

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**

2 **Wednesday, April 29, 2020 2:30 PM**

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

4 **Members of the ALUA attended this meeting electronically.**

5 **This meeting was live streamed on Providence City's YouTube Channel.**

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7 **Call to Order:** Skarlet Bankhead, Chair

8 **Member Attendance:** Skarlet Bankhead, Rob Stapley and Max Pierce

9 **Others:** Ryan Snow, Emily Hill, Diane Campbell, Jamison Fargo and Kathleen Alder

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11 **Item No. 1. Conditional Use - Preschool:** The Providence City Administrative Land Use Authority will consider for
12 approval a request by Emily N Hill, for a conditional use for a preschool in her home located at 697 Cove ST,
13 Providence UT.

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15 **Background Information:**

16 Application was received April 16, 2020; application contained:

- 17 1. Providence City Conditional Use Application and payment of \$100 fee
- 18 2. Business and Safety Plans
- 19 3. A statement describing request

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21 **FINDINGS OF FACT:**

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

- 23
24 1. UCA 10-9a-507. Conditional Uses allows the City to adopt a land use ordinance that includes conditionals
25 uses and provisions for conditional uses that require compliance with standards set forth in an applicable
26 ordinance.
- 27 2. PCC 10-3-5 allows the City to impose reasonable conditions: to mitigate the reasonably anticipated
28 detrimental effects of the proposed use on the health, safety, or general welfare of persons residing,
29 working, or conducting business in the vicinity; to mitigate injury to property in the vicinity; to mitigate any
30 risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or
31 other causes.
- 32 3. PCC 10-6-1 Use Chart
- 33 4. Official Zoning Map Revised January 2019
- 34 5. Fire Inspector review dated April 21, 2020

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36 **CONCLUSIONS OF LAW:**

- 37 1. Providence City has adopted ordinances in compliance with UCA 10-9a-507.
- 38 2. PCC 10-3-5:E. establishes the standards for reasonable conditions.
- 39 3. The Official Zoning Map shows this property in a SFT district.
- 40 4. PCC 10-6-1:C.5. Provides that preschool is permitted by conditional use as a home business in a SFT district.
- 41 5. The fire inspector review dated April 21, 202 lists 4 conditions for approval.
- 42 6. The applicant meets the requirements of the Findings of Facts with the following conditions:

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44 **CONDITIONS:**

- 45 1. The applicant will apply for business license pursuant to PCC 3-1-5.
- 46 2. The applicant will meet the requirements for a home business listed in PCC 3-4-5.
- 47 3. The applicant will meet the requirements listed in the fire inspector review dated April 21, 2020.
- 48 4. The applicant will operate the business in the manner described in the business plan received April 16, 2020.
- 49 5. The applicant will continue to meet all federal, state, county, and Providence City rules, laws, codes,
50 ordinances, related to the operation of a preschool.
- 51 6. The applicant will need to follow up on the student limit and to stay within state regulations.
- 52 7. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their
53 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 read from the fire inspector, Aaron Walker's letter dated April 21, 2020.
- E Hill is planning on having two separate classes: one for three year olds and one for four year olds. It will be three days per week and two hours per class. One class is only two days a week for two hours. There won't be any parking just dropping off and picking up. There is only one entrance and exit out of the road. Keeping in mind it is a school zone. She will keep it small so she won't need employees.
- E Hill is not planning on having any future events.
- S Bankhead called the health department and they said if the number of children goes up they will need to be contacted again to see what guidelines they get bumped up to. If E Hill does increase the size there may be different requirements from the Fire Marshal. If there is a significant change in the plan such as 15-16 kids then it would need to be re-evaluated
- Parking, events, class size, hiring other employees and noise level in a residential area were discussed.
- E Hill just needs to go online and apply for the business license and pay the fee. Then when they get the okay from the fire marshal that they have met all requirements then the business license will be signed and the Pre-school can start.
- M Pierce inquired about state law on how many children the Pre-school can have and after what number she will need another instructor. He wanted to make sure it was stated in the minutes that she has to follow whatever the state law requirements are.

Motion to approve the conditional use for E Hill for a Pre-school located at 697 Cove Street in Providence based on the findings of fact, the conclusions and conditions that were discussed coming off the staff report. S Bankhead added a condition to follow up on the student limit and to stay within state regulations. ----M Pierce, second----- R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No 2. Conditional Use – Garden & Greenhouse: The Providence City Administrative Land Use Authority will consider for approval a request by Jamison Fargo for a conditional use for a garden and greenhouse located at 48 S. 100 W., Providence UT

Background Information:

Application was received April 16, 2020; application contained:

1. Providence City Conditional Use Application
2. Payment of \$100 fee
3. Business and Safety Plans, see site plan
4. A drawing and statement describing request and list of adjacent properties

FINDINGS OF FACT:

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

1. UCA 10-9a-507. Conditional Uses allows the City to adopt a land use ordinance that includes conditionals uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
2. PCC 10-3-5 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 . . .

3. PCC 10-6-1 Use Chart
4. Official Zoning Map Revised January 2019
5. Fire Inspector review dated April 21, 2020

CONCLUSIONS OF LAW:

1. Providence City has adopted ordinances in compliance with UCA 10-9a-505.
2. PCC 10-3-5:E. establishes the standards for reasonable conditions.
3. The Official Zoning Map shows this property in a SFT district.
4. PCC 10-6-1:I.9. provides that garden and greenhouse plants and produce for wholesale or retail sales are permitted by conditional use as a home business in a SFT district.
5. The fire inspector review dated April 21, 2020 lists 5 conditions for approval.
6. The applicant meets the requirements of the Findings of Facts with the following conditions:

CONDITIONS:

1. The applicant will apply for business license pursuant to PCC 3-1-5.
2. The applicant will meet the requirements for a home business listed in PCC 3-4-5.
3. The applicant will meet the requirements listed in the fire inspector review dated April 21, 2020.
4. The applicant will operate the business in the manner described in the site and business plan date stamped April 16, 2020
5. The applicant will continue to meet all federal, state, county, and Providence City rules, laws, codes, ordinances, related to the operation of a garden and greenhouse plants for wholesale or retail sales.
6. 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 Fargo stated his property is about .8 of an acre and half of it is garden. He anticipates selling to the Farmer's Market or possibly 10-30 individuals and or small local restaurants. If customers are too busy to make it to the Farmer's Market on Saturday, they can deliver it to the customers. There will be an option to come pick it up from J Fargo as well if they don't want it delivered. This would be Friday afternoons for a few hours. There will be a stand for those passing by and for the local neighborhood. He explained the greenhouse he has is more of a tunnel or hoop house. There is a chain link fence to hold rhubarb to the ground. They can be taken down and moved around.
- S Bankhead read Aaron Walker, the Fire Inspector's conditions that were in his letter dated: April 13, 2020.
- There was discussion of parking, how many customers at a time, signs, and private property versus the city right of way. It was also discussed to follow the COVID-19 restrictions and that if anything changes they would need to meet again to re-evaluate the plan.
- Once Fargo takes pictures of the extinguishers and emails or texts them to the fire inspector to verify that he is meeting the requirements and it is reported back, they can get the business license signed and get the business started.

Motion to approve the conditional use for a garden/greenhouse with the intent of selling plants and produce for the property located at 48 S. 100 W. in Providence based on the findings of fact conclusions of law and conditions listed in the staff report. ----R Stapley, second----M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

158 Motion to adjourn: M Pierce, second — R Stapley

159 **Vote:**

160 **Yea:** S Bankhead, M Pierce, R Stapley

161 **Nay:**

162 **Abstained:**

163 **Excused:**

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165 Meeting adjourned at approximately 3:24 PM

166 Minutes prepared by Kris Hobbs

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168 
169 S Bankhead

170 Chair

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