

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **April 28, 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, chairman
7 **Commissioners:** R Gustaveson, S Flammer, D Briel, R Sneddon
8 **Excused:** G Busch
9 **Alternates:** C Kirk

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11 **CONFLICT OF INTEREST:**

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13 **ACTION ITEM:**

14 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of April 14, 2010.

15 **Motion to approve the minutes with the following changes: S Flammer Motioned, R Gustaveson Second**

16 **Page 2 Line 1 to line 2 – ‘W Wimmer and himself’ changed to ‘W Wimmer and C Carlston’.**

17 **Page 2 Line 15 - W Wimmer asked D Briel if he was ok for G Busch to talk in his behalf.**

18 **Page 3 Line 1 - USU Students did the Charette not the Charette did the Charette.**

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

20 **Nay: None**

21 **Abstain: None**

22 **Excused: G Busch**

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24 **STUDY ITEM:**

25 **Item No. 1.** The Providence City Planning Commission will discuss a request from Amsource for a code amendment
26 for Title 10 Chapter 6 Use Regulations (Amended: Ordinance No. 006-2009 09/22/2009; Ordinance No. 011-2009,
27 12/08/2009).

28 S Flammer told what happened at the meeting held on Tuesday, April 27, 2010. The owner of Amsource didn't know
29 what was happening with the property. Amsource is putting tight restrictions on Gold's Gym. Amsource wants old
30 zoning to come back. R Sneddon is wondering why their communication in their company is so bad. D Calderwood
31 said there appears to be conflict between Amsource and Gold's Gym, talking about Gold's Gym wanting to bring in a
32 mall and Amsource does not want them to do that because of competition. D Briel so why are they subdividing?
33 Thinks Amsource wants to sell land to whoever wants to buy it. D Calderwood Amsource wants to bring in Banks, Dr.
34 offices, etc. D Calderwood said that the night the power went out he felt they wanted to bring in a bank. He addressed
35 this to the Mayor. He said Mayor told him, not unless the Council approves it. S Flammer heard them talking after the
36 last meeting and they were thinking the 12%-15% was their bank. W Wimmer, we don't want to take action tonight.
37 S Bankhead, we want to know your definition of what incidental use is so we know what you are willing to consider in
38 the Highway district. Amsource doesn't want incidental uses they want uses. Amsource can then pitch what they need
39 to the Council. If you will let us know what you suggest then we will take that to the Council. S Bankhead does not
40 think that we can come to an agreement of what incidental is with Amsource. We have different visions.

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42 **ACTION ITEM:**

43 **Item No. 2.** The Providence City Planning Commission will consider for recommendation to the City Council a request
44 from Amsource for a code amendment for Title 10 Chapter 6 Use Regulations (Amended: Ordinance No. 006-2009
45 09/22/2009; Ordinance No. 011-2009, 12/08/2009).

46 **Motion to discuss: D Briel motion, S Flammer second**

47 D Briel, I would make a motion that we limit incidental use to 12% of the building in which it resides, and that
48 incidental use is defined as, non-sales tax generating businesses (ie. Professional office, bank, etc.).

49 R Gustaveson, do we want to put the 12% in a certain size building? D Briel, we could but I don't see that is necessary.

50 S Bankhead, excuse me while I run get the incidental use that came up from DRC.

51 D Briel's motion, no second. Motion is dead.

52 R Sneddon, why play the card we don't have to. He thinks that another attorney may use the percentage in the way we
53 are happy with.

54 S Bankhead handed out the incidental use from DRC. R Sneddon doesn't feel that we should cater to Amsource.

55 W Wimmer read what incidental use is as of now in our city.

56 S Bankhead explained we are not comfortable with what we have in place. It is too broad. Council won't continue until
57 we have a better definition for incidental use.

1 W Wimmer, when we reopen action item, we need to recommend or not recommend a code amendment change, but
2 leave out action item. We don't want to call it the Amsource code. Just a code amendment.
3 R Sneddon, did we begin the discussion about percentages before or after Amsource? S Bankhead, W Wimmer said
4 after.
5 R Sneddon, wonders why we need to even go forward on this subject. Looks like Amsource is pulling us their way.
6 D Briel, you can't be subjective. R Sneddon, didn't see that the numbers presented at last nights meeting made much of
7 a difference. S Bankhead, if Amsource was here they would say that did not reflect what they had in mind. They will
8 try to use the definition right now to their advantage not the cities advantage.
9 D Briel, two meetings ago I think they tried to pull a fast one on us.
10 W Wimmer, question on the 15% or 4000 square feet whichever is less. S Bankhead, we did want to combine the total.
11 W Wimmer, gross square footage of the building, S Bankhead we should say no more than "of the building". W
12 Wimmer, make those changes. S Bankhead, incidental to a single use, we wanted to say incidental to the "single" use.
13 Not incidental to each business. S Bankhead, incidental in our mind is "America First" in Maceys. You can certainly
14 change it. S Bankhead, I can see the strip mall concept, but I can see the problems it will cause years down the road. D
15 Briel, if a non-tax business is already in there it would be hard to tell them to leave because there is not enough retail in
16 the subdivision.
17 W Wimmer, make change to 'of the building'.
18 D Briel, Change to say retail base business, instead of the list listed.
19 R Sneddon, how broad is variety? Does that include furniture store? S Bankhead, I do think we have a furniture store
20 on the use chart.
21 W Wimmer, when you say structurally attached what is that stating? S Bankhead, we want them to be more than
22 connected by a tube.
23 W Wimmer, concerned that a drive-thru could eat up the 4000 square feet.
24 D Briel, motion, S Flammer second
25 Incidental uses defined only as a conditional use when incidental to a retail business with more than 15,000 feet of area;
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- Occupying no more than 12% of the gross square feet of building or 6000 square feet, whichever is less.
- Incidental to a single use (ie. Bank is incidental to a retail business not multiple business and
- A department store, grocery store, health fitness, or variety store or similar retail business may have more that one
28 incidental use associated with it and
- Combined total of all incidental uses associated with building may not exceed 12% or 6000 sq ft. and
- Cannot be a stand alone building and will be counted as part of the 12% or 6000 sq ft or incidental use.
- Must share the same public entrances and
- A permitted business is not concerned a incidental use and
- Incidental use must have its own business license.

35 S Bankhead, we were trying to preserve the most retail area and eliminate drive-thru taking up space.
36 D Briel thinks we should count roof size as square footage. Questions if 6000 square feet is enough.
37 **Vote: Yea: W Wimmer, D Briel, S Flammer, R Gustaveson, R Sneddon**
38 **Nay: None**
39 **Abstain: None**
40 **Excused: G Busch**

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42 **STAFF REPORTS:**

43 S Bankhead, talked about the workshop. Thank you for attendance. Hope it was informative. We need to look at
44 where you want us to hold firm on mixed use. Is it only the L shape to the East of it, or is there some other area we
45 should consider looking at. We hate to make them think it will work if it won't. We did talk about the Splash Pad.
46 Council is considering it over on the Alma Leonhardt Park. We are going to be doing some more work on the Sign
47 Ordinance. Sizes and definitions on Monument signs.

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49 **COMMISSION REPORT:**

50 Next meetings, everyone is good to attend. W Wimmer asked who wanted to attend the next Council Meeting. Most
51 stayed for workshop, but no one stayed to Council meeting. No volunteers for the next meeting.
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1 **Motion to adjourn: R Sneddon, D Briel second**
2 **Vote: Yea: W Wimmer, S Flammer, R Gustaveson, R Sneddon, D Briel**
3 **Nay: None**
4 **Abstain: None**
5 **Excused: G Busch**

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7 Meeting adjourned at 7:06 pm
8 Minutes taken and prepared by Sheri Ward

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Wendy Wimmer, Chairman

Sheri Ward