

Administrative Land Use Authority (ALUA)

Minutes –October 7th, 2026 – 1:30 pm

Providence City Office Building, 164 North Gateway Drive, Providence UT 84332

Call to Order: Skarlet Bankhead, Chair,

ALUA Members: Skarlet Bankhead, Rob Stapley and Steven Wood.

Staff in Attendance: Stormwater Specialist Colton Love and City Recorder Ty Cameron.

Approval of the Minutes: The Administrative Land Use Authority will approve the minutes of the last meeting, which was held on September 30th, 2026. **(MINUTES)**

- Chair Bankhead noted that she had reviewed the minutes from the September 30th, 2026 meeting prior to the meeting opening and identified only minor spelling errors in a couple of business names, with no substantive content changes. She asked whether either of the other members had any changes to propose. Neither Director Stapley nor Engineer Wood had any changes to offer.

Motion to approve the minutes of September 30th, 2026. – Rob Stapley. 2nd- Steven Wood.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood.

Nay-

Abstained-

Absent-

Motion passes, minutes approved.

Items:

- **Item No. 1 Amsource Flex Building:** ALUA will discuss and may take action regarding access to the Amsource Flex Building per applicants revised information. This item was continued from the last meeting to allow parties to gather more information regarding the potential plan for the parcel.

- Chair Bankhead introduced the item, noting that it had been continued from the prior meeting to allow the parties to gather additional information. She placed a phone call to Thomas Hunt, the project engineer, while staff also reached out to Kendall Hawkins of AmSource. Thomas Hunt joined by phone at the outset; Kendall Hawkins joined later in the discussion.
- Thomas Hunt presented two updates to the project design since the previous meeting. The first involved minor revisions in response to fire department comments, consisting primarily of adding dimensional callouts to fire hydrants and a slight relocation of one fire hydrant on the southwest corner of the site. Hunt characterized this as the only physical design change resulting from fire review.
- The second and more substantive update concerned pedestrian access. Hunt explained that following an in-depth discussion with AmSource after the prior meeting, the parties had considered the city's desire for pedestrian connectivity but concluded that a raised boardwalk through the wetlands area and a pedestrian underpass beneath the highway would be financially prohibitive and unlikely to be realized in the near term. As an alternative, AmSource agreed to bring in fill material and construct a sidewalk connection running south from the development to connect with the existing sidewalk serving Tractor Supply. Hunt acknowledged that the sidewalk

as designed includes four steps due to grade changes and an existing depression in the terrain, and that this configuration is not ADA compliant.

- Chair Bankhead raised the issue of winter maintenance, noting that steps on a privately maintained sidewalk would present ongoing challenges, particularly given that property owners are responsible for maintaining adjacent sidewalks clear of snow and ice. Hunt acknowledged this concern and agreed that eliminating the steps in favor of a sloped sidewalk would ease maintenance obligations. He noted that while it would require additional fill material, the overall cost difference might be minimal because construction of steps carries its own labor premium.
- Kendall Hawkins, upon joining the call, confirmed that Amsource was willing to revisit the design to eliminate the steps. Hunt indicated he could produce a revised drawing very quickly.
- The discussion then turned to the longer-term question of wetlands access. Chair Bankhead expressed a desire to ensure that the city would retain the ability to pursue a boardwalk or other pedestrian improvement through the wetlands area in the future, should funding become available through state or federal programs. She noted that Governor Cox's support for trail infrastructure made such funding opportunities plausible in the future.
- City Engineer Wood clarified the city's position precisely: Providence was not seeking to require Amsource to fund, design, permit, or construct any such improvement. The city's sole interest was in securing legal permission to pursue development of that type of improvement at the city's own expense and initiative, at a future date of the city's choosing. Hunt confirmed that Amsource had expressed this same willingness in their discussion the prior day, with the stipulation that they would not be held to any financial obligation in connection with such a project.
- Chair Bankhead further noted that because Amsource is the property owner, the city might eventually need Amsource's participation in a grant application or permitting process as the consenting landowner, even if Amsource bore no financial responsibility for the work. Engineer Wood and Hunt both agreed that this kind of participation — granting permission and signing as property owner — was acceptable to Amsource. Hawkins confirmed this when asked directly.
- The discussion turned to the building's intended occupancy and the resulting parking demand. Hunt and Hawkins described the project as a flex industrial building, with each unit featuring both a roll-up overhead door and a standard pedestrian door, and approximately 80 percent of each unit's floor area constituting open warehouse space, with the remaining 20 percent designated as office space.
- Hunt noted that in similar projects he had developed in northern Utah, the reserved parking stall in front of each roll-up door is striped as reserved for the unit owner, so that the stall remains available while also allowing vehicle access through the overhead door.
- Engineer Wood examined the site plan in detail and noted that the alignment of parking stripes and overhead doors did not consistently provide a dedicated stall per door — in some cases a stripe ran directly through the center of a door opening, and in the southwest corner, curbing appeared to obstruct a significant portion of one door's access. He acknowledged the logic of the reserved-stall approach but noted it was not fully reflected in the current drawing.
- More broadly, Engineer Wood expressed concern about a potential mismatch between the stated use and actual anticipated occupancy. He noted that if the building attracted tenants more akin to office or assembly uses — such as small gyms, gymnastics studios, or art instruction businesses, which the applicant had referenced as typical tenants — the applicable parking calculation would shift toward 100 percent office space, which would require approximately 150 stalls rather than 35. At that ratio, the site would be roughly 50 stalls short of the requirement. Director Stapley echoed concern about parking shortfalls from experience with other developments, noting that

parking issues in multi-family and other projects often emerge after the fact despite apparent code compliance at the time of approval.

- Chair Bankhead stressed that the city was not trying to obstruct the project, but wanted transparency about realistic expectations for both the applicant and the city, so that conflicts over parking did not arise after tenants were in place. Hunt and Hawkins acknowledged the concern, with Hunt noting that market forces tend to self-regulate — tenants with high parking demand will not choose a site where their needs cannot be met.
- Chair Bankhead raised the question of whether a cross-parking and cross-access agreement existed within the existing CC&Rs for the Providence City Center commercial development, which would allow AmSource tenants to use parking in adjacent areas such as in front of Dollar Tree or Family Dollar. Both Hunt and Hawkins indicated they believed such an agreement was in place, noting that at one-point additional parking had been discussed behind Family Dollar but was evaluated as area was set for staging and would be hard to incorporate parking.
- Engineer Wood suggested that if a joint parking agreement could be documented, it would substantially address the parking concerns, particularly given the pedestrian connection being created to the north. He emphasized the importance of documenting that agreement formally, rather than relying on informal understandings, so that future property owners would be bound and disputes avoided. Chair Bankhead asked that the applicant locate and provide the relevant language from the existing CC&Rs — specifically the provisions addressing cross-access and shared parking — for the city's review.
- Hawkins committed to tracking down that language and providing it to the city.
- Engineer Wood raised the status of the proposed connection to what the plans labeled as the South Street side, a private road to the east of the site, north of the adjacent Next Metering building. He noted that the plans showed this as a future connection and that he wanted to confirm whether Amsource had secured the necessary easement from the private property owners to the east, as Providence City had no authority over that road and the connection was critical to internal site circulation and emergency access.
- Hawkins confirmed that an easement document had been drafted and transmitted, but that as of the meeting date it had not yet been signed or recorded. He indicated he was attempting to locate correspondence from the attorneys handling the matter. Chair Bankhead recalled that the legal description had previously been corrected — reducing the width from what had initially appeared to be a 66-foot public right-of-way to approximately 24 feet — and emphasized that having the easement formally recorded was essential, since informal arrangements become problematic when properties change hands. Engineer Wood concurred, noting that the connection was denoted on the plans as a future to-be-built connection, but that the applicant should not invest in that infrastructure without first confirming the easement was secured.
- Engineer Wood raised the issue of parking stalls being located closer to property lines than the required 15-foot setback. He noted that the south side showed parking as close as 8.4 feet from the property line and the north side was approximately 10 feet. He expressed the view that the intent of this code provision — to preserve open space and prevent claustrophobic development — was substantially mitigated in this case by the wetlands area to the west, which functions as meaningful open space, and by Amsource's commitment to allow the city the possibility of future pedestrian and park improvements in that area.
- Chair Bankhead clarified for the record that the authority being exercised was not a variance, but rather a design flexibility option expressly provided in the Providence City Code for commercial development situations. She asked that the term "variance" not be used.

- 139 • Engineer Wood raised the requirement for a 10-foot landscape buffer around the building, of
140 which up to 5 feet may be sidewalk. He noted that the west side of the building showed a
141 minimum clearance of approximately 3.9 feet in the southwest corner, tapering up to 9 feet 6
142 inches at the northwest corner, while the east side showed approximately 5 feet.
- 143 • Spencer of Sunrise Engineering noted that a geotechnical report had been submitted with the
144 application, documenting that expansive clay soils native to the site made it inadvisable to place
145 irrigated landscaping close to the building foundation. The Providence City Code expressly
146 provides that the Administrative Land Use Authority may grant an exception to the landscape
147 buffer requirement where soil types make irrigation near the building inadvisable, provided that
148 the required landscaping square footage is provided elsewhere on the site.
- 149 • However, Engineer Wood raised a substantive concern: the geotechnical report was based on the
150 native soil conditions existing prior to construction. Because the site plan calls for significant fill
151 — particularly on the west side, where the grade is being raised by as much as approximately 4.5
152 feet — the native expansive clay soils would be removed and replaced with imported fill and
153 road base material during construction. He questioned whether the same soil-based exception
154 would continue to apply to areas where the problematic soils had been excavated and replaced.
155 Spencer acknowledged this was a valid question, noting that the western edge of the building
156 would be constructed on fill while the eastern edge would likely remain on native cut material.
- 157 • Chair Bankhead read the code language aloud, confirming that the exception requires the
158 landscape square footage to be provided elsewhere on the site, and recalled that AmSource had
159 previously indicated a preference for keeping the wetlands parcel within the same lot — in part
160 so that it could count toward the overall open space and landscaping obligation.
- 161 • Engineer Wood articulated what he saw as a deeper concern: that the practical driver of the
162 exception request on the west side was not the soil condition per se, but the fact that the building
163 had already been purchased and delivered to the site before full permitting was completed,
164 leaving no room to shrink the building footprint to accommodate the required buffer. He
165 acknowledged this was a difficult observation but said it was on his mind because an exception
166 granted under these circumstances would set a precedent for future commercial development
167 requests.
- 168 • After discussion, it was agreed that the east side exception appeared well-supported by the
169 geotechnical report, given that the eastern edge would remain on native soils. The west side
170 exception remained unresolved. Chair Bankhead stated she would consult with the city attorney
171 to determine the extent of the Administrative Land Use Authority's legal authority to grant an
172 exception on the west side under the circumstances.
- 173 • Engineer Wood identified three possible paths forward: the building could be reduced in size to
174 accommodate the required buffer; the site could be expanded by acquiring additional property to
175 the east, allowing the building to shift and creating the needed space to the west; or a legally
176 supportable exception to the code could be identified and properly granted. He noted that
177 expanding to the west was not feasible given the wetland easement boundary and the fire access
178 lane width requirements, and that acquiring property to the south from the Chick-fil-A parcel
179 was similarly not realistic. He asked whether the applicant had explored with the building
180 supplier whether the structure could be modified — for example, by removing a section — to
181 reduce its footprint, and whether acquiring a strip of property from the adjacent Wow Cool
182 Buildings parcel to the east had been considered. Hawkins acknowledged that neither question
183 had been formally explored and that he would need to discuss the matter with his partners.
- 184 • The group also noted that shifting the western access road to remain straight for a longer distance
185 before jogging toward the wetland easement line could improve the setback along a greater

portion of the building's western face — from approximately 15 feet of compliant frontage up to roughly 60 percent of the building's length — though the southwest corner would still fall short.

Steven Wood motions that the administrative land use authority approves the exceptions provided within the Providence City Code for the parking lot proximity to the property boundary can be less than the required 15 feet as seen or as appropriate from the Land Use Authority, and considerations for the connectivity of the sidewalk to the south as well as the documentation of the wetlands being green space, well as the ability of Providence to at some future date turn that into a wetland park if the city so chooses. Motion seconded by Rob Stapley.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood.

Nay-

Abstained-

Absent-

Motion passes

- Before concluding, Thomas Hunt summarized the agreed action items: the applicant would assess the feasibility of reducing the building by approximately 6 feet or acquiring approximately 6 feet of property to the east, and the city would research the legal basis for a possible code exception. Hunt stated he expected to have responses on his items by Friday. Chair Bankhead indicated she was confident she could obtain guidance from the city attorney in time for a meeting the following week.

Motion to continue the discussion of the landscape buffer requirement to a future meeting, with the understanding that the applicant will investigate the feasibility of reducing the building footprint or expanding the site to the east, and that Providence City will evaluate the legal authority of the Administrative Land Use Authority to grant a code exception under the current site conditions, was made by City Engineer Wood and seconded by Mr. Stapley.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood.

Nay-

Abstained-

Absent-

Motion passes

Motion to adjourn the meeting was made by Rob Stapley and seconded by Steven Wood.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood.

Nay-

Abstained-

Absent-

Motion passes, meeting adjourned.

225 **Minutes approved by vote of ALUA on 14th day of October 2026.**

226 **I swear these minutes are true and correct to the best of my knowledge.**

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228 **Ty Cameron, City Recorder**

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