

1 **Providence City Planning Commission**

2 Providence City Office Building
3 Providence City Council Chambers
4 15 South Main, Providence, UT
5 September 29, 2005

6
7 Present: Chairman: Blaine Sorenson
8 Commission: Jim Beazer, Hank Howell, John Mock
9 Council Representative: Vic Saunders
10 City Manager: Skarlet Bankhead
11 Secretary: Rebecca Billings

12
13 **New Planning Commission Appointments**

14 Kristina Lamborn will be appointed to the Planning Commission by the City Council on
15 October 11.

16
17 B. Sorenson opened the meeting and invited the public to sign in.

18
19 **APPROVAL OF MINUTES:** None.

20
21 **Disclosure of any conflicts of interest on any of the agenda items:** None.

22
23 **Disclosure of any ex parte communication:** J. Beazer said he has had a few
24 conversations here and there expressing concern about this item.
25 J Mock said that people had expressed to him concern that the public announcements are
26 not always clear as to what exactly would be discussed in the meetings.

27
28 **AGENDA ITEMS**

29 **ITEM ONE:** Carl Pitt, agent for Amsource, is requesting rezone approval for
30 Providence Town Center from Agriculture (A) to Commercial General
31 and Multi-Family High Density located generally at 100 South Spring
32 Creek Parkway and Highway 165 and 100 North.

33
34 **DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION:**

- 35 1. That the Planning Commission recommend to the City Council approval of Carl
36 Pitt's request for rezone approval for Providence Town Center from Agriculture
37 (A) to Commercial General and Multi-Family High Density located generally at
38 100 South Spring Creek Parkway and Highway 165 and 100 North with the
39 following findings of fact, conclusions of law, and conditions as stated in the staff
40 report.

41 **FINDINGS OF FACT:**

- 42 1. Providence City Code 10-1-5 lists the requirements for Amendments, Changes.
43 2. Carl Pitt, agent for Amsource, has submitted an application for a rezone.

44 **CONCLUSIONS OF LAW:**

- 45 1. The applicant's request complies with the Providence City General Plan.

1 2. The applicant meets the requirements of Providence City Code 10-1-5
2 Amendments, Changes.

3 **CONDITIONS:**

4 1. None.

- 5
- 6 • Sorenson invited Carl Pitt to the table to present his request.
 - 7 • Pitt reported that the site plan he presented to the Planning Commission last week
8 is the same tonight—no adjustments. He explained that there are a series of pads,
9 big boxes in line. It is a commercial area with 300,000 square feet as the
10 proposed footage. Looking at the site plan, the conditions that Amsource had for
11 developing a 36-acre site puts some constraints on how they could develop
12 property. Macey's would represent 25% of the build out, and they have a
13 particular demand for parking and layout. As Amsource looked at that originally,
14 they did not anticipate using the Theurer's property. They had to put Macey's in
15 front of it and hold it back. He said that as Macey's changed their format and
16 added 12,000 or 13,000 square feet more and changed their constraints for
17 parking and anticipated other commercial users that would be interested in the
18 site. As the site got deeper, they had to find another alternative use for the phase
19 3 property. He said that as he looked at the current trends in development, one of
20 the options was some type of housing. They wanted to be able to have the
21 maximum ability to blend with the center—something that would make this a
22 viable project—able to pay for the Theurer's property without jeopardizing the
23 entire project. In the last Planning Commission meeting, Amsource was asked
24 what they would do. Pitt brought pictures from 3 different developing partners
25 Amsource had.
 - 26 • He showed several pictures that have been adjacent to commercial. He showed
27 pictures of the housing that surrounds the Pleasant Grove Macey's and some
28 photographs produced by an architect partner that's spread all over the valley. He
29 also showed pictures of housing that is all over the mountain west.
 - 30 • Amsource isn't sure what they can build here, but they'll go with one of their
31 partners. The partner will purchase the land from Amsource, and then they'll
32 come to the City for site plan approval. He said that they will be able to control
33 the quality—have covenants making sure it's a first-rate project done in a tasteful
34 manner. Pitt feels like this meets the need. Industrial retail is not a great option
35 for them because it has a tendency to run down over time. Offices are not a great
36 option because the saturation for that may be too long.
 - 37 • Pitt said Amsource would like the City to grant them the zoning so they can place
38 it on the market and give the partners the rules: density, how it will be built, what
39 green space will be. He said they are going to be dedicating a couple acres of
40 public ground for improvements. Amsource feels it is a good plan to buffer
41 Macey's with Multi-family housing. It will give people the opportunity for
42 what's going to be available to them. It will give them access to the commercial.
 - 43 • Sorenson asked if phase 3 would be the last phase to be developed.
 - 44 • Pitt said they don't know the timing yet. They need to get a partner lined up for
45 the multi-family housing. Timing-wise he said it will probably be a little behind

- 1 phase 1, but that will be determined by the partner. He said that the infrastructure
2 will be supported—make it so they’re ready to go.
- 3 • Sorenson asked if Pitt knew whether the developer would develop and then sell or
4 if he/she would stay and manage.
 - 5 • Pitt said that if it’s built as town homes or condos, there would be CCRs and
6 covenants in place. If it’s built as apartments, there will be a property manager
7 for leasing, maintenance, etc. He said that some of the developers may be holders
8 or some may sell.
 - 9 • Beazer asked who would maintain them if there’s absentee ownership.
 - 10 • Pitt said that usually what happens is a property management crew is hired. He
11 said they can put covenants on it that if it’s not properly maintained, Amsource
12 could step in.
 - 13 • Beazer said he wouldn’t want it to be anything like the Riverwalk apartments in
14 Logan. He said that it’s something that’s managed, but turned in to low-income
15 housing with a high amount of turnover, junk, unkempt property, and people
16 loitering.
 - 17 • Carl said that town homes were an option, but they’re trying to keep the option
18 open to other development. They’ll be talking to people who will want to know
19 what they can build there, and so the zoning is important so they can know. The
20 builders will tell Amsource what they will build and think they can market.
 - 21 • Sorenson said that Providence is not going to be able to stay a bedroom
22 community, but we can work with how the change is going to occur; but when we
23 see other types of communities developing in a tasteful manner, it’s hard not to
24 say “why not for Providence?”
 - 25 • Sorenson opened the time to public comment.
 - 26 • Pitt said that the back of the Macey’s building will be close to 24-feet tall, on a 3-
27 story unit, with a pitched roof—looking at about 38 feet.
 - 28 • Mark Thompson, 375 W. 100 S., said that his home would be less than 200 yards
29 from the high density. He said that when he bought his lot, the City required 2 ½
30 acres. He’s not too excited about the high density. He thinks the transition is
31 quick from 2 ½ acres to multi-family housing. He said he wasn’t sure there was
32 enough water for all of the people. He wondered how the City would support
33 that. He said that the piece was master planned as commercial property, and
34 commercial property is very valuable here in Providence. He sees no revenue to
35 Providence City by putting in Multi-family high density.
 - 36 • David Anderson lives on 100 South above Mark Thompson. He wants to reiterate
37 what Mark said. He said that as you go along 100 South, there are 2- to 10- acre
38 ranchettes. He feels that high density is too much for this area. He didn’t feel
39 that high density housing was a good buffer for commercial. He doesn’t think
40 Providence wants to attract transient people.
 - 41 • Bryan Cox, 51 S. 200 W., is mainly opposed to changing the master plan every 6
42 months for different agendas.
 - 43 • Beazer said that there are a lot of these complexes all over town, and they’ve
44 sucked the old town apartments dry. He said he’s down two units in his small
45 place.
 - 46 • D Anderson said one of his ideas was white collar office complexes.

- 1 • B. Sorenson said maybe dental or law offices.
- 2 • Marilyn Bell said that she was the head of a committee for community
- 3 development and presented a plan to city council. She wondered how
- 4 Amsource's plan fits in to the commercial plan.
- 5 • Beazer said that they had discussed this plan in the past but have never seen it.
- 6 • Skarlet Bankhead said that she apologizes that he doesn't have a copy. She said
- 7 that she was surprised that he wasn't provided with it.
- 8 • Beazer said that times do change.
- 9 • Bell explained that it was a plan for commercial districts about how to draw
- 10 businesses in to Providence. Everyone on the commission was a Providence
- 11 citizen.
- 12 • Mock wondered if what has already taken place in commercial in Providence
- 13 followed that plan.
- 14 • Bell said that, yes, they're coming along. She said that, for the area they're
- 15 discussing tonight, there was a plan for a buffer: ranchettes. There were going to
- 16 be acres and then commercial. She said when she got off the committee there
- 17 were acre lots, and then people started splitting lots. She asked the Commission
- 18 to incorporate those thoughts. She said there's nothing wrong with what they
- 19 proposed.
- 20 • Blaine wondered how ranchettes married themselves with Macey's.
- 21 • D Anderson said that right now Spring Creek Parkway was going through. He
- 22 wondered what the City would do in the long run. He said that Multi-family
- 23 transient housing isn't an appropriate buffer zone.
- 24 • M Thompson said that he was involved in the plan that Marilyn Bell is talking
- 25 about, and he's disappointed that it hasn't been looked at.
- 26 • Sorenson explained that we have to deal with change. He said that what was done
- 27 by these gentleman 20 years ago may not be applicable today. The main thing is
- 28 to keep in line with what our codes are. He said that Providence was a rural area
- 29 20 years ago, but that it's gone gradually further away from rural. He was
- 30 concerned about that. He doesn't feel like he should be bound by something done
- 31 20 years ago.
- 32 • M Bell said that she presented it and they took it as a recommendation. She was
- 33 under the impression that Planning and Zoning would use it as a reference for
- 34 their planning. She's not so sure it's that out of date.
- 35 • D Anderson said that he's not blind that Providence is going to change and that
- 36 commercial is important to the City. He said that they live on ranchettes, and this
- 37 plan is forcing them away from the reason they chose to live here. They have
- 38 animals, and it puts them at a great liability. There needs to be buffer zones that
- 39 are compatible to both sides. He said the City needs to protect him and his
- 40 neighbors, too.
- 41 • Stacie Gomm said that the biggest thing is not so much the high density housing,
- 42 but is how it will be constructed. She said that people will get nervous with 3-
- 43 story apartments, but if they're 1-story condos or a retirement complex, people
- 44 would be more inclined towards that. She explained that they're zoning carte
- 45 blanche, and that they've lost all control when they grant the zone for multi-
- 46 family high density. She said that Amsource is asking them to make a zoning

- 1 change without knowledge. She said that there are great possibilities with a PUD
2 they could do in the area. She said that some people wouldn't be as opposed to
3 some forms of high density as others.
- 4 • Beazer noted that the high density zoning that incorporates Deer Creek
5 Apartments is the same zone that encompasses Cobblestone. He wondered if
6 there was a Cobblestone in the area in question would it be offensive.
 - 7 • Anderson said that something like Cobblestone would not be offensive, but a 3-
8 story building would be.
 - 9 • Eleanor Hansen, resident, said that she looks at Providence like an artist. She said
10 that the area is a gateway and sets a picture for it. She thinks that another
11 Cobblestone would look really nice. She said that box doors, if they had some
12 class to them, would make a pretty picture coming in to Providence. She
13 appreciates the citizens' thoughts, but she believes it could be blended in to look
14 really nice.
 - 15 • Pitt said that Amsource has looked at the PUD ordinance and zoning ordinance
16 for what they're asking for. He said that the green space and open space for the
17 multi-family high density is pretty close to what they could accomplish with a
18 PUD. He explained that there could be some design element and controls that
19 could be put on it. He said they could include a condition of approval that it has
20 to go through an architectural approval.
 - 21 • M Thompson said that that's just sliding the foot in the door. He said the master
22 plan wants Commercial down there, and it's the revenue this town needs. He said
23 he's willing to accept commercial up to his front door.
 - 24 • Beazer explained that the problem is that most of the commercial that would go
25 there would not be sales tax-producing, per se.
 - 26 • Pitt said that the property they're working with is a very big piece. He said they
27 have in their portfolio from 1 to 800 acres, with various uses for the property.
28 Some of the things they find is that 1200-foot depth makes the commercial
29 viability very limited and may turn out to be more offensive in what they end up
30 looking like than the multi-family housing. Single-family will not be willing to
31 pay with commercial in their back yards. If they do a good job with landscaping,
32 it will be decent-looking. It has a lot of options of what it could be.
 - 33 • M Thompson said that the multi-family wouldn't be happy looking in to
34 commercial just like the single family wouldn't be.
 - 35 • Pitt said that there are statutes in the law to provide fair housing for communities,
36 and these not necessarily going to be occupied by transient people.
 - 37 • M Thompson wondered what would happen if they stretched Macey's rather than
38 putting in the housing.
 - 39 • Pitt said that they can't get the dollars when they're hidden behind the building.
40 He explained that if they can't do something with the property, it will jeopardize
41 the project. He said they've got to absorb a 34-acre piece of property to make
42 Macey's happen. The pads are 220 deep—if they're any deeper, they become
43 obsolete for the pad users: higher insurance costs, more maintenance. He
44 explained that the problem with putting offices in is they end up selling a piece of
45 dirt—it's not site specific.

- 1 • Pitt explained that the Providence City ordinances are generally directed towards
2 residential plats. To bring forward all of the utilities and improvements is
3 extremely hard to do. He said that all of the utilities will be different than they
4 would be for residential. He explained that Amsource is not specifically
5 developing a lot for a specific model—the developer will plat it according to what
6 he wants. He will tell Amsource what his building will look like, where he can
7 branch his utilities and sewer. He said that he has given easements for sewer lines
8 and will record them against the plat rather than with it. Then they'll ask for site
9 plan approval for the pads. Planning Commission will see these again as they
10 come in. He said that Amsource is willing to put restrictions on it.
- 11 • Anderson said he feels that, right now, it's too open to make a rezone decision.
12 He does, however, like the idea of another Cobblestone.
- 13 • Mock asked the public what they felt it should be rezoned as. He thinks
14 commercial.
- 15 • V Saunders wondered why not break the parcel off and rezone it separately.
- 16 • Pitt said that they have people interested in it for a residential component. They
17 want to know what the cards are. They need to be out there marketing this for the
18 project to be viable.
- 19 • Beazer said that Kevin Hawkins, agent for Amsource, told the Planning
20 Commission the opposite in the last meeting; he said that commercial is always
21 advantageous.
- 22 • Pitt said that that is with the exception of if you get too deep. He said that Target
23 is not coming in, and he doesn't have a tenant that would help absorb all of this
24 commercial ground in a manner that he could use all 34 acres.
- 25 • Mock said why not trach it back to the original proposal of just the Alder's land.
- 26 • Pitt said that the entire Macey's store is on the Theurer's property, and if they did
27 that, the tenants would no longer be interested.
- 28 • Mock said he's surprised that there's a magic size and that no other size seems to
29 work.
- 30 • Clint Thompson wondered why the City didn't look at the other 75 or 80 acres
31 and try to develop a plan that would be compatible to what Mark indicated. He
32 thought maybe the City ought to be looking at whatever's left.
- 33 • Pitt explained that City staff should be looking at that in their master plan. He
34 said he doesn't want a rezone until he knows that there's a plan that they can
35 accept or reject.
- 36 • Gomm wondered if it was possible to write a resolution that states that if a
37 developer brings Providence a certain kind of PUD, they'll grant the rezone. She
38 said the City is willing to look at high density housing under certain conditions.
- 39 • Skarlet Bankhead said that the City can't.
- 40 • Pitt said that he's offered that. He said that they can do this by the City granting
41 the zoning with certain stipulations.
- 42 • Gomm said that that's the problem with the City's ordinance—they can't put a
43 condition on a rezone.
- 44 • Stacie Gomm, Carl Pitt, and the Planning Commission discussed creating a
45 resolution in a special meeting.

- 1 • Pitt said that the problem the City’s ordinances is that there’s no architectural
2 review. If it meets density and site plan criteria, the City doesn’t have the ability
3 to say what the buildings should look like. He said he would give a condition
4 with the rezone.
- 5 • Gomm said that the City can’t put conditions with rezones.
- 6 • Pitt said that he can put a condition on it—he can restrict anything he wants.
- 7 • Sorenson said what he’s sensing is that no one would have an issue with
8 something like Cobblestone—the issue is with anything that is 3-story.
- 9 • Paul Robinson, citizen, said that he loves development, but it changes lifestyle.
10 He’s had animals for a long time, and new people move in who don’t like the
11 smell, so it changes how he does things. He has to make sure he doesn’t offend
12 anyone. He said he has a rough time with the high density because of this.
- 13 • Pitt explained that if he can’t move this forward this fall, there’s potential for the
14 tenant to go somewhere else. He said that there’s a gorilla coming across the
15 street and his tenant has a specific time when they have to have their project done
16 because they’re going to lose their lease and will have to exercise his other
17 options if they don’t have this. Timeframe is about 18 months.
- 18 • Beazer said that this piece of property has been in the master plan as commercial
19 space all along, and the impact to the City is critical. He said that the water
20 problem is less with commercial than any residential. He said he’s not
21 comfortable at all with changing the zone because of the possibilities of the
22 CMPO road going through there. He would be interested in looking at a
23 resolution if the City Council drew one up. He doesn’t like the precedent set that
24 indicates they’re willing to put multi-family in the middle of town.
- 25 • Mayor Leonhardt said that it’s not in the middle of town.
- 26 • Beazer said that he understood this, but that developers would want to continue to
27 build south. He just wondered if the City wanted this to be the buffer. He said he
28 likes Clint Thompson’s idea of whole thing. He said he isn’t worried about
29 anything being empty, but he sees the possibility of that crossing the road and
30 going east. He sees it as an encroachment problem.
- 31 • V Saunders said there needs to be a resolution that memorializes Amsource’s
32 desire to place restrictive covenants in to the subdivision.
- 33 • Mock feels that the transition from commercial to ranchettes is too abrupt. He
34 said it’s still going to be housing that will be constantly in transition. It won’t be
35 as stable. He feels this problem can’t be resolved.
- 36 • **MOTION** by J Beazer that the Planning Commission recommend to the City
37 Council approval of Carl Pitt’s request for rezone approval for Providence Town
38 Center from Agriculture (A) to Commercial General located generally at 100
39 South Spring Creek Parkway and Highway 165 and 100 North with the findings
40 of fact, conclusions of law, and conditions as stated in the staff report, pertaining
41 to phase 1 and phase two. And that the Planning Commission recommend denial
42 for phase three being rezoned to multi-family high density. **SECOND:** J Mock.
43 All in favor. Excused: Hank Howell.
44
45
46

Minutes Approved, September 29, 2005

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Blaine Sorenson
Acting Commission Chair

Rebecca Billings
Secretary