

1 **Ordinance No. 2017-014**

2 **ORDINANCE WAS NOT ADOPTED**

3 AN ORDINANCE CHANGING THE ZONE OF PARCEL NO. 02-096-0087; A 4.47 PARCEL OF PROPERTY
4 LOCATED GENERALLY AT 75 SOUTH GATEWAY DRIVE, CURRENTLY ZONED MIXED-USE (MXD). THE
5 APPLICANT IS REQUESTING MULTI-FAMILY HIGH DENSITY (MFH).
6

7 WHEREAS Amsource Providence LLC filed an application requesting the MXD Zone be changed to MFH for
8 4.47 (+/-) acres of Parcel No. 02-096-0087 located at approximately 75 South Gateway Drive, Providence
9 UT.
10

11 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules
12 and may enter into other forms of land use controls . . .” and
13

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

- 21 • UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a
22 proposed land use ordinance or zoning map; and prepare and recommend to the legislative body
23 a proposed land use ordinance and zoning map that represent the planning commission's
24 recommendation.
- 25 • Prior to making a recommendation, the Planning Commission studied the proposed rezone and
26 held a public hearing on September 27, 2017.

27 WHEREAS during the October 11, 2017 meeting, the Planning Commission considered the following:

28 **Staff Report Summary of Key Issues:**

- 29 1. The General Plan does not presently call for this area to be zoned to multi-family high
- 30 2. Property near to this parcel has been approved for MFH development
- 31 3. This property is located behind the strip of development that includes Maceys and
32 Dollar Tree.

33 **Background Information:**

34 The General Plan does not anticipate the area being rezoned as multi-family high density. There
35 is an opportunity for the developer to incorporate a small amount of retail into the development,
36 which would blend the development in more harmoniously with the development just East of
37 the property.

38 **FINDINGS OF FACT:**

- 39 1. ES used the Providence City Master Plan 2000 as revised, as well as development in the
40 surrounding area, to review the application.

41 **CONCLUSIONS OF LAW:**

42 **CONDITIONS:**

- 43 1. The applicant shall continue to meet all applicable city, state and federal laws, codes,
44 rules.
45

46 **RECOMMENDATION:**

47 That the Planning Commission recommend to the Council that this property not be rezoned to
48 MFH but rather, remain MDU, and that the developer be required to integrate small-scale
49 commercial into the development.
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- After discussion, the Planning Commission recommended to the City Council that they deny the request; keeping the zone MXD.

THEREFORE be it ordained by the Providence City Council

- The rezone request shall be approved 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~~ **DIED FOR LACK OF A SECOND** of the Providence City Council this 24 day of October 2017. **ORDINANCE WAS NOT ADOPTED**

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

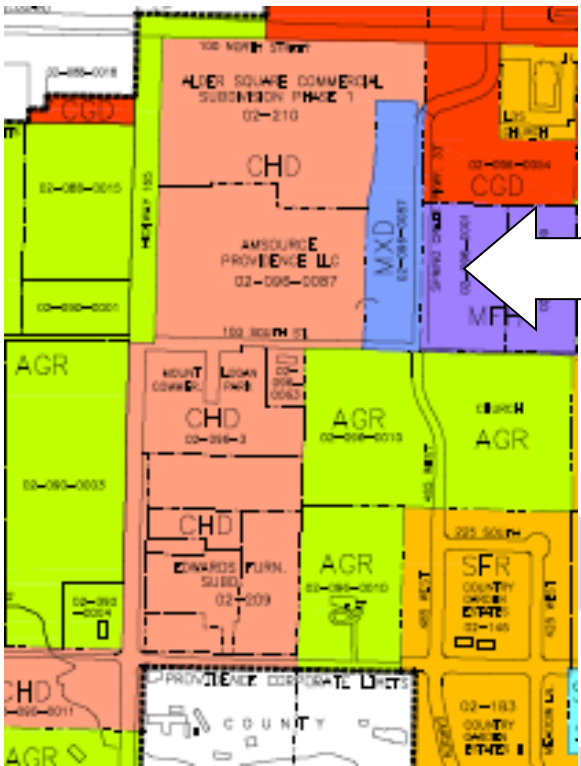
Signed by Mayor Don W Calderwood this day of 2017.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder



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