

ORDINANCE NO. 2022-24

AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH, AMENDING SECTION 10-14-24-3-D-1: THE GROVE INTERCHANGE SUBDISTRICT, PERMITTED USES, EXPANDING THE PERMITTED USES TO INCLUDE USE #6297 (ATHLETIC CLUBS, BODY-BUILDING STUDIOS, SPAS, HEALTH CLUBS, AEROBIC CENTERS) WITH THE EXCEPTION OF GYMNASIUMS IN THE GROVE ZONE - INTERCHANGE SUBDISTRICT; INCLUDING AN EFFECTIVE DATE (ST. JOHN'S PROPERTIES, APPLICANT).

WHEREAS, the applicant, St. John's Properties proposes to add use #6297, (Athletic clubs, body-building studios, spas, health clubs, aerobic centers) with the exceptions of gymnasiums, to the list of permitted uses in the Grove Zone- Interchange Subdistrict; and

WHEREAS, on October 10, 2022, the Pleasant Grove City Planning Commission held a public hearing to consider amending City Code Section 10-14-24-3-D1: The Grove Interchange Subdistrict, permitted uses, by adding Use #6297, (Athletic clubs, body-building studios, spas, health clubs, aerobic centers) with the exceptions of gymnasiums, to the list of permitted uses in the Grove Zone- Interchange Subdistrict; and

WHEREAS, at its public hearing the Planning Commission decided that the requested amendment to Section City Code Section 10-14-24-3-D1: The Grove Interchange Subdistrict, permitted uses, by adding Use #6297, (Athletic clubs, body-building studios, spas, health clubs, aerobic centers) with the exceptions of gymnasiums, to the list of permitted uses in the Grove Zone- Interchange Subdistrict is in the public's interest and is consistent with the written goals and policies of the General Plan; and

WHEREAS, the Pleasant Grove Planning Commission recommended to the Pleasant Grove City Council that the amendment to Section 10-14-24-3-D1: The Grove Interchange Subdistrict, permitted uses, by adding Use #6297, (Athletic clubs, body-building studios, spas, health clubs, aerobic centers) with the exceptions of gymnasiums, be approved; and

WHEREAS, on November 1, 2022 the Pleasant Grove City Council held a public hearing to consider the request; and

WHEREAS, at its meeting the Pleasant Grove City Council was satisfied that the amendment to the Pleasant Grove Municipal Code is in the best interest of the public and is consistent with the goals and policies of the General Plan; and

WHEREAS, it is the legislative body's intent that the city code amendments shall be in the interest of the public; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah as follows:

SECTION 1. Modified Section 10-14-24-3-D: THE GROVE INTERCHANGE SUBDISTRICT, of the Pleasant Grove Municipal Code is hereby amended to read as follows:

10-14-24-3: THE GROVE INTERCHANGE SUBDISTRICT:

D. Permitted Uses:

1. Land Use Code: Those uses or categories of uses as listed herein and no other are permitted in this zone. All other uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Community Development Department. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. (Ord. 2017-38, 8-22-2017)

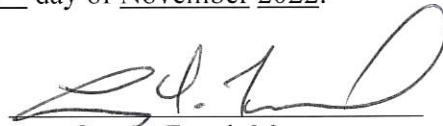
Use Number	Use Classification
1300	Residential hotels ³
1511	Hotels
5230	Paint, glass and wallpaper (includes brushes, rollers, sprayers, etc.)
5240	Electrical supplies, except appliances
5250	Hardware and supplies
5310	Shopping centers
5311	Department stores (includes major and junior chains)
5511	Motor vehicles, automobiles (new, restricted to properties with I-15 freeway frontage, north of the Pleasant Grove Boulevard interchange - see map 1 of this section)
5532	Convenience stores, with gasoline and general merchandise ¹
5610	Men's and boy's clothing and furnishings
5620	Women's ready to wear
5630	Women's accessories and specialties
5640	Children's and infant's wear
5650	Family clothing
5660	Shoes
5670	Custom tailoring
5680	Furriers and fur apparel
5690	Retail trade; apparel and accessories
5710	Furniture, home furnishings and equipment
5720	Household appliances
5730	Radios, televisions and music sound systems and supplies
5740	Office equipment, furniture, machines and supplies
5810	Eating places, including quick service restaurants ²

5820	Drinking places (taverns within restaurants, bars within restaurants, nightclubs within restaurants, hotels, and convention centers only)
5910	Drug and proprietary
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles and toys
5970	Jewelry
6110	Banking and bank related functions (except check cashing agencies and similar deferred deposit loan businesses)
6230	Beauty and barber services
6297	Athletic clubs, body-building studios, spas, health clubs, aerobic centers, etc. (except gymnasiums)
6500	Professional services
6823	Professional schools (any school which is of college degree level including nurses, preparatory, seminaries, etc.)
6834	Art, drama and music schools
7210	Entertainment assembly
7233	Convention halls
7310	Fairgrounds and amusement parks
7393	Golf driving ranges

SECTION 2. SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

SECTION 4. APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this 1ST day of November 2022.


Guy L. Fugal, Mayor

ATTEST:

Kathy T. Kresser

Kathy T. Kresser, MMC
City Recorder



Motion: Council Member WILLIAMS

Second: Council Member ANDERSEN

ROLL CALL	Yes	No	Absent
Mayor Guy L. Fugal	_____	_____	_____
Dianna Andersen	<u>X</u>	_____	_____
Brent Bullock	_____	<u>X</u>	_____
Eric Jensen	_____	_____	<u>X</u>
Cyd LeMone	<u>X</u>	_____	_____
Todd Williams	<u>X</u>	_____	_____

CERTIFICATE OF POSTING ORDINANCE

Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2022-24 was posted on the State (<http://pmn.utah.gov>) website on this 7th day of Nov, 2022.

Dated this 7th day of Nov, 2022.

Kathy T. Kresser

Kathy T. Kresser, MMC, City Recorder

City Council Staff Report

November 1, 2022

Item 9B

TEXT AMENDMENT PROPOSAL

REQUEST Request to amend City Code Section 10-14-24-3-D-1: The Grove Interchange Subdistrict Permitted Uses

APPLICANT St. John's Properties

ZONE The Grove Interchange Subdistrict

STAFF RECOMMENDATION the proposed Code Text Amendment

ATTACHMENTS Proposed Ordinance Amendments

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Background

The applicant is requesting approval of a Code Text Amendment to add Use #6297 (Athletic clubs, body-building studios, spas, health clubs, aerobic centers, etc.) with the exception of gymnasiums to the list of permitted uses in The Grove Interchange Subdistrict. The applicant intends to occupy a space in a commercial building with an athletic center where members may sign up for a program and will have a trainer with them; it is not intended to be an open gym for anyone to visit and use the equipment by themselves.

Analysis

Purpose:

The purpose of The Grove Interchange Subdistrict is to "to promote the development of a regional center for retail, hotel/convention, and professional office uses with high quality architecture and site design, and to create an attractive gateway from I-15 into the City, creating a unique "signature image" for the City."

Similar uses that fall under the same category as the requested use:

Use #6297 is a general category that includes several different types of uses. While the applicant is requesting to have an athletic club with trainers, this category may also include uses such as normal gyms where customers come and go as they please and focus on their own plans, recreation, and community fitness centers where there are trainers who teach larger classes, or personal trainers for sports-like activities.

Location of similar uses:

Use #6297 (and more generally, Use #6200 – Personal Service) is a permitted use within several other districts within the City of Pleasant Grove, as mentioned in Figure 1. These zones, similar to The Interchange Subdistrict, are largely commercial in nature and Use #6297 is a medium impact use with a focus on personal service elements. Even though this is a lesser intense use than other permitted uses such as automobile sales, the focus of this zone is retail, hotel, and office in nature.

Zones where Use # 6297 are permitted:

- Commercial Sales (CS)
- Commercial Sales-2 (CS-2)
- Downtown Village – Commercial (DV-C)
- General Commercial (CG) Zone
- Transit Overlay (T) Zone
- The Grove Commercial Sales Subdistrict
- The Grove Mixed Use Overlay (GMU)
- The Boulevard Mixed Use Overlay (BMU)

Figure 1

There are a few similar businesses within The Grove Interchange Subdistrict, including Aesthetica Medical Spa, Purify Wellness Center, and More Energy, which have all been classified under different permitted uses. For example, Use #6519 includes medical uses such as licensed massage therapists and physical therapists. The applicant may also request at a future date to include F45 Training and a medical spa to this zone.

Typical uses located within The Grove Interchange Subdistrict:

Typical uses within The Grove Interchange Subdistrict include hotels, retail, automobile sales, offices, restaurants, banking, professional services (including medical and dental uses), schools, entertainment assembly, fairgrounds, and golf driving ranges. There are no conditional uses in the Interchange Subdistrict.

While the applicant has requested that gymnasiums specifically be excluded from the permitted uses, staff finds that if this request is approved as it is written, each individual use listed in accordance with Use #6297 will need to be defined as many of the uses are extremely similar in nature. For example, without each use being defined, Gold's Gym may be categorized as a "gymnasium" use, as customers use equipment freely at any point throughout the day. However, it may also be categorized as a "health club" because members pay a fee for their membership. By excluding only one or two of the associated uses to Use #6297, it becomes easier to circumvent any exceptions to this list by simply classifying their use with something that might already be permitted, thereby not conforming to the purposes of the zone.

Conclusion:

Because the proposed text amendment, as it was written, proposed a use Staff believed not to be in harmony with the intent of the established Zone, Staff recommended to the Planning Commission denial of the request as presented by the applicant.

Recommendation from Planning Commission

Pleasant Grove City Planning Commission took the following action on the described application at their meeting on October 13, 2022.

2. Public Hearing: Code Text Amendment – Section 10-14-24-3-D-1 (City Wide)

Public Hearing to consider the request of St. John's Properties to amend City Code Section 10-14-24-3-D-1, by modifying the provisions and requirements for permitted principal uses within The Grove Interchange Subdistrict, to permit Use # 6297 (athletic clubs, body-building studios, spas, health clubs, aerobic centers, etc.), excluding gymnasiums, as a permitted use.

RECOMMEND APPROVAL

Motion: At the Public Hearing, Commissioner Steele moved that Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to City Code Section 10-14-24-3-D-1: Permitted Uses, by adding Use #6297 (Athletic clubs, body-building studios, spas, health clubs, aerobic centers, etc.) with the exception of gymnasiums, to the list of permitted uses in The Grove Interchange Subdistrict; and adopting the exhibits, conditions, and findings of the staff report, and as modified by the conditions below:

1. All Final Planning, Engineering, and Fire Department requirements are met.
2. With the limitation of 10,000 sq ft of size be added to the use.

Commissioner Phillips seconded the motion.

The Commissioners unanimously voted "Aye". The motion carried.

Motion by: Commissioner Steele

Seconded by: Commissioner Phillips

AYE VOTES: Chair Butler, Martineau, Steele, Phillips, Fugal

RECCOMENDED PROPOSAL BY THE PLANNING COMMISSION

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6110	Banking and bank related functions (except check cashing agencies and similar deferred deposit loan businesses)
6230	Beauty and barber services

Authors: Daniel Cárdenas - Community Development Director and Jacob Hawkins - City Planner

6297 ⁴	Athletic clubs, body-building studios, spas, health clubs, aerobic centers, etc. (except gymnasiums) ⁴
6500	Professional services
6823	Professional schools (any school which is of college degree level including nurses, preparatory, seminaries, etc.)
6834	Art, drama and music schools
7210	Entertainment assembly
7233	Convention halls
7310	Fairgrounds and amusement parks
7393	Golf driving ranges

⁴ The square footage designated for these uses shall not exceed 10,000 square feet.