

Ordinance No. 2020-011

AN ORDINANCE CHANGING THE ZONE FOR PARCEL NO. 02-096-0054 FROM COMMERCIAL GENERAL DISTRICT (CGD) TO MULTI-FAMILY MEDIUM (MFM), LOCATED IN THE GENERAL AREA OF 50 NORTH GATEWAY DR, CONTAINING APPROXIMATELY 3.21 ACRES

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.
- Prior to making a recommendation the Planning Commission studied the proposed amendment and held a public hearing on October 14, 2020.
- The Planning Commission considered the Findings of Fact, Conclusions, and Conditions listed in the attached rezone analysis.
- Providence City Planning Commission took the following action on October 14, 2020:
Motion to recommend approval of the rezone: — R Cecil, second — B Marble
Vote: Yea: K Alder, R Cecil, M Fortune, B Marble
Nay:
Abstained:
Excused: L Banda, R Perry

THEREFORE be it ordained by the Providence City Council

- The zone for Parcel No. 02-096-0054 shall be changed from CGD to MFM based on the recommendation of the Planning Commission and the findings of fact, conclusions of law, and conditions listed in the attached rezone analysis.
- 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.

Passed by vote of the Providence City Council this 21st day of October 2020.

Council Vote:

Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
Paulsen, Joshua	() Yes	(X) No	() Excused	() Abstained	() Absent
Sealy, Jeanell	() Yes	(X) No	() Excused	() Abstained	() Absent
Speth, Brent	(X) Yes	() No	() Excused	() Abstained	() Absent

1 Signed by Mayor John Drew this 28th day of October 2020.

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3 Providence City

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6 John Drew, Mayor

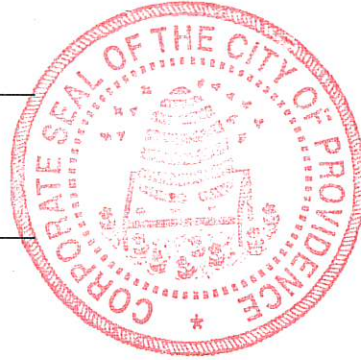
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8 Attest:

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10 Skarlet Bankhead, Recorder

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REZONE ANALYSIS

Request: That the zone for Parcel No. 02-096-0054 be changed from Commercial General District (CGD) to Multi-Family (MFM)

Item Type: Rezone	Applicant: Visionary Homes	Agent: Ben Steele	
Prepared by: S Bankhead Date: 08/21/2020	General Plan: Commercial General District (CGD)	Zone:	
		Current	Requested
		CGD	MFM
Parcel ID #: 02-096-0054	Address: Not assigned General area of 10 N Gateway DR	Acres: 3.21	

Background Information:

- The complete application and required support documentation were received on August 19, 2020.

Summary of Key Issues:

- The applicant submitted the following statement of request:

Visionary Homes believes that everyone deserves the opportunity to be a homebuyer and own their own home. After all a home is more than land, concrete, sticks and bricks – its family security, where lifelong memories are made with loved-ones. Our expertise is creating and building an environment where these moments can happen.

Housing is in somewhat demand statewide - the Cache Valley being no exception - especially housing that is built with the first home buyer in mind. The purpose of this rezone from Commercial General District to Multi-family Medium is to provide housing to this much needed clientele - those that desire to live in a semi-urban townhome development. Providence Gateway Townhome and Condominium project to the south is well under way with the clubhouse, pool, basketball court and playground in construction together with the first two condominium buildings.

We desire to continue building a relationship of trust with city staff and officials and the public at large in working together to develop this 3.2 acres of ground. We contemplate the highest and best use for this property would be residential housing with high to medium density zoning.

We propose a 12 units per acres maximum density which the MFM zoning would grant. Part of this proposed request for rezone could be conditioned on a substantial open space dedication. Our current conceptual layout calls for a mini quad park space of approximately $\frac{1}{4}$ of an acre to be open to residents of the 3.2 acres as well as residents to the south. With the 12 units to the acre density these townhomes would still have sufficient space for 27 of the 38 units to have a minimum of 20' driveway envelopes added to the 2 car garages. This would present an overall less dense feel to the Providence Gateway project generally and increase value for all residents alike and provide much needed housing to current and new residents of Providence City,

Providence City General Plan 2020

- Vision:**

Guide and manage growth in a way that preserves natural scenery while also providing more opportunities to live, work, shop, and recreate in Providence.

- Key Initiatives:**

1. Preserve the 'sense of place' by identifying characteristics that define Providence as a unique place.
2. Make decisions regarding storm water and exterior water us guided by green infrastructure and low impact development best management practices.
3. Consider life-cycle costs in mind when making decisions for design standards (such as road widths) and new capital improvement projects.
4. Ensure that transportation and recreation facilities accommodate a variety of transportation modes (biking, walking, driving) to provide people multi-modal transportation options as a lifestyle and recreation choice.
5. Consider long-term economic development impacts when making land use, transportation, and other planning decisions.
6. Encourage housing options to meet the needs of residents of all ages, income level and family size, regardless of their stage of life.

1. Utah Code (UCA) 10-9a-505: The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of Utah Code Title 10 Chapter 9a.
2. UCA 10-9a-302(1)(b)(ii): The planning commission shall review and make a recommendation to the legislative body for amendments to existing land use regulations.
3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.
4. Providence City Code (PCC) 10-4-1 established the City's zoning districts.
5. The Providence City General Plan 2020 and current and anticipated development in the immediately surrounding area, were considered in the review of the application.
6. PCC 10-1-5:B. lists the requirements for an application for rezone.
7. PCC 10-5 defines and lists the regulations for sensitive areas.
8. PCC 10-6-1 lists the uses designated in each zone.
9. PCC 10-8-1 lists the area regulations designated in each zone.

CONCLUSIONS:

1. Providence City has divided the city into zoning districts.
2. The Planning Commission will hold a public hearing prior to making a recommendation on this request to amend an existing land use regulation.
3. The City's zoning districts include the CGD and the MFM districts.
4. The General Plan vision and key initiatives are listed above the Findings of Facts in this report.
5. This property is currently zoned CGD (see Illustration A). The General Plan Map Future Re-Zoning of Existing Districts & Annexed Area does not anticipate this property zone changing from CGD (see Illustration B. In this illustration, white represents no change).

Illustration A – Current Zoning

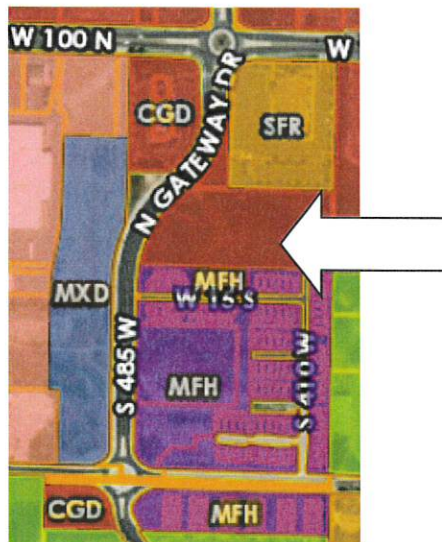
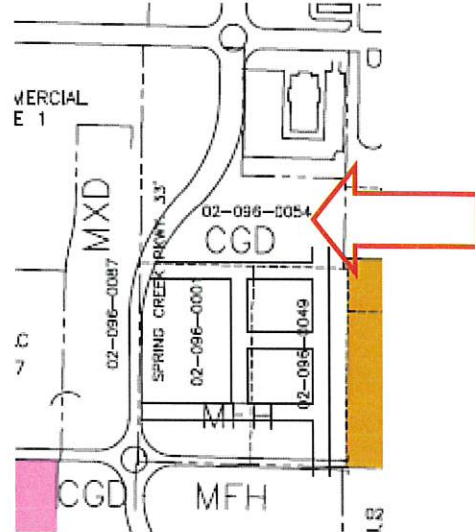
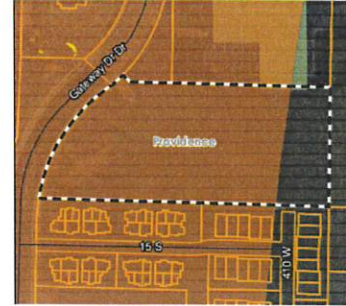


Illustration B – Future Zoning



6. *PCC 10-5-2:A. lists the following areas as potentially developable:
 - a. steep slopes where the rise or fall of the land is between 20% and 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - b. floodplains as defined in PCC 10-16-3
 - c. crucial wildlife habitat areas as identified by the State Division of Wildlife Resources
 - d. geological hazard area earthquake fault lines or area prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS)
 - e. wildfire hazard areas of the city designated as having moderate to extreme potential for wildfire

- 1 7. *PCC 10-5-2:B.2.&3. The lands within potentially
2 developable sensitive areas may be developed and built
3 upon, subject to the requirements of this section and other
4 applicable city, state, and federal requirements; and may be
5 considered for development density at the discretion of the
6 Providence City Planning Commission based on
7 recommendations from professional(s) with expertise in
8 the field being discussed.
9 *The Cache County GIS Parcel Survey does not confirm
10 sensitive areas exist, it only lists areas that may require
11 further analysis. It indicates this parcel has moderate to
12 high liquefaction potential.



13 **CONDITIONS:**

- 14 1. The applicant shall meet all applicable City, state and federal laws, codes, rules. Approval by the
15 City of any application or paperwork submitted does not alleviate the owners and/or their agents
16 from their responsibility to understand and conform to local, state, and federal laws. Providence
17 City's approval is not intended to and cannot be construed to allow any laws to be violated.
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