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3 **Ordinance No. 2019-025**

4 AN ORDINANCE CHANGING THE ZONE FOR PARCEL NO. 02-162-0015; A 1.47-ACRE PARCEL
5 LOCATED AT 220 N SPRING CREEK PARKWAY, PROVIDENCE UT. THE PROPERTY IS CURRENTLY
6 ZONED COMMERCIAL GENERAL DISTRICT (CGD). THE APPLICANT IS REQUESTING MULTI-FAMILY
7 HIGH (MFH).

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

10
11 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
12 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
13 and its present and future inhabitants and businesses, to protect the tax base, to secure
14 economy in governmental expenditures, to foster the state's agricultural and other industries, to
15 protect both urban and nonurban development, to protect and ensure access to sunlight for
16 solar energy devices, to provide fundamental fairness in land use regulation, and to protect
17 property values in areas that may be considered sensitive, including but not limited to fire
18 danger, slope, soil content.

- 19 • Providence City staff received a rezone application on October 4, 2019 from Danny
20 Macfarlane, agent for DLMAC, requesting the zone for Parcel No. 02-162-0015 (Lot 2 of
21 the Willow Place Subdivision, generally known as 220 North Spring Creek Parkway) be
22 changed from CGD to MFH.
- 23 • Planning Commission studied the proposed zone change and held a public hearing prior
24 to making a recommendation.
- 25 • The Planning Commission considered the following:

26 **FINDINGS OF FACT:**

- 27 1. ES used the Providence City Master Plan 2000 as revised, and examined current
28 and anticipated development in the immediately surrounding area, to review
29 the application. General Plan Sheet 5-B Future Re-Zone of Existing Districts does
30 not presently call for the zone for this area to change to Multi-Family High
31 (MFH). The proposed Future Re-Zoning of Existing Districts & Annexed Area Map
32 does not show a zone change for this parcel (see Illustration B).
- 33 2. Providence City Master Plan 2000 Revised 8 December 2009 lists Principles
34 Governing the Master Plan 2000, including but not limited to the following:
 - 35 • Develop mixed-use neighborhoods (retail, commercial, and a full range
36 of housing opportunities).
 - 37 • Strengthen the economic base of the community by encouraging the
38 growth of a quality commercial area.
 - 39 • Focus prime development opportunities on strong retail facilities that
40 generate sales taxes. (Res 09-035, 12/08//2009)

41 **CONCLUSIONS OF LAW:**

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

45 **CONDITIONS:**

- 46 1. The applicant shall meet all applicable City, state and federal laws, codes, rules.
- 47 • Providence City Planning Commission took the following action on November 13, 2019:

1 Motion to recommend that the city council rezone parcel number 02-162-0015 located
2 at 220 N Spring Creek Parkway: — R Cecil, second — J Paulsen

3 Vote:

4 Yea: R Cecil, B Perry

5 Nay: R Holloway, J Paulsen, L Banda

6 Abstained:

7 Excused:

8

9 THEREFORE be it ordained by the Providence City Council

- 10 • The rezone request filed by Danny Macfarlane, agent for DLMAC, shall be granted and
11 the zone change for Parcel No. 02-162-0015 from CGD to MFH shall be approved based
12 on the findings of fact, conclusions of law, and conditions listed above.
- 13 • This ordinance shall become effective immediately upon passage and posting or 30 days
14 after final passage, whichever is closer to the date of final passage.

15

16 Ordinance adopted by vote of the Providence City Council this 4 day of December 2019.

17

18 Council Vote:

19 Allen, Kirk (x) Yes () No () Excused () Abstained () Absent

20 Eck, Kristina (x) Yes () No () Excused () Abstained () Absent

21 Fresz, Brent (x) Yes () No () Excused () Abstained () Absent

22 Giles, Dennis (x) Yes () No () Excused () Abstained () Absent

23 Sneddon, Roy (x) Yes () No () Excused () Abstained () Absent

24

25 Signed by Mayor John Drew this 26th day of December
26 2019.

27

28 Providence City

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30

31 John Drew, Mayor

32

33 Attest:

34

35 Skarlet Bankhead, Recorder

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37

