

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **February 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:**

9 **Alternates:** **R Sneddon, C Kirk**

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11 **CONFLICT OF INTEREST:**

12 None

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14 Mayor Liechty asked to speak to the Commission. He wanted to let the Commission know what the Council  
15 Assignments are.

16 Don Calderwood is over Planning & Zoning.

17 Mayor Liechty suggested that the Commission assign someone to come to the Council meetings.

18 Dave Low – Parks & Recreation, Library

19 John Russell – Budget & Finance

20 Dale Astle – DRC, Historical and Mayor Pro-tem

21 Bill Bagley – Commercial Growth

22 Mayor Liechty – Public Works and Water

23 These assignments will be changed yearly.

24  
25 **ACTION ITEM:**

26 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of January 27, 2010.

27 **Motion to approve the minutes: G Busch, S Flammer second**

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

29 **Nay: None**

30 **Abstain: None**

31 **Excused: None**

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33 **STUDY ITEM:**

34 **Item No. 1.** The Providence City Planning Commission will discuss a request from Deseret First Credit Union for a  
35 rezone of Parcel #02-210-0105 located generally at 622 West 100 North, Lot 5, Pad 7, Alder Square from Commercial  
36 Highway District to Commercial General District.

37 Daniel Brownell is here to represent Deseret First Credit Union. They have owned this property for a couple of years.

38 They have held off building because of the down turn in the economy. They would still like to build in Providence.

39 C Kirk asked if the zone changed after they purchased the land.

40 D Brownell said that is correct.

41 D Briel said the City wants to have mixed use in the area. They don't necessarily want to completely keep banks and  
42 credit unions out.

43 D Brownell said that mixed use wouldn't work for them in this parcel. They have tried that in other locations and it  
44 hasn't been very successful for either business.

45 S Flammer asked where the drive-thru would be.

46 D Brownell said he isn't sure.

47 W Wimmer said the previous decision wasn't made lightly.

48 D Brownell said he understands where the City is coming from. The Credit Union feels like since they had already  
49 bought the land they should be able to still build on this property.

50 W Wimmer said when the zone was changed it was for the benefit of the City.

51 R Sneddon read a letter that Deseret First sent to the Commission. He doesn't understand why they were waiting for  
52 more businesses to come into the Macey's Center.

53 D Brownell said in North Logan they knew that there would be businesses moving around them. They have just been  
54 waiting to see what kind of businesses would be coming into the Macey's Center so they could better determine the  
55 amount of use that would be around them. They are just waiting for the economy to get better. The Credit Union could  
56 sell the property but they want to build on it.

1 **PUBLIC HEARING (6:15 PM)**

2 **Item No. 1.** The Providence City Planning Commission will hold a public hearing to receive comment on a request  
3 from Deseret First Credit Union for a rezone of Parcel #02-210-0105 located generally at 622 West 100 North, Lot 5,  
4 Pad 7, Alder Square from Commercial Highway District to Commercial General District.

5 **Motion to open the public hearing: D Briel, S Flammer second**

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

7 **Nay: None**

8 **Abstain: None**

9 **Excused: None**

10 Bruce Baird is counsel for Amsource. He feels that the City could either change the zoning or change the uses in the  
11 CHD. Amsource supports the Credit Union.

12 **Motion to close the public hearing: G Busch, S Flammer second**

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

14 **Nay: None**

15 **Abstain: None**

16 **Excused: None**

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18 **ACTION ITEM CONT:**

19 **Item No. 2.** The Providence City Planning Commission will recommend to the Providence City Council that they  
20 approve a request from Deseret First Credit Union for a rezone of Parcel #02-210-0105 located generally at 622 West  
21 100 North, Lot 5, Pad 7, Alder Square from Commercial Highway District to Commercial General District.

22 G Busch feels like there was a lot of time spent on this rezone and he doesn't feel like it should be changed again.

23 **Motion to recommend to the City Council that the City does not rezone this parcel: G Busch, D Briel second**

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

25 **Nay: None**

26 **Abstain: None**

27 **Excused: None**

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29 **STUDY ITEM CONT:**

30 **Item No. 2.** The Providence City Planning Commission will discuss a request from Allan Vail for Final Plat approval  
31 for the Vail Subdivision located generally at 200 North and 200 East.

32 This item has been removed from the agenda per Allan Vail.

33  
34 **ACTION ITEM CONT:**

35 **Item No. 3.** The Providence City Planning Commission will consider for approval a request from Allan Vail for Final  
36 Plat approval for the Vail Subdivision located generally at 200 North and 200 East.

37 This item has been removed from the agenda per Allan Vail.

38 **Motion to approve:**

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

40 **Nay: None**

41 **Abstain: None**

42 **Excused: None**

43  
44 **STUDY ITEM CONT:**

45 **Item No. 3.** The Providence City Planning Commission will discuss a request from Lloyd Baer for Final Plat approval  
46 for the Lloyd Baer Subdivision located generally at 367 North 100 East.

47 Danny Mcfarlane is here to represent Lloyd Baer.

48 W Wimmer asked if 360 North would be affected.

49 D Mcfarlane said no they don't believe so.

50 S Bankhead asked if phasing the property would be alright with L Baer.

51 D Mcfarlane said that would not be a problem.

52  
53 **ACTION ITEM CONT:**

54 **Item No. 4.** The Providence City Planning Commission will consider for approval a request from Lloyd Baer for Final  
55 Plat approval for the Lloyd Baer Subdivision located generally at 367 North 100 East.

56 **Motion to approve: S Flammer, R Gustaveson second**

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

58 **Nay: None**

1 **Abstain: None**  
2 **Excused: None**

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4 **STUDY ITEM CONT:**

5 **Item No. 4.** The Providence City Planning Commission will discuss a request from Amsource for a code amendment  
6 for Title 10 Chapter 6 Use Regulations (Amended: Ordinance No. 006-2009 09/22/2009; Ordinance No. 011-2009,  
7 12/08/2009).

8 KC Bills and Bruce Baird are present for Amsource.

9 B Baird said this project was approved in 2007. Amsource was surprised when the rezone was made. They are trying to  
10 get a decent mix of uses for this project. He feels like as the code sits now it has an extremely small list of uses. He also  
11 feels that it needs more definitions. He doesn't understand why the City doesn't want Gold's Gym. To most cities this is  
12 a great business to have. They are suggesting that you have a mix of uses allowed in the district so the developers will  
13 know what is allowed.

14 KC Bills sent a list of uses that would fit in the CGD zone. These are uses that are typically allowed.

15 B Baird went through the list with the Commission. He feels that they need to be more defined. If Amsource doesn't  
16 know what is allowed they can't find tenants for this development.

17 KC Bills talked about the practicality of bringing developers to the City. They look at how they are going to bring  
18 retailers to the City. Retailers look at certain things about the development. Bringing just retail to an area is not  
19 practical.

20 W Wimmer said the Commission has worked quite hard on this use chart. Does Amsource have specific uses that they  
21 are looking at? She would like for them to give the Commission ten things.

22 KC Bills said financial institutions are huge.

23 R Liechty said he feels like Amsource sent a use chart that is full of ridiculous suggestions. He would like for Amsource  
24 to specifically list what they want.

25 B Baird said that he did the list because he feels like the City's use chart is not comprehensive enough. He feels like  
26 financial institutions are very important.

27 W Wimmer asked why the City should change the zone without an application in hand.

28 B Baird said tenants don't work that way. They don't want to wait any longer than necessary.

29 G Busch asked if Gold's Gym was asking to go into the CHD.

30 W Wimmer asked about the word under inclusive.

31 B Baird said you should have a list in hand that has definitions and more uses. The list that we gave the Commission  
32 can be broken down to a smaller list. They would be happy to change this list.

33 W Wimmer asked if they could narrow it down to 10 uses instead of this huge list.

34 D Briel said that no matter what they put on the list there will be someone who wants something else.

35 B Baird said that a lot of cities use charts are very inclusive. The problem now is Gold's Gym. Right now they don't  
36 know how to bring them into the City.

37 KC Bills said what is important to Amsource is generating sales tax.

38 S Flammer asked what Gold's Gym brings in.

39 B Baird said Gold's Gym is a magnet.

40 W Wimmer asked about the letter that was written to the Council from Amsource.

41 B Baird said he doesn't want to get into a legal argument. He feels like there are a lot of issues that could be looked at  
42 with the rezone of this development.

43 B Baird said they would gladly provide a new use chart

44 S Bankhead said it is really important to understand that even if they fast tracked Gold's Gym there is still a subdivision  
45 issue. Amsource hasn't finished the subdivision.

46 W Wimmer said this use chart will be for the whole City.

47 D Briel said that he doesn't have a problem adding to the use chart he just wants time to look at it.

48 B Baird said that he would just like for the Commission to fast track Gold's Gym.

49 W Wimmer asked what Amsource saw as a thriving Commercial Area for Providence.

50 KC Bills said first off the commercial area needs to be full. It needs to be a good fit for the City; it serves the City well  
51 and has a mix of uses.

52 B Baird said Amsource would be glad to get some pictures and other information of other commercial areas.

53 W Wimmer said that the Commission felt that Amsource was throwing things on the use chart that wouldn't even be  
54 considered.

55 R Sneddon felt that the wording of some of the uses could be improved on.

56 S Flammer asked where the Gold's Gym would be going.

57 KC Bills said on the south side of Macey's.

58 S Flammer said she is concerned about the in and out process.

1 KC Bills said paving 100 South would be one of the things that would have to be done.  
2 W Wimmer said that this could be on the next meeting agenda. The Commission would like to see what Amsource  
3 considers a vibrant future for them.  
4 KC Bills will get a new list to the Commission next week.  
5

6 **Item No. 5.** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter  
7 6, adding ^Use is allowed as a permitted or conditional use only if it is a home business, child care business or  
8 nonconforming business that complies with Title 3, Chapter 4 of this code, Conditional Businesses.

9 S Bankhead said the wording needs to be changed that the ^ stands for. It needs to say ^Use is allowed as a permitted or  
10 conditional use only if it is a home business, child care business or nonconforming business that complies with title 3,  
11 Chapter 4 of this code, Conditional Businesses. If the Commission would like to add Health and Fitness center to the  
12 use chart at this time they can do that.

13 D Briel asked what kind of sales tax is associated with a Health and Fitness Center.

14 S Bankhead said she is not sure what services they are referring to. The Commission has the use chart before them so  
15 they could make the necessary changes

16 G Busch said that he would hate to make Gold's Gym wait to long.

17 C Kirk said that Gold's Gym will look for somewhere else to build. They have sold memberships and they have to  
18 honor them.

19 R Sneddon wants to know how much sales tax a Gym will generate.

20 S Flammer said her gym membership has a 66 cent sales tax a month.

21 D Briel said that Craig Carlston felt like the ordinance in place would be hard to defend. He recommended putting in  
22 percentages. CHD allows mixed use. How do we mix the uses?

23 C Call said that you have to be consistent with the ordinance. Why would a person challenge it if the proposal is  
24 reasonable? You don't want something that is not flexible.

25 D Briel said he doesn't feel like anyone on the Commission is against Credit Unions if they bring in some mixed use.  
26 He feels like percentages could be overlapping.

27 C Call said between the Commission and the City Council there was a question on the residential.

28 S Flammer said she doesn't know why someone would want to live above a Credit Union.

29 S Bankhead said the mixed use is west of the Macey's development. She showed the Commission the new zoning map  
30 that the City has. This is a pending ordinance so there is no rush. DRC's recommendation is to move to a public  
31 hearing. The Commission can wait and see what Amsource's priority list is.

32 C Call can set a hearing on the issue and recommend a narrower list of priorities. You can recommend Gyms to move  
33 forward.

34 W Wimmer asked if this could be a study item, public hearing and an action item on the same day.

35 R Sneddon asked if the Commission would attempt to work on the use chart.

36 C Call said you could list it all and advance only the parts that you agree with.

37 D Briel asked at what point you would hold another public hearing.

38 C Call said you don't close the public hearing. You move it forward.

39 R Sneddon asked about other things that could be specified as Health and Fitness. He is referring to the title. Maybe  
40 there needs to be a category that includes Gold's Gym.

41 C Call said you could define gyms with and without memberships. You have a property owner suggesting more  
42 recommendations.

43 R Sneddon asked if spas were on the list.

44 W Wimmer said she believed that was more of a salon type business.

45 S Bankhead said she believes if the Commission wants to go really generic they should be careful that businesses  
46 without sales tax would be allowed. The more generic you are the better it is for the developer. In mixed use you can be  
47 more generic. In the CHD you need to be more specific.

48 R Sneddon asked if you could say "must generate sales tax."

49 C Call said that is not the only criteria. You need to look for a good tenant mix. It needs to be broader.

50 S Bankhead suggested looking at the use chart and deciding where that business would fit into the list.

51 W Wimmer said she would like to see Amsources list.

52 W Wimmer would like for this to be a study item, public hearing and then an action item on February 26<sup>th</sup>.  
53

54 **Item No. 6.** The Providence City Planning Commission will discuss the Land Use Authority and Conditions/Design  
55 Standards for Chapter 10-4-4 Mixed Use District, Commercial Highway District and Commercial General District.  
56 Craig Carlston was not present so the Commission asked that this item be continued to the next meeting.  
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1 **STAFF REPORTS:**

2 S Bankhead said that Allan Vail requested an exception to the requirements of a subdivision to the City Council. This  
3 request was denied.

4 D Calderwood stated that this was a very unpleasant decision to make. All of the ordinances were in place when he  
5 bought the property. He knew what was required of him going into it.

6 G Busch asked if the Commission wanted to have someone attend the Council meetings.

7 W Wimmer suggested that the Commission take turns monthly attending the Council meetings.

8 S Flammer said she will attend the 23<sup>rd</sup> Council meeting.

9 W Wimmer said she will attend the March 9<sup>th</sup> Council meeting.

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11 **COMMISSION REPORTS:**

12 C Kirk asked to be excused from the 24<sup>th</sup> Commission meeting. She will also be having her baby in March and will  
13 need to be excused then.

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15 **Motion to adjourn: G Busch, S Flammer second**

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

17 **Nay: None**

18 **Abstain: None**

19 **Excused: None**

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21 Meeting adjourned at 7:47 p.m.

22 Minutes taken and prepared by Terri Lewis

23  
24  
25 \_\_\_\_\_  
26 Wendy Wimmer, Chairman

\_\_\_\_\_ Terri Lewis, Secretary