

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Minutes – Thursday, May 14, 2019 9:00 AM**
4 Providence City Office Building
5 164 North Gateway Drive, Providence UT 84332
6

7 Attendance: Skarlet Bankhead, Max Pierce, Rob Stapley
8 Others: Diane Campbell
9

10 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority
11 will consider for approval a request by Cook Homes, Inc. for approval of a conditional use site
12 plan for a single-family residence located at 611 E. 414 N., Providence UT.

13 **Background Information:**

- 14 1. Complete application was received May 1, 2019; application contained:
- 15 2. Providence City Conditional Use Application
- 16 3. Payment of \$100 fee, 05/01/2019
- 17 4. A complete Zoning Permit Application

18 **FINDINGS OF FACT:**

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

37
38 **CONCLUSIONS OF LAW:**

- 39 1. Providence City has adopted land use ordinances that include conditional uses and
40 provisions for conditional uses.
- 41 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire
42 Hazard area.
- 43 3. Providence City has the authority to impose reasonable conditions to mitigate the
44 reasonably anticipated detrimental effects of the proposed use.
- 45 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in
46 the interest of the fire safety provisions and regulations as adopted by the State of
47 Utah and in accordance with the International Fire Code.

48 5. The request meets the requirements of the Codes listed in the Findings of Fact with
49 the following conditions:

50 **CONDITIONS:**

- 51 1. The applicant will continue to meet all relevant federal, state, county, and
52 Providence City rules, laws, codes, ordinances.
- 53 2. The applicant will mitigate Wildfire Area by:
54 a. S Bankhead read from the letter from Aaron Walker dated 05/06/2019
- 55 3. This conditional use is for the residence only as shown on the site plan received.
- 56 4. Rob Stapley, Providence City Public Works Director, will inspect the current
57 infrastructure.
- 58 5. Diane Campbell, Office Specialist, will review the Zoning Permit.
- 59 6. Payment of fees listed on the Providence City Zoning Permit.
- 60 7. Approval by the City of any application submitted or paperwork does not alleviate
61 the owners and/or their agents from their responsibility to understand and conform
62 to local, state, and federal laws. Providence City's approval is not intended to and
63 cannot be construed to allow any laws to be violated.

64
65 **Motion to approve the conditional use on the findings of facts, conclusions of law, and**
66 **conditions –M Pierce , second –R Stapley ;**

67 **Vote: Yea: S Bankhead, R Stapley, M Pierce**

68 **Nay: None**

69 **Abstained: None**

70 **Excused: None**

71
72 **Item No. 2. Commercial Site Plan:** The Providence City Administrative Land Use Authority will
73 consider for approval a request by Kent Craven, Design West Architects for approval of a
74 commercial site plan for Mortenson Dental located at 202 N. Gateway Drive, Providence UT.

75
76 **Background Information:**

- 77 1. Application was received April 24, 2019; application contained:
- 78 2. Providence City Application
- 79 3. Payment of \$50 fee
- 80 4. A copy of the County Recorder plat
- 81 5. A letter describing the request

82 **FINDINGS OF FACT:**

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

- 84 1. 10-8-5 Commercial Zoned Districts; Site Development
- 85 2. Official Zoning Map Revised October 2018

86 **CONCLUSIONS OF LAW:**

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

89 **CONDITIONS:**

- 90 1. The applicant will continue to meet all relevant federal, state, county, and
91 Providence City rules, laws, codes, ordinances.
- 92 2. The applicant has met the parking requirements. Once the construction drawings
93 are reviewed and approved, if any changes to the construction drawings are made,
94 the parking will need to be reviewed to make sure it still meets Providence City
95 standards.

- 96 3. The applicant has verified with Logan City that the dumpster can be moved.
- 97 4. Exterior lighting will meet regulation in Providence City Code 10-8-5
- 98 5. Approval by the City of any application submitted or paperwork does not alleviate
- 99 the owners and/or their agents from their responsibility to understand and conform
- 100 to local, state, and federal laws. Providence City's approval is not intended to and
- 101 cannot be construed to allow any laws to be violated.

102 **Comments:**

- 103 • The dumpster on the southwest corner will be removed, even though the plan
- 104 submitted does not show it. Another dumpster on the property will be enlarged.
- 105 • R Stapley mentioned the street lights that are on the east side. He said that one of
- 106 them appears to be filled with water. They can be expensive to repair, and we are
- 107 not yet sure how the property owners' association will handle that.
- 108 • S Bankhead said that if the landscaping changes at all from what the plan shows
- 109 currently, it will need to be reviewed.
- 110 • The access easement on the east side of the property was discussed. The new
- 111 owners would like to have it look nice, but the city needs to drive on it to access a
- 112 city property to the northeast. K Craven said he will tell the new owners that they
- 113 should discuss any landscaping of the easement with the city before implementing
- 114 it.
- 115 • S Bankhead said that the drawing is cut off on the east side. She asked K Craven if
- 116 there are trees on that side. He said that there are, and that he will get the city a
- 117 complete drawing of the landscaping.
- 118 • R Stapley noted that we will need to figure out the snow removal situation.

121 **Motion to approve the commercial site plan on the findings of facts, conclusions of law, and**
 122 **conditions – R Stapley, second – M Pierce ;**

123 **Vote: Yea: M Pierce, R Stapley, S Bankhead**
 124 **Nay: None**
 125 **Abstained: None**
 126 **Excused: None**

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 129 **Item No. 3 Commercial Site Plan:** The Providence City Administrative Land Use Authority will
 130 consider for approval a request by Terry Naylor/Kip Gilley for approval of a zoning application
 131 for the bungalow at the Old Rock Church property located at 10 S. Main, Providence, UT

132 **Background Information:**

- 133 1. Application was received May 7, 2019; application contained:
- 134 2. Providence City Application
- 135 3. Payment of \$50 fee
- 136 4. A drawing describing the request

137 **FINDINGS OF FACT:**

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

- 139 1. 10-8-5 Commercial Zoned Districts; Site Development
- 140 2. Official Zoning Map Revised October 2018

141 **CONCLUSIONS OF LAW:**

- 142 1. The property is located in a CGD zone.

- 143 2. The applicant meets the requirements of 10-8-5 with the following conditions.
144 **CONDITIONS:**
145 1. The applicant will continue to meet all relevant federal, state, county, and
146 Providence City rules, laws, codes, ordinances.
147 2. The applicant has met the parking and landscaping requirements. Once the
148 construction drawings are reviewed and approved, if any changes to the
149 construction drawings are made, the parking and landscaping will need to be
150 reviewed to make sure it still meets Providence City standards.
151 3. Approval by the City of any application submitted or paperwork does not alleviate
152 the owners and/or their agents from their responsibility to understand and conform
153 to local, state, and federal laws. Providence City's approval is not intended to and
154 cannot be construed to allow any laws to be violated.

155 **Comments:**

- 156 • T Naylor explained that one of the things they will do is that they will take down one of
157 the trees on the property and replace it with two parking stalls.
- 158 • They will be putting stairs on the south side.

159
160 **Motion to approve the commercial site plan on the findings of facts, conclusions of law, and**
161 **conditions – R Stapley, second – M Pierce ;**

162
163 **Vote: Yea: R Stapley, M Pierce, S Bankhead**

164 **Nay: None**

165 **Abstained: None**

166 **Excused: None**

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169 **Motion to adjourn:– R Stapley, second – M Pierce**

170 **Vote: Yea: R Stapley, M Pierce, S Bankhead**

171 **Nay: None**

172 **Abstained: None**

173 **Excused: None**

174
175 Meeting Adjourned approximately 9:40 AM

176 Minutes prepared by Jesse Bardsley

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180 _____
181 Skarlet Bankhead, Administrative Services Director