used the example of a 68,000 square foot building. They can have 7,000 square feet of non-retail. That is
18 12%. The building has to be at least 15,000 square feet. The main goal of the building has to be sales tax generated. You
19 can take 12% of the 15,000 for non-sales tax generating. If the building is smaller than 15,000 square feet it doesn't
20 qualify. If you want a lot of different businesses in the building you have to have a big enough building.
21 C Call said originally this was designed so Maceys would stay a conforming use. Planning Commission needs to decide
22 what incidental uses they want allowed.
23 S Bankhead said DRC suggested non-sales tax producing business not be allowed as a stand alone business.
24 C Call said the proposal made would let the Gold's Gym go forward.
25 KC Bills said when they talk about banks it is a very small use. They feel like this would help bring in retail business.
26 C Carlston said if a bank goes on that corner you lose that corner for a restaurant or some other sales tax producing
27 business.
28 W Wimmer asked how they wanted to do the percentages.
29 D Briel said he is leaning in the direction of a percentage per building. It has to be at least 15,000 square feet. The other
30 uses are covered in the MXD Use zone.
31 W Wimmer asked about wording for this. She also likes the percentages per building.
32 D Briel said he is comfortable with 10 to 15%.
33 W Wimmer feels like 12% is good.
34 R Sneddon said he feels like a percentage range would be better. Maybe 10% to 15%.
35 C Call said it needs to be a maximum. It is common to have gross square footage. You can put a pharmacy in the
36 definition for variety. Don't break it out as a separate definition.
37 R Sneddon said a minimum allows you to say you are short of sales tax producing businesses. A percentage range
38 would give the ability to cut it off if needed. You probably don't want to hang your hat on a fixed number.
39 C Carlston said it is difficult to say to the developer you get 15% but this developer gets 12%.
40 C Call said a percentage range isn't that broad.
41 S Bankhead said DRC hasn't talked about percent. They said they already allow non-sales tax producing businesses as
42 incidental. How much priority do you want to put on a bank standing on its own? DRC feels like there are enough banks
43 and doctors offices to bring in the sales tax generated businesses.
44 KC Bills said the nice thing about the center is there are 6 more pads. They are only giving up one pad for a bank. There
45 are plenty of other pads for sales tax generating businesses.
46 G Busch asked if it matters if Deseret Federal Credit Union comes in instead of Chase Bank.
47 KC Bills said it doesn't.
48 The Commission would like for staff to work on these ideas and bring it back to the next meeting as a study item.
49

STAFF REPORTS:

50
51 S Bankhead said that she, the Mayor and Max Pierce went to the Rural Water Conference.
52 Students who did the Charette will be at DRC next Tuesday.
53 DRC will work on the assignments that the Commission has assigned them.
54 S Bankhead reminded the Commission of the County training meeting on the 18th.
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1 **COMMISSION REPORT:**
2 W Wimmer went to the City Council meeting last night. The Council agreed with the Commission on the accessory
3 dwelling units. S Bankhead explained that the Historic Preservation Committee has input with anything that impacts
4 their district. They voted to allow accessory dwelling units. They will not be allowed.
5 Roy Sneddon will attend the Council meeting on the 23rd.
6 Don Calderwood complimented Wendy Wimmer on her participation at Council meeting.
7 R Sneddon talked about the last Envision Utah meeting. He asked if Jay Baker could attend a joint workshop and talk
8 about buffering.
9 W Wimmer will not be in attendance on March 24, 2010.

10
11 **Motion to adjourn: S Flammer, R Gustaveson second**
12 **Vote: Yea: W Wimmer, D Briel, S Flammer, R Gustaveson**
13 **Nay: None**
14 **Abstain: None**
15 **Excused: C Kirk**

16
17 Meeting adjourned at 8:09 p.m.
18 Minutes taken and prepared by Terri Lewis

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20
21 _____
22 Wendy Wimmer, Chairman

Terri Lewis, Secretary