

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

**Ordinance No. 2018-015**

AN ORDINANCE AMENDING THE PROVIDENCE CITY ZONING DISTRICT(S) AND ZONING MAP BY CHANGING THE ZONE OF PARCEL NO. 02-162-0013, A 0.93 (+/-) ACRE PARCEL LOCATED GENERALLY AT 254 NORTH GATEWAY DR, PROVIDENCE UT FROM COMMERCIAL GENERAL DISTRICT (CGD) TO MULTI-FAMILY HIGH (MFH).

WHEREAS on September 28, 2018, Danny Macfarlane, agent for DLMAC LLC, filed an application requesting the AGR Zone be changed to CGD for Parcel No. 02-096-0089, a 0.68 (+/-) acre parcel located at generally at 506 West 100 South.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
- Planning Commission studied the proposed amendment and held a public hearing prior to making a recommendation.
- The Planning Commission considered the following:

**FINDINGS OF FACT:**

1. ES used the Providence City Master Plan 2000 as revised, and examined current and anticipated development in the immediately surrounding area, to review the application. General Plan Sheet 5-BFuture Re-Zone of Existing Districts does not presently call for the zone for this area to change to Multi-Family High (MFH) (see Illustration B).
2. Providence City Master Plan 2000 Revised 8 December 2009 lists Principles Governing the Master Plan 2000, including but not limited to the following:
  - Develop mixed-use neighborhoods (retail, commercial, and a full range of housing opportunities).
  - Strengthen the economic base of the community by encouraging the growth of a quality commercial area.
  - Focus prime development opportunities on strong retail facilities that generate sales taxes. (Res 09-035, 12/08//2009)

**CONCLUSIONS OF LAW:**

1. The General Plan does not anticipate this property zone changing from CGD.
2. The General Plan should be amended in order to make a favorable recommendation on this rezone request.

**CONDITIONS:**

1. The applicant shall meet all applicable City, state and federal laws, codes, rules.
- Providence City Planning Commission took the following action on November 14, 2018:  
*Item No. 1. Recommendation – Rezone. The Providence Planning Commission will consider a recommendation to the City Council to grant a rezone request for Parcel 02-162-0013, Lot 1 of the Willow Place Subdivision containing 0.93 acres, generally known as 254 North Gateway Drive,*

changing the zone from CGD to MFH.

Motion to recommend the city council deny the request for a proposed rezone from CGD to MFH – G Sonntag, second – R Holloway

Vote:

Yea: R Holloway, R James, G Sonntag

Nay: R Cecil

Abstained: J Parker

THEREFORE be it ordained by the Providence City Council

- The zone for Parcel No. 02-162 0013 shall be changed from CGD to MFH based on the findings of fact, conclusions of law, and conditions listed above.
- This ordinance shall become effective immediately upon passage and posting or 30 days after final passage, whichever is closer to the date of final passage.

Ordinance adopted by vote of the Providence City Council this 11 day of December 2018.

Council Vote:

Allen, Kirk	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Eck, Kristina	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Fresz, Brent	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

Signed by Mayor John Drew this 11 day of December 2018.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder

