

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

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

3 **Providence City Office Building**

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

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6 **Chairman:** **G Busch, Co-Chairman**
7 **Commissioners:** **D Briel, R Gustaveson, S Flammer**
8 **Excused:** **W Wimmer, 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 March 10, 2010.

16 **Motion to approve the minutes with the following changes: R Sneddon, R Gustaveson second**

17 Page 4 of 5 – Line 3 – if there were going to be any 2 story buildings.

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

19 **Nay: None**

20 **Abstain: None**

21 **Excused: C Kirk, W Wimmer**

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23 **STUDY ITEM:**

24 **Item No. 1.** The Providence City Planning Commission will discuss the Land Use Authority and Conditions/Design Standards for Title 10-4-4, Mixed Use District, Commercial Highway District and Commercial General District.

25 Craig Carlston, Skarlet Bankhead and Wendy Wimmer discussed this item in detail on Tuesday before DRC. They tried to incorporate the ideas that the Planning Commission has had.

26 C Carlston went over the changes that are being considered. He explained why the changes were made. One of the changes was they felt like residential was more important than professional in the mixed use.

27 D Briel still doesn't feel good about this. He feels that if there is no request for residential then the whole project will be shut down.

28 R Sneddon believes if that scenario happens it will just take a vote from the Commission to change it.

29 D Briel just doesn't feel like it should be forced.

30 G Busch said if it's not forced it probably won't happen.

31 R Sneddon said in the eye of the developer there is more money in professional.

32 S Bankhead said the Commission needs to make a decision on percentages.

33 C Carlston talked about open space.

34 G Busch asked what the word contiguous means. He would rather use the word meaningful.

35 S Bankhead said they use the word useable. Maybe they need to take a chance.

36 R Sneddon suggested contiguous or another configuration that could be approved.

37 C Carlston said contiguous or another configuration of a certain amount.

38 D Briel said each separate piece needs to be 5%.

39 R Sneddon said a developer could use 5% of a contiguous area.

40 D Briel said the word contiguous would apply to the entire open space.

41 G Busch feels the minimum must be 5%.

42 S Bankhead suggested each piece has to be 5%.

43 C Carlston thinks a developer may have open space that is not contiguous so long as each piece of open space is a minimum of 5%.

44 D Briel asked why there needs to be a range. Do we want to put a cap on it? Why don't we just do a minimum?

45 S Bankhead said if the purpose is to get retail and residential you don't want someone to put in a park.

46 D Briel asked where the flexibility to demand more than 5% is.

47 C Carlston said there isn't. They can come in and request more.

48 G Busch likes the changes that have been made.

49 C Carlston continued going through the suggested changes.

50 The Planning Commission went through the suggested changes with C Carlston and suggested some changes of their own. C Carlston took those changes and will bring them back to the next meeting.

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58 **Because of the power outage the Planning Commission decided to move on to Study Item No. 2.**

1 **ACTION ITEM:**

2 **Item No. 2.** The Providence City Planning Commission will consider for recommendation to the City Council a
3 request to amend the Land Use Authority and Conditions/Design Standards for Chapter 10-4-4, Mixed Use District,
4 Commercial Highway District and Commercial General District.

5 **Because of the power outage and the lack of light the Commission has decided to move this action item to the**
6 **next meeting in April.**

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8 **STUDY ITEM:**

9 **Item No. 2.** The Providence City Planning Commission will discuss a request from Amsource for a code amendment
10 for Title 10 Chapter 6 Use Regulations (Amended: Ordinance No. 006-2009 09/22/2009; Ordinance No. 011-2009,
11 12/08/2009).

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

13 B Baird said the biggest issue is the incidental definition and the percentages. He drew some ideas on the white board
14 and explained the logical way to think through this. He understands that the big issue is sales tax. The developer would
15 like maximum capabilities to use the percentages that they have. Amsource believes financial institutions will help draw
16 in other businesses. The Gold's Gym will have both taxable and non-taxable business. They would like the percentage
17 to be 12 to 15%. They would like guidance to give to the Council. They would like to have the Gold's Gym approved
18 on April 13th.

19 D Briel said he believes that percentage of the building or project will work.

20 B Baird said Amsource would like to have 15%.

21 S Bankhead said she believes less than 12% wouldn't be fair.

22 B Baird said the Council was concerned about the incidental use. The gym part is permitted but the non-gym issues are
23 incidental.

24 B Baird said he believes that he and Craig Carlston could write the definition of incidental use for the Council. The
25 word "project" would have to be defined.

26 D Briel wants to rule out a free standing non-sales tax business.

27 B Baird said the percentage would run "project" wide. If there is no percentage left you won't be able to build.

28 KC Bills said percentages are pretty easy to regulate.

29 B Baird said the City will have control on the permit and licensing side.

30 S Flammer asked how it all fits together.

31 B Baird said you will have to define what "project" means.

32 S Bankhead said it is looked at as part of a pending ordinance. We need a consensus as to the way you want to go. The
33 Council needs a percentage to move forward.

34 B Baird reminded the Commission that the Gold's Gym is the critical issue right now.

35 R Gustaveson asked about square footage.

36 KC Bills said there are 250,000 square feet for Phase 1 and Phase 2. Phase 1 is about 100,000 square feet and Phase 2 is
37 about 150,000 square feet. Phase 2 includes Gold's Gym. The rest are pads along Hwy 165.

38 G Busch asked about the definition for incidental.

39 S Bankhead said it would be the "I" in the use chart. The Council wants a definition for incidental. It has to fit into this
40 mix.

41 R Sneddon said 12% is what the Mayor suggested.

42 S Bankhead said she doesn't believe you should go below 12%. You also need to keep the parking and landscaping out
43 of the percentage.

44 B Baird suggested 15% of the sellable space.

45 KC Bills reminded the Commission that Amsource feels like financial institutions are important for this development.

46 KC Bills asked the Commission if Ted Watson from Chase Bank could address the Commission for a few minutes.

47 T Watson talked about the plans that they would like to do here in Providence. He went over the handouts that were
48 given to the Commission. He feels like a Chase Bank branch would be beneficial to the Providence community. He
49 talked about the revenue source that the taxes do bring to the City.

50 G Busch asked if a bank would fit with the 15% non-taxable business. He believes it would have to be in the building.

51 B Baird said it could be on the same pad as the Gold's Gym.

52 C Carlston said he thought it would have to be part of the buildable structure.

53 B Baird said the whole project has to stay under the cap.

54 R Gustaveson asked about the property sold to Deseret First Credit Union.

55 B Baird said that is a different scenario.

56 S Bankhead said that is why you need to take out the parking lot and landscaping. She understood that Chase Bank was
57 looking at purchasing the property.

58 B Baird said if Chase sold the property all that would be left is 5,000 square feet for a non-taxable business.

1 KC Bills said the rest of the project would have to be retail sales.
2 B Baird said there are ways to protect the City.
3 R Sneddon feels like incidental needs to be defined to finish this.
4 B Baird said the key is percentage.
5 R Gustaveson said he likes the building percentage.
6 D Briel says he feels like it will be a nightmare to enforce.
7 B Baird said if the developer uses the percentage it is gone. They are capped at x percent. If this is done at the
8 subdivision stage he feels like it would be easy to deal with.
9 KC Bills said in other cities it is the exact same scenario. Chase Bank would like to work with the City on this.
10 C Carlston said it was made very clear from the beginning that the City did not want financial institutions in their
11 commercial area.
12 R Sneddon said the way Amsource wants it set up a bank could come in and then Gold's Gym.
13 B Baird said as long as it's done as a subdivision first you can control it.
14 R Sneddon said there is a synergy between non-tax generating and tax generating.
15 B Baird believes that a bank can be an anchor tenant. He believes that Gold's Gym and Chase Bank will create a good
16 draw.
17 **The Planning Commission ended the discussion due to lack of light. It will be continued at the first meeting in
18 April.**

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20 **STAFF REPORTS:**

21 None

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23 **COMMISSION REPORT:**

24 None

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

27 **Vote: Yea: D Briel, S Flammer, R Gustaveson, G Busch, R Sneddon**

28 **Nay: None**

29 **Abstain: None**

30 **Excused: C Kirk, W Wimmer**

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32 Meeting adjourned at 7:50 p.m.

33 Minutes taken and prepared by Terri Lewis

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Glen Busch, Co-Chairman

_____ Terri Lewis, Secretary