

1 PROVIDENCE CITY PLANNING COMMISSION MINUTES

2 August 27, 2008, 6:00 p.m.

3 Providence City Office Building  
4 15 South Main, Providence, UT 84332

5  
6 ATTENDANCE: Chairman: L Campbell  
7 Commissioners: D Briel, G Busch, W Wimmer, H Ames  
8 Excused:  
9 Alternates:  
10 Staff: Skarlet Bankhead, City Administrator/Recorder  
11 Terri Lewis, Secretary

12 **ACTION ITEMS:**

13 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of August 13, 2008.

14 Motion to approve: D Briel, W Wimmer

15 Excused W Wimmer on all pages.

16 Pg 1 Line 41 what is the change – sexually oriented business overlay zone.

17 Motion to approve with corrections:

18 Vote: Yea: D Briel, H Ames, L Campbell, W Wimmer, G Busch

19 Nay: None

20 Abstained: None

21 Excused: None

22  
23 **Item No. 2.** The Providence City Planning Commission will consider for approval an amendment to the general plan  
24 and City Ordinances designating a Sexually Oriented Business (SOB) Zone.

25 Motion to open for discussion: G Busch, H Ames

26 L Campbell asked if we are passing this on as drafted. The City Council will regulate it through the business license.

27 S Bankhead said the conditions will be listed in the land use code as a conditional use. The sexually oriented business  
28 ordinance is listed in the business license code.

29 G Busch asked if the conditions would go into effect before the City Council votes.

30 S Bankhead said the Council has to approve it, then the Mayor will sign it and when it is posted it goes into effect. If  
31 someone came in right now and asked for an application could we hold them? We could say we will hold you to these  
32 rules.

33 G Busch asked if they are approving the conditional use and the line items as well.

34 S Bankhead said correct.

35 W Wimmer asked if it is a sexually oriented business or an adult oriented business.

36 C Call said the ordinance calls it a sexually oriented business now, your land ordinance refers to it as an adult oriented  
37 business. The first thing you have to do is define it. That's in the licensing part.

38 H Ames said in other communities a tattoo parlor is a sexually oriented business. Would that generally be considered an  
39 adult oriented business?

40 C Call said typically not but tattoo parlors have to be licensed. The main concerns with tattoo parlors are health  
41 concerns. It could be listed as a conditional use as well and then impose catchall regulations for that use. This is a little  
42 broader than just the adult oriented business issue. There are no standards in the language code for any conditional uses.  
43 In the language reforms that were adopted by the legislature a few years ago they indicated that conditional uses are to  
44 be reviewed based on standards in the ordinance. So I proposed standards in the language you have before you that  
45 would apply to the bulk of these uses that are particularly targeted at this conditional use. It provides structure for you to  
46 review conditional uses indicating what the law is, that is you have to approve them unless you can't mitigate the  
47 negative aspects of them and that you have to show reasonable conditions approved by state law. Also, it needs to  
48 include specific language for adult businesses so that it is written down ahead of time. That gives you a strong  
49 preference in favor of the City's actions if anyone challenges it. If you approve the language as I proposed it, it will  
50 provide some more structure for all conditional uses. In that language it talks about health, safety, welfare those kinds of  
51 things. It will be a lot easier to regulate a massage or tattoo parlor. It will better control all kinds of things if you require  
52 a conditional use review as a standard.

53 H Ames said the tattoo parlor was in a nice neighborhood and then some unsavory problems moved in. When they tried  
54 to close them down they didn't have anything in their ordinances to help them manage that problem.

55 C Call said because of your concerns with adult oriented businesses there are concerns with tattoo parlors. It is probably  
56 reaching to far to try to do it right now after the language you have but I think it can easily be dealt with later on by  
57 asking the Council to add it as a conditional use as well. You can check with other communities and see how they have  
58 dealt with them.

1 H Ames said we call them risk businesses. We have focused a lot on this. Is this something we want to put on the  
2 agenda later?  
3 L Campbell and W Wimmer said that is definitely something we want to look into.  
4 D Briel said he wants to pass this ordinance and then add to it later.  
5 S Bankhead said the staff would look into it.  
6 C Call said he didn't realize the Council had adopted some of the ordinances earlier this year. He provided some  
7 proposals for ordinance reforms and the City Council went ahead and adopted those. Rather than changing those there  
8 might be one other thing that you would consider to the language that I already proposed and that is it's clear that  
9 everyone agrees that there should be some distance requirement and in looking at those other ordinances they are not in  
10 any licensing ordinances so it may be more efficient at this time to take the issue of the distance and put it in with the  
11 language you propose. Include additional language which would provide that no adult business located within 600 feet  
12 of a church or school or park or anybody who sells alcohol, or any area zoned for residential.  
13 G Busch asked where the language goes.  
14 C Call said it would be added as another paragraph in section H.  
15 H Ames asked if we could approve this with the added language.  
16 C Call said you could and then the Council could approve the language.  
17 L Campbell said about 2 or 3 meetings ago we talked about the options that we could go with. So you already talked to  
18 the Council about some other ideas and they drafted those?  
19 C Call said back in March they passed some ordinances and one of them was a licensing ordinance, the others were  
20 definitions of sexually oriented activities that were prohibited such as lewdness. Since they didn't take the sexually  
21 oriented business at that time and make it an issue it is easier to make it a land use issue instead of opening up the  
22 licensing ordinance again. Make it a language issue for a conditional use permit. Signage needs to be determined.  
23 Hours of operation, etc. are already in place. They are in the ordinance. The ordinance has many things in their above  
24 and beyond my list.  
25 H Ames said we are recommending an approval of the amendments that were passed in March.  
26 C Call said no, you are amending the land use ordinance.  
27 G Busch asked where it says that 10-3-5 is strictly for adult oriented businesses.  
28 C Call said it doesn't it is for all conditional uses. It might be that a youth can't get a tattoo. You need to look at how it  
29 relates to minors. This relates to all conditional uses.  
30 G Busch asked about section E being more about sexually oriented businesses. That is the whole standard. It will apply  
31 and be used continually. What do A B C & D talk about?  
32 S Bankhead said she believed it restates what state law is.  
33 C Call said A is about request for permits go to the Land Use Authority, B is for fees, C is for public hearings, D is for  
34 rejection, and E is the standards. I believe you were vulnerable with out E.  
35 G Busch asked about 10-6-1 that list CDG as the only zone. On our table it also list CHG as a zone.  
36 S Bankhead said there is no CHG zone. We will modify that.  
37 L Campbell thanked Craig Call for all his hard work on this ordinance.  
38 Motion that we recommend to the City Council approval of section 10-3-5 E Zone Regulations with the addition of  
39 section E-1-5, also 10-1-4 and 10-6-1 as recommended by C Call – D Briel, G Busch  
40 Vote: Yea: W Wimmer, D Briel, G Busch, H Ames, L Campbell  
41 Nay: None  
42 Abstained: None  
43 Excused: None  
44

#### 45 **STAFF AND COMMISSION REPORTS**

46 S Bankhead and T Lewis are going to the League meetings. We will not be here the night of the 10<sup>th</sup>. If you want to  
47 have a meeting we will make sure someone is here to take the minutes.  
48 H Ames said he would rather not have a meeting if there is no pressing business.  
49 L Campbell asked if we would have enough time to post the meeting by Friday.  
50 H Ames said we will skip the 10<sup>th</sup> unless there is something pressing and we will have the meeting on September 24<sup>th</sup>.  
51 L Campbell said he e-mailed the Mayor about not having an alternate. He said he would get a couple of names to the  
52 Mayor. If the Commission would help him come up with a couple of names that would be great.  
53 H Ames said he suggest Denise Strong. She has her interest but seems to understand where we have to stand. She seems  
54 to be motivated and interested in the community.  
55 L Campbell said I merely suggest to the Mayor and he takes it from there. Please contact the Mayor with any names you  
56 have.  
57 S Bankhead said the Council talked about Hwy 165 with Darren Duersch. The individual City Councils that are part of  
58 the CMPO have to have their votes in this Friday. If you have any comments they need to get to them immediately. It is

1 an important plan. The way it is proposed we would have signalized access every four blocks. The one at 300 south  
2 would not happen until it is warranted. It limits unsignalized access to every 500 feet. It limits access on the west side of  
3 the road. If someone wanted access they would probably have to ask for a variance. The proposal would ask for a  
4 service road. We are trying to incorporate that on the east side. It would be a hard sale for the west side without any  
5 accesses. From 100 north to the Y is a category 5. We would be an access category 4. Businesses to the north of us  
6 would have shorter access.

7 H Ames asked if the City was the reason we had the barrier in front of Maceys. It is ugly. We need to have them  
8 landscape or move it.

9 S Bankhead said those are pedestals and Amsource doesn't want to pay the money to move them. They are waiting for  
10 the business that is going in there.

11 H Ames asked where the City limits are to the west.

12 S Bankhead said it is about 400 feet south of the Maverick corner and back to Blackhawk.

13  
14 Motion to adjourn: W Wimmer, H Ames

15 Vote: Yea: G Busch, W Wimmer, L Campbell, H Ames, D Briel

16 Nay: None.

17 Abstained: None.

18 Excused: None.

19

20

21 \_\_\_\_\_  
Lance Campbell, Chairman

\_\_\_\_\_

22 Meeting adjourned at 7:50 p.m.

23 Minutes taken and prepared by Terri Lewis