

1 **Providence City**

2 **Administrative Land Use Authority**

3 **Minutes – March 11, 2020 2:30 pm**

4 Providence City Office Building

5 164 North Gateway Drive, Providence UT 84332

7 Attendance: Skarlet Bankhead, Administrative Services Director; Rob Stapley, Public Works Director; Nate Wright, representing the City Engineer.

9 Other Attendance: Diane Campbell, Zoning Office Specialist; Ryan Snow, City Manager; Liz Taylor, Curious Minds Preschool; Jessie Williamson, Visionary Homes; Jeff Berrett, Immaculate Homes.

12 **Item No. 2 – Conditional Use Application:** The Providence City Administrative Land Use Authority will consider for approval a request by Liz Taylor for a home preschool located at 221 E 100 N, Providence, UT 84332.

14 (Note: This item was moved to the beginning of the agenda)

16 **Background Information:**

17 Application was received February 27, 2020; application contained:

- 18 1. Providence City Conditional Use Application and payment of \$100 fee
- 19 2. Business and Safety Plans
- 20 3. A statement describing request
- 21 4. Inspection letter from Aaron Walker, Fire Inspector, dated March 4, 2020

23 **FINDINGS OF FACT:**

24 The following Providence City Code (PCC) list regulations and requirements to be considered.

- 25 1. 3-4-5 Home businesses
- 26 2. 10-6-1 Use Regulations
- 27 3. Official Zoning Map Revised January 2019

29 **CONCLUSIONS OF LAW:**

- 30 1. The property is located in an SFT zone.
- 31 2. The applicant meets the requirements of 3-4-5 with the following conditions.

33 **CONDITIONS:**

- 34 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances related to the operation of a preschool as a home business.
- 36 2. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 39 3. The applicant will adhere to all conditions as stated in inspection letter from Aaron Walker dated 3-4-20.
- 40 4. Remove option for parking on south side of street.

42 **Comments:**

- 43 • S Bankhead read from A Walker's letter.
- 44 • S Bankhead asked if the applicant has had the final inspection. L Taylor said that A Walker will come back one more time to make sure that the fire alarms were set up properly.
- 46 • S Bankhead said that even if the Land Use Authority grants the conditional use, it will not be effective until the fire inspector gives his final approval.
- 48 • S Bankhead asked R Stapley and N Wright if there are any concerns about the traffic routing pattern.
- 49 • R Stapley says that 100 North has a lot of traffic. The applicant should be aware of this when children are playing outside.
- 51 • R Stapley asked the applicant if she is concerned about a lot of parents showing up at start times and end times [as far as parking].

- L Taylor said that she will only have eight children at the preschool. She is not sure if parking will be a problem or not.
- R Stapley was concerned that there is not a good turnaround on 100 North. Having a lot of congestion there could cause safety concerns. However, he thinks that we can work around it.
- N Wright said that he has the same concerns. However, it is workable.
- R Snow asked about the page labeled "Safety Plan" which shows parking across the street. R Snow asked if this property is owned by the applicant.
- L Taylor said that it is not. It is an empty field.
- R Snow said that this should probably not be shown on the plan.
- S Bankhead said that she is concerned about encouraging people to cross the street where there is not a crosswalk. People might do that, but the City should not approve or encourage it.
- L Taylor said that she can take that part off of the plan.
- R Snow asked about the part of the plan that shows cars parked along the side of the house. Are they expected to pull all the way to the end of that driveway and then back out?
- L Taylor said that she does not envision that driveway being used that way on a regular basis. There will be a preschool end-of-year program where it might need to be used that way. This type of program might happen once or twice a year.
- L Taylor asked if she will need to come back to the Land Use Authority after the final fire inspection.
- S Bankhead said that she will not. However, the City will need a copy of the final approval, and L Taylor cannot start operating her business until the City receives it. If there is a problem with the inspection, however, we may need to come back and discuss it in this meeting.

Motion to approve the conditional use for a preschool as a home business located at 221 E 100 N in Providence, with the findings of fact, conclusions of law and conditions listed on the staff report, and the stipulation that the business cannot open until the final inspection with the approval of the fire inspector is received and a copy received by the City, and that the parking on the south side of the street will be removed from the plan: — R Stapley, second — N Wright

Vote:

Yea: S Bankhead, R Stapley, N Wright

Nay:

Abstained:

Excused:

Item No. 1 - Conditional Use Application: The Providence City Administrative Land Use Authority will consider for approval a request by Immaculate Construction (BoJ Berrett) for a conditional use application for a retaining wall located at 69 N. Sherwood Dr., Providence UT.

Background Information:

A complete application was received February 26, 2020, containing:

1. Providence City Conditional Use and Residential Site Plan Application
2. Payment of \$100 fee, February 26, 2020
3. Rob Stapley, Providence City Public Works Director, signed inspection on March 2, 2020.
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

FINDINGS OF FACT:

1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set for in an applicable ordinance.
2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),

Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit shall be issued.

4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes.

CONCLUSIONS OF LAW:

3. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
4. The Cache County GIS Parcel Summary indicates this parcel is in a Landslide Hazard area.
5. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
6. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

CONDITIONS:

5. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
6. The applicant will mitigate Landslide Area by:
 - a. See General Structural Notes on the site plan dated March 9, 2020.
7. This conditional use is for the retaining wall only as shown on the plan dated March 9, 2020.
8. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- J Berrett spoke about the frost depth of 30". He said that the keyway qualifies as part of the footing, so as long as they are 30" from the dirt level to the bottom of the keyway, they will be meeting the requirement.
- J Berrett spoke about the wall as it proceeds northward toward lot #4. When they meet up with the other wall from lot #4, they will butt up against it and put a foam barrier in between their wall and lot #4's wall. This way, the walls will be [structurally] independent of each other.
- R Stapley asked whether the wall will mitigate the landslide potential.
- J Berrett said that the wall can do what it is designed to do whether or not it "returns" [back up the hill at the ends].
- N Wright said that he spoke to [CRS'] structural engineer. They keyway depth as described by J Berrett is per code. N Wright asked what J Berrett means by adding foam in between the walls.
- J Berrett said that it will be a small barrier between the walls. The wall on Lot #3 will run up to the wall on Lot #4, and rather than tying into it, we will put a foam barrier so that the walls will be independent.
- S Bankhead noted that the drawings we have are stamped and signed by a structural engineer.

Motion to approve the conditional use application for a retaining wall located at 69 N Sherwood Drive in Providence, based on the findings of fact, conclusions of law, and conditions listed in the staff report dated March 11, 2020: — R Stapley, second — N Wright

Vote:

Yea: S Bankhead, R Stapley, N Wright

Nay:

Abstained:

Excused:

Item No. 3 – Commercial Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Celeste Mortenson for a commercial site plan for Mortenson Dental office building located at 202 N Gateway Dr. Providence, UT 84332

Background Information:

Application was received March 2, 2020; application contained:

1. Providence City Commercial Site Plan application
2. Payment of \$50 application fee
3. A copy of the County Recorder plat
4. Rob Stapley, Public Works Director, inspected the current infrastructure on March 4, 2020
5. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit

FINDINGS OF FACT:

The following Providence City Code (PCC) list regulations and requirements to be considered.

1. 10-8-5 Commercial Zoned Districts; Site Development
2. 10-8-6: Parking Regulations
3. Official Zoning Map Revised January 2019

CONCLUSIONS OF LAW:

1. The property is located in a CGD zone.
2. The applicant meets the requirements of 10-8-5 with the following conditions.

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
2. The applicant has met the parking requirements. Once the construction drawings are reviewed and approved, if any changes to the construction drawings are made, the new plans will need to be reviewed.
3. Exterior lighting will meet regulation in Providence City Code 10-8-5
4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- R Stapley spoke about the parking. There are four buildings that share the parking lot [including Providence City office]. Can people from all the buildings park anywhere throughout? Is this part of the HOA bylaws?
- S Bankhead said that the entire parking lot and the grounds surrounding the buildings are common area according to the current CC&Rs.
- C Mortenson said that there is a concern by one of the lot owners about parking. They are getting rid of some of the landscape area to create more parking, and they want that parking to belong to them and not be shared. C Mortensen said that her business has approval to take out the dumpster site on the north side and replace it with parking. However, they don't mind if that parking is used by others. Also, Providence City usually has big meetings in the evening when the businesses sharing the parking lot will be closed. There shouldn't be a parking issue.
- S Bankhead said that any change from the current arrangement of shared parking would need to go through the HOA and then be reviewed by the City.
- S Bankhead asked the applicant to have their contractor stop by our office to inform us before construction begins.

Motion to approve the commercial site plan for Mortensen Dental at 202 North Gateway Drive in Providence, based on the findings of fact, conclusions of law and conditions listed on the staff report dated March 11, 2020:
— N Wright, second — R Stapley

208 **Vote:**

209 **Yea: S Bankhead, R Stapley, N Wright**

210 **Nay:**

211 **Abstained:**

212 **Excused:**

213
214 **Item No. 4 – Conditional Use Site Plan:** The Providence City Administrative Land Use Authority will consider for
215 approval a request by Visionary Homes for a conditional use site plan for a single-family residence located at 182 E
216 520 N, Providence UT.

217
218 **Background Information:**

219 Complete Application was received February 25, 2020; application contained:

- 220 1. Providence City Conditional Use application and Residential Site Plan application
 - 221 2. Payment of \$100 fee
 - 222 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 2, 2020
 - 223 4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.
- 224

225 **FINDINGS OF FACT:**

- 226 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
227 conditional uses and provisions for conditional uses that require compliance with standards set for in an
228 applicable ordinance.
 - 229 2. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
230 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
231 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
232 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
233 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
234 any permit shall be issued.
 - 235 3. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
236 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare
237 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
238 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
239 gatherings of people, or other causes.
- 240

241 **CONCLUSIONS OF LAW:**

- 242 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
243 conditional uses.
 - 244 2. This parcel is in a Hazard Water Table area.
 - 245 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
246 detrimental effects of the proposed use.
 - 247 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
248 conditions:
- 249

250 **CONDITIONS:**

- 251 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
252 codes, ordinances.
 - 253 2. The applicant will mitigate Hazard Water Table by:
254 a. See submitted mitigation letter and Window Well Drain Detail
 - 255 3. This conditional use is for the residence only as shown on the site plan date stamped March 6, 2020.
 - 256 4. Payment of fees listed on the Providence City Zoning Permit.
 - 257 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
258 their agents from their responsibility to understand and conform to local, state, and federal laws.
259 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 260

Comments:

- S Bankhead noted that we are reviewing an updated site plan which was date stamped March 6.
- R Stapley said that what they have submitted should be enough to mitigate the groundwater effects.
- S Bankhead read from the mitigation letter submitted with the application.
- R Stapley said that the City will need to inspect the land drain connections and make sure that they are hooked into the proper pipes. The sewer and land drain pipes look the same, and this could cause major problems. We will need to be notified whenever there is a land drain, water or sewer connection [in this subdivision].
- J Williamson said that she will inform [the project manager] to contact the City for inspections.
- N Wright said that the long-term maintenance on the lines [for the drains] is important.
- J Williamson said that they can pass that information on to the homeowners.
- S Bankhead said that the Homeowner's Association will need to manage the drain main lines.
- J Williamson said that Jeff Jackson has been supervising the setting up of the HOAs, and has probably covered that with them. J Williamson will pass that on to him anyway.

Motion for the approval of a conditional use and zoning approval for a residential site plan for a home at 182 E 520 N in Providence based on the findings of fact, conclusions of law and conditions presented in the staff report: — N Wright, second — R Stapley

Vote:

Yea: S Bankhead, R Stapley, N Wright

Nay:

Abstained:

Excused:

Item No. 5 – Conditional Use Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use site plan for a single-family residence located at 205 E 520 N, Providence UT.

Background Information:

Complete Application was received March 3, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 5, 2020
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

FINDINGS OF FACT:

1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set for in an applicable ordinance.
2. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit shall be issued.
3. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes.

CONCLUSIONS OF LAW:

1. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.

2. This parcel is in a Hazard Water Table area.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
2. The applicant will mitigate Hazard Water Table by:
 - a. See submitted mitigation letter and Window Well Drain Detail
3. This conditional use is for the residence only as shown on the site plan date stamped March 4, 2020.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- S Bankhead noted that we are looking at an updated site plan that is dated March 4.
- R Stapley and N Wright said that their comments on the previous item cover this item as well.

Motion to approve the conditional use and zoning approval for a residential site plan for a home at 202 East 520 North in Providence, Utah, based on the findings of fact, conclusions of law, and conditions listed on the staff report dated March 11, 2020: — R Stapley, second — N Wright

Vote:

Yea: S Bankhead, R Stapley, N Wright

Nay:

Abstained:

Excused:

Motion to adjourn: — R Stapley, second — N Wright

Vote:

Yea: S Bankhead, R Stapley, N Wright

Nay:

Abstained:

Excused:

Meeting adjourned at approximately 3:17 PM

Minutes prepared by Jesse Bardsley


Skarlet Bankhead, Chair