

1 PROVIDENCE CITY PLANNING COMMISSION MINUTES

2 July 8, 2009, 6:00 p.m.

3 Providence City Office Building

4 15 South Main, Providence, UT 84332

5
6 **Chairman:** H Ames
7 **Commissioners:** G Busch, S Flammer, W Wimmer
8 **Excused:** D Briel
9 **Alternates:** R Gustaveson, R Sneddon

10
11 **ACTION ITEM:**

12 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of June 24, 2009.

13 **Motion to approve:** W Wimmer, S Flammer second

14 No corrections.

15 **Vote:** Yea: G Busch, W Wimmer, H Ames, R Sneddon, S Flammer

16 Nay: None

17 Abstain: None

18 Excused: D Briel

19
20 **PUBLIC HEARING:**

21 **Item No. 1. (6:10 pm)** The Providence City Planning Commission will receive public comment on proposed changes
22 to the following chapters in Providence City code Title 10 Zoning Regulations:

- 23 • **Chapter 1 General Provisions.** Adds definitions for Clinic, Commercial Complex, Convenience Store,
24 Department Store, Flag Lot, Front Setback, Light Manufacturing, Lot Width, Primary Building Setback, Rear
25 Setback, Shopping Center, Specialty Store/Shop and Variety Store and modifies the definitions of frontage and
26 Home Business.
- 27 • **Chapter 4 Establishment of Districts.** Adds the Mixed Use Zone (MU) to the zoning districts.
- 28 • **Chapter 6 Use Regulations.** Adds existing conditional and permitted uses listed in the business licensing
29 section of Providence City Code to the Use Chart in Chapter 6.
- 30 • **Chapter 8 Area Regulations and Parking Requirements.** Changes the word “yard” to “setback”, encourages
31 shared access and cross easements in commercial developments and clarifies landscaping requirements in
32 commercial developments.
- 33 • **Adding Chapter 16 Mixed Use Zone.** The purpose of the mixed use zone is to stimulate economic
34 development by providing a unique planning environment which combines light commercial, office and
35 residential development in a pedestrian friendly manner. This district encourages creative development and site
36 design for mixed use commercial, office and residential uses within the zone. The MU zone includes a mixture
37 of uses with no one land use type being a constant dominate or prevailing use.

38 Scott Kjar thinks the Mixed Use is a good approach. It gives developers lots of options and more flexibility. Thinks they
39 are requiring too many trees. If it is in the parking area that would be OK. He asked the Commission if the purpose of
40 this is to get more retail for tax purposes.

41 H Ames said the Commission would like to get a good mix.

42 S Kjar asked them why they didn't allow car dealerships. He also asked about multi-family high density.

43 G Busch said that the Commission would like for there to be a walking community.

44 S Kjar said he feels like it needs to be more discretionary.

45 H Ames said the Commission hopes that a developer will come in and be more creative.

46 S Kjar said developers just want there to be a standard, not have to deal with someone's peculiar taste.

47 H Ames said he is OK with the developers and the City being a little uncomfortable with this.

48 S Kjar said his team would be glad to give the Commission their feedback on this ordinance.

49 Kathy Baker said light commercial does not say retail. This needs to be more specific. The decision part should say
50 Land Use Authority instead of Planning Commission.

51 Allan Wolford complimented Sky Properties on their job with the Maceys property in Logan. A Wolford's neighbors
52 sent in some nice letters on the small engine business that he would like to do in his home.

53 H Ames talked about how the Commission has worked on this ordinance and the way that they have tried to look at all
54 home businesses and home occupations and that they are fair with all businesses.

55 S Bankhead said she doesn't want to rush the mixed use ordinance but changing some of the permitted uses to
56 conditional in residential is more time sensitive. She would like to pass a portion of the ordinance to the Council and the
57 Commission work some more on the mixed use.

1 Danny McFarland said he likes the mixed use. He asked if there has been talk about incentives. Developers like
2 incentives. This would help encourage mixed use.
3 G Busch asked if there are limits in the mixed use.
4 S Bankhead said Chapter 16 has been incorporated into Chapter 4. It is Title 4. She suggested that from 100 North to
5 100 South maybe we should set percentages. In the ordinance right now there are no percentages for retail. The City
6 needs the clout to be able to say no.
7 H Ames wondered why the developers don't come in and asked the Commission to work with them on different ideas.
8 Craig Call said this is the next round of questions. Limits can be put in the ordinance. Do you want provisions that
9 mandate a mix? What would the mix be? You can show that the LUA has the ability to offer incentives. All of the
10 commercial areas would not be mixed use. You could put the mixed use on the shelf and use it later down the road. This
11 you would do with your agricultural zones.
12 H Ames said the land owner plays a huge role. Does the City have any right to make them be mixed use?
13 C Call said the City would have unlimited rights if it was on the books. Once the zone is in place the uses are locked in.
14 The City has a good vision in place. You have adopted a pending ordinance. The Commission and the Council need to
15 decide what they want to do with it. You have six months from your last meeting to approve this ordinance.
16 S Bankhead said there is nothing that says that developers can do a true mixed use. She feels like there needs to be
17 percentages.
18 R Sneddon asked about the density of occupancy. Would the developer be willing to negotiate with a minimum
19 number?
20 H Ames said the Commission has the tools to stop development if they want to work on this ordinance some more.
21 S Bankhead said the City has to get revenue from somewhere. If not sales tax revenue then your property taxes have to
22 increase a little.
23 H Ames suggested that if C Call and Sky properties had any ideas the Commission would like to hear them.
24 S Bankhead said that if this is something that entices the developer that would be the best way to go.
25 H Ames said anytime that you can have incentives that is the best way to go.
26 C Call said you can protect the retail areas by changing the zone and not allowing professional businesses.
27 S Bankhead said that the City had some strong interest in the highway property being used for professional.
28 C Call said if the zoning doesn't allow it the Commission and Council can make a policy decision. Once the City
29 decides what they want the land to be used for it is a policy question. It is not a legal question.
30 S Kjar said the Commission needs to be sensitive to location. Retailers research their sites by traffic count and
31 demographics. They will get a report about ethnicity, age and criteria. Developer's reality has been trying to get retail to
32 South Cache Valley for ten years because of the demographics. You need to keep this in mind when you deal with the
33 developers. He talked about different cities that have zoned their property incorrectly and they have condemned the
34 property. You need to be sensitive to the realities of the business world. He suggested that the Commission talk to some
35 leasing agencies. There is market realities. The world that we live in has changed forever. The reality for vertical
36 residential is you have to have 70% pre-sold before you break ground. He feels like the Commission is trying to do
37 something good for the developers.
38 H Ames said that he would support the idea of incentives and doing small areas as retail.
39 C Call said that he agrees with S Kjar. You can look at zoning different areas as professional and retail.
40 **Motion to close the public hearing: G Busch, W Wimmer second**
41 **Vote: Yea: W Wimmer, G Busch, S Flammer, H Ames, R Sneddon**
42 **Nay: None**
43 **Abstain: None**
44 **Excused: D Briel**
45
46 **STUDY ITEM:**
47 **Item No. 1.** The Providence City Planning Commission will discuss a request from Sky Properties for Final Plat
48 approval for the Providence Crossroads Subdivision located generally at the northwest corner of Gateway Drive and
49 Golf Course Road.
50 D McFarland explained to the Commission where the changes were made on the Final Plat. He showed how they
51 changed the accesses. They showed that Lot 1 is unbuildable until it gets water and sewer.
52 S Kjar explained that the lines that show on the plat are not lines. This just shows how many different lots there are.
53 This area will be open. Lot 1 is going to be used more for parking. The CC&R's will require the easements to stay
54 intact. The building envelopes are as large as we can make them. They have to be able to park, landscape and build
55 complying with the City ordinances. The development is 570 feet from the main highway; therefore it is probably not
56 high retail desirability.
57 S Bankhead said that DRC went through the final plat requirements and Lot 1 is unbuildable. That has been put on the
58 plat. Max Pierce has to verify the street addresses. There is nothing that should hold up the approval of the final plat.

1 G Busch asked if the mixed use zone was enticing to them at all.
2 S Kjar said yes. He feels like it gives developers more tools to work with. His main concern is that the Commission
3 wouldn't differentiate between professional services and retail, that it would be one size fits all. Retailers want frontage,
4 signage and exposure. Curb appeal is everything for businesses.
5

6 **ACTION ITEM CONT:**

7 **Item No. 2.** The Providence City Planning Commission will consider for approval a request from Sky Properties for
8 Final Plat approval for the Providence Crossroads Subdivision located generally at the northwest corner of Gateway
9 Drive and Golf Course Road.

10 **Motion to approve: G Busch, S Flammer second**

11 **Vote: Yea: W Wimmer, G Busch, R Sneddon, R Gustaveson, S Flammer**

12 **Nay: None**

13 **Abstain: None**

14 **Excused: D Briel, H Ames**
15

16 **Item No. 3.** The Providence City Planning Commission will consider a recommendation proposing changes to
17 Providence City Code, Title 10 Zoning, Chapters 1, 4, 6 and 8 and Title 10-6-1 and 1-6-2, Use Regulations. See Public
18 Hearing above for details.

19 S Bankhead said she would like to work with Craig Call a little more on this item. She ask the Commission to table this
20 to the next meeting in August and then the Commission would have more to work with in order to send it to the
21 Council. She talked to the Commission about some of the changes that are being looked at for the business part of the
22 ordinances. She talked about the use chart layout and asked the Commission which layout they prefer.

23 **Motion to table this until the August 12th meeting: G Busch, S Flammer second**

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

25 **Nay: None**

26 **Abstain: None**

27 **Excused: D Briel, H Ames**
28

29 **STAFF REPORTS:**

30 S Bankhead said the Council will look at the Development Agreement for Providence Crossroads on July 9th. Staff is
31 working on the subdivision ordinances. She told the Commission that if there are things in the Code that they feel need
32 to be looked at to let her know.

33 G Busch suggested that Staff review the General Plan. He asked about an access from Wal-Mart off of 1200 South to
34 Providence.

35 S Bankhead said that is in the plans. The goal is to keep traffic off of Hwy 165. She asked the Commission to write
36 down their thoughts on a walkable Community. She wants to make sure everyone is on the same page.
37

38 **COMMISSION REPORTS:**

39 None
40

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

42 **Vote: Yea: G Busch, W Wimmer, R Gustaveson, S Flammer, R Sneddon**

43 **Nay: None**

44 **Abstain: None**

45 **Excused: D Briel, H Ames**
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47 Meeting adjourned at 7:48 pm

48 Minutes taken and prepared by Terri Lewis
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52 _____
Harry Ames, Chairman

Terri Lewis, Secretary