

1 **PROVIDENCE CITY**
2 **ADMINISTRATIVE LAND USE AUTHORITY MINUTES**
3 **TUESDAY, April 21, 2015** **9:35 am**

4 Providence City Office Building
5 15 South Main, Providence UT 84332

6
7 Call to Order: Skarlet Bankhead
8 Attendance: ALUA Members: Randy Eck, Gary Knighton
9 Developers: Joseph White, Wayne Southwick
10 Audience: Nefi Garcia – Verizon Wireless Agent
11

12 **ACTION ITEMS:**

13 **Item No. 1.** The Providence City Administrative Land Use Authority will consider a request for
14 conditional use from Nefi Garcia, agent for Verizon, for a cell tower located at the Providence City West
15 Yard, approximately 235 North 350 West.

- 16 • S Bankhead reviewed the history. Conditional use for cell tower, applicant is Verizon Wireless.
17 Application and fee were submitted on 03.26.15.

- 18 • S Bankhead reviewed the Findings of Facts and the Conclusions of Law.

- 19 • **FINDINGS OF FACT:**

- 20 1. Utah Code 10-9a-507, Conditional Uses.
- 21 2. Official Zoning Map Revised February 3, 2015.
- 22 3. The following Providence City Code (PCC) list regulations and requirements to be
23 considered.
 - 24 a. 10-3-5 Conditional Use Permits
 - 25 b. 10-4-5: Public District
 - 26 c. 10-6-1:D. 7. Radio / TV/ cellular tower
 - 27 d. 10-8-8: Low Power Towers and Antennas for Radio Communication

- 28 • **CONCLUSIONS OF LAW:**

- 29 1. 10-9a-507 Conditional uses. (1) A land use ordinance may include conditional uses and
30 provisions for conditional uses that require compliance with standards set forth in an
31 applicable ordinance.(2)(a) A conditional use shall be approved if reasonable conditions
32 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental
33 effects of the proposed use in accordance with applicable standards.(b) If the
34 reasonably anticipated detrimental effects of a proposed conditional use cannot be
35 substantially mitigated by the proposal or the imposition of reasonable conditions to
36 achieve compliance with applicable standards, the conditional use may be denied.
- 37 2. 10-3-5 allows the City to impose reasonable conditions: to mitigate the reasonably
38 anticipated detrimental effects of the proposed use on the health, safety, or general
39 welfare of persons residing, working, or conducting business in the vicinity; to mitigate
40 injury to property in the vicinity; to mitigate any risk to safety of persons or property
41 because of vehicular traffic or parking, large gatherings of people, or other causes, to
42 mitigate unreasonable interference with the lawful use of surrounding property; and to
43 mitigate the need for essential municipal services which cannot be reasonable met . . .
- 44 3. 10-4-5:B.7. Cell towers may be allowed by conditional use in the Public District.
- 45 4. 10-6-1: D. 7. Radio / TV/ cellular tower is allowed as a conditional use in a PUB zone

- 1 5. Parcel No. 02-091-0034 is located in a PUB zone.
- 2 • These are proposed conditions and can be changed as part of the discussion today.
- 3 • **CONDITIONS:**
- 4 1. The applicant will continue to meet all relevant federal, state, county, and Providence
- 5 City rules, laws, codes, ordinances related to the operation of a cell tower facility.
- 6 2. The applicant will mitigate vehicular traffic and parking by installing a 20' wide drive as
- 7 shown on the approved construction plans.
- 8 3. The applicant will install additional fencing as shown on the approved plans.
- 9 4. The applicant will enter into the approved lease agreement with Providence City.
- 10 • G Knighton said that the fence that is being referred to on the plans shows barbed wire. Randy
- 11 and Skarlet checked and the City no longer allows barbed wire.
- 12 • R Eck asked if they were going to leave the original fencing or put all new fencing in. Nefi said
- 13 there will be a fence within a fence. They will install a gate to enter their property, and keep
- 14 their area separate from the City's area. The current north and east fence will remain and they
- 15 will install new fence on the west side.
- 16 • G Knighton also asked about curb and gutter on both sides. Randy said the City is paying for
- 17 that.
- 18 • The following comments are for construction drawings and will need to be shown on the
- 19 construction drawings:
- 20 ○ Fence without barb wire.
- 21 ○ Curb and gutter will need to be installed.
- 22 ○ There will be a note so that everyone knows who is responsible for backfill and repair of
- 23 the curb and gutter.
- 24 ○ Verizon will also work with the City on the sprinkler system so that it is spraying properly
- 25 for the park property.
- 26 • R Eck brought up ADA access. The corner where the curb ties in will have an ADA access.
- 27 • The street, curb and gutter need to have positive drainage. The south curb and gutter will need
- 28 to carry the flow around.
- 29 • S Bankhead asked about parking. Randy asked Nefi if they would be able to park in the
- 30 compound, he said it is too tight and they wouldn't be able to. When the next phase of the park
- 31 is developed, the City may install parking and they would be able to park there also. There is a
- 32 corner of the property where one person will be able to park. Randy is considering putting a
- 33 chain up so that the only people that have access to the property at this point are the City and
- 34 Verizon.
- 35 • The drawings are showing this is an 86' tower, this height is under what is allowed by ordinance.
- 36 • The site plan is being reviewed at this time, the project won't be approved until construction
- 37 drawings are submitted and approved by the City.

38 **Motion to approve the conditional use permit with the conditions listed and add that every effort be**

39 **made for the contractor to maintain the sprinkler system for the park. He would also like to see the**

40 **fencing and gate installed as soon as possible. This will help so that Verizon and the contractor will be**

41 **able to access the property without the City opening the gate. R Eck, second – G Knighton**

42 **Vote: Yea: S Bankhead, R Eck, G Knighton**

43 **Nay: None**

44 **Abstained: None**

45 **Excused: None**

1 **Motion to adjourn: G Knighton, second – R Eck**
2 **Vote: Yea: S Bankhead, R Eck, G Knighton**
3 **Nay: None**
4 **Abstained: None**
5 **Excused: None**

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11 Skarlet Bankhead, City Recorder

Caroline Craven, Secretary

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