

1 LAND USE AUTHORITY
2 October 26, 2010
3 Providence City Office Building
4 15 South Main, Providence, UT
5

6 Call to Order: Skarlet Bankhead
7 Attendance: Randy Eck, Max Pierce
8 Audience Attendance: Crystal Jensen, Randy Anderson, Cade Harris
9 Excused: None

10
11 Conflict of Interest: None.
12

13 **Action Item:**

14 **Item No. 1.** The Providence City Land Use Authority will consider for approval a request from Crystal
15 Jensen for a Conditional Use for a Daycare/Preschool to be located at 404 North 100 East.

16 S Bankhead a childcare and preschool can both be ran under SFH (Single Family High Density Zone) and
17 that is the zone you live in. One problem I see with this is in Title 3 Chapter 4 Section 4 Letter H “a
18 childcare business may not operate on or above a second story level”. I understand that your home is a
19 multilevel home so we will need to talk about this. There is another part of the ordinance that has some
20 concern, same chapter 3-4-5 item E; no more than 25% of any one floor area may be used for a home
21 business. Why don’t you talk to us about how you are going to handle these concerns.

22 C Jensen, the level up where the bedrooms are, we will only be using the bathroom. The fire marshal has
23 approved according to his fire concerns.

24 R Eck, having trouble defining level with a split level house.

25 S Bankhead, I spoke with Dennis Giles our building inspector and he couldn’t find anything in Building
26 Code that determined a level/story in a house. R Eck, how many steps are dividing the levels? C Jensen,
27 seven steps. Randy can live with seven steps and still considering it one level and not two stories. M
28 Pierce, I don’t know what is considered a story either, but seven steps are four feet.

29 M Pierce, if you go up seven steps and then another seven you just went up two flights of stairs. R Eck, is
30 seven steps a flight of stairs or is 13 steps? R Eck, I don’t have a problem with the first item, but the
31 second is an issue.

32 R Eck, I don’t know that even if we combine all the levels, you are still using more than 25%.

33 S Bankhead, if we count the seven steps and keep those two floors between those steps as one level, then
34 we are still running into using more than 25%.

35 R Eck, I don’t know how following the ordinance you can get around this. Maybe take this to City Council
36 and get an ordinance change.

37 S Bankhead, do you step up from your garage into the home? C Jensen, just one step. S Bankhead, if she
38 was to go to the City Council, what is a reasonable to recommend when they come to the staff for a
39 recommendation, what should would we tell them? R Eck, I feel like childcare is different than a home
40 business. Kids are going to be all over the house not just in one area. C Jensen, Thank you Randy. I don’t
41 see how I can tell them to keep limits in the room.

42 S Bankhead, if we just look at the childcare, then that is ok. But if we have to look at the preschool as a
43 home business then it falls under the 25% ordinance. S Bankhead, the reason we view preschool different
44 than childcare is that the State does.

45 R Eck, how many kids are you looking to take on? C Jensen, no more than seven. I would like to have
46 seven for preschool and if doing daycare, keeping it to 3-4. State requires keeping it under seven.

47 S Bankhead, we have tightened our standards on preschools. We will have to ask our city attorney on this.

48 M Pierce, do you have to treat it like a preschool or can you just treat it like a childcare? S Bankhead, that
49 is a question for the attorney.

50 S Bankhead, what I feel comfortable doing at this time is approving the childcare side of things and talking
51 with our attorney on the preschool side. I would also like to talk to the City Council about this. R Eck,
52 does the building code state how high you can go up before you have to sprinkle? C Harris, no, you can go
53 up without sprinklers. M Pierce, I am with Skarlet, you should not hold this up but have the Council give
54 more detail on which way to go. S Bankhead, do we need two weeks? R Eck, do you need us to approve
55 childcare now? C Jensen, the State won’t help me until December. S Bankhead, so we will talk to Council
56 and maybe make an ordinance change. S Bankhead, do I have a motion to continue?
57

1 Motion to continue: R Eck, M Pierce, second

2 Vote: Yea: S Bankhead, R Eck, M Pierce

3 Nay: None

4 Abstained: None

5 Excused: None

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7 Item No. 2. The Providence City Land Use Authority will consider for approval a request from Master
8 Mechanic Tire Factory for a Site Plan for remodel to their business located at 142 North Spring Creek
9 Parkway. S Bankhead, Randy, you were going to check on the front setback.

10 R Eck, when you left last time something didn't feel right. The front setback is different if you have
11 parking in the rear and if you have it in the front. It has to be 15 feet from the building structure. I went
12 and measured it and it was 15' 10". The brick columns are going to make it inches short. If the property
13 line is 1.0 foot behind the sidewalk we are now at 14' 10". S Bankhead, the pillar is a part of the structure.
14 M Pierce, you will need to slide your columns back a foot. R Eck, you were planning on painting parking
15 here in the front. If that is the case you will need to have a 30' setback. R Anderson, we don't have to
16 have the front parking. I was just trying to make sure we met the parking stalls needed for the ordinance. I
17 would prefer they not park in the front. R Eck, you will need to have all your parking in the back.

18 S Bankhead, read the ordinance. If someone parks there for a quick drop-off then we don't care because
19 they are not designated parking stalls. R Eck, I don't know how you are going to meet that 15'.

20 C Harris, we want to do about 3-4' pillars to make it look nice with the building.

21 M Pierce, what will that do to that area right there? You have room for parking now, can you move it
22 back? R Anderson, we will have room for only one row of drop-off and I want more room so people aren't
23 hitting the pillars. R Anderson, is there a possibility of getting a variance on this?

24 R Eck, if it is a man-made problem it can't be given a variance. S Bankhead, that's a state law.

25 R Anderson, what about the signage that is out front on the property?

26 S Bankhead, that is separate, because it's not connected to your building. We just require it to not block
27 clear view. C Harris, what if we disconnect the awing from the building?

28 R Eck, your structure is still encroaching in the setback.

29 R Anderson, if we put a sign on it would that be considered signage? We would have to put a pillar on
30 both ends. S Bankhead, that would put the sign in the front setback as long as it didn't interfere with clear
31 view. M Pierce, You will be losing more frontage.

32 S Bankhead, I think it would be a huge stretch calling that a sign anyway. I don't think that will win the
33 battle. C Harris, I think we were hoping more for a variance. We knew we would be coming into this
34 problem, but were hoping with the aesthetics we could get a variance so to cover any safety hazard with
35 people coming through that we could put the pillars on the other side of the curb. If this is our only
36 problem then we will have to adjust. R Eck, that is the only problem I had with this site plan. S Bankhead,
37 that's all I had too.

38 S Bankhead entertains a motion to approve.

39
40 Motion to approve, making sure the frontage 15' yard is in place: M Pierce, R Eck, second

41 Vote: Yea: S Bankhead, R Eck, M Pierce

42 Nay: None

43 Abstained: None

44 Excused: None

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46 Motion to adjourn: R Eck, M Pierce, second

47 Vote: Yea: S Bankhead, R Eck, M Pierce

48 Nay: None

49 Abstained: None

50 Excused: None

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52 Meeting adjourned at 2:27 p.m.

53 Minutes taken and prepared by Sheri Ward.

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Skarlet Bankhead, Chairman

Sheri Ward, Secretary