

Providence City Planning Commission Agenda  
Providence City Office Building, 15 South Main, Providence UT 84332  
June 8, 2016

The Providence City Planning Commission will begin discussing the following agenda items at 6:00 p.m.  
Anyone interested is invited to attend.

**Approval of the Minutes:**

**Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of May 25, 2016.

**Public Hearings**

**Hearing No 1. 6:00 PM:**

The Providence City Planning Commission will hold a public hearing to provide an opportunity for anyone interested to comment on a proposed rezone of Parcel No. 02-098-0044 located generally at 160 South 100 East, from Single-Family Traditional (SFT) to Multi-Family High (MFH), before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

**Hearing No 2. 6:30 PM:**

The Providence City Planning Commission will hold a public hearing to provide an opportunity for anyone interested to comment on a proposed rezone of Parcel No. 02-115-0014 located generally at 900 South 400 East, from Agricultural (AGR) to Single-Family Traditional (SFT), before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

**Action Items:**

**Item No 1. Proposed Zone Change:** The Providence City Planning Commission will consider for recommendation to the Providence City Council, approval of rezone of Parcel No. 02-098-0044 located generally at 160 South 100 East, from Single-Family Traditional (SFT) to Multi-Family High (MFH).

**Item No. 2. Proposed Zone Change:** The Providence City Planning Commission will consider for recommendation to the Providence City Council, approval of rezone of Parcel No. 02-115-0014 located generally at 900 South 400 East, from Agricultural (AGR) to Single-Family Traditional (SFT).

**Study Items:**

**Item No. 1. Proposed General Plan Amendments:** The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the definitions for zoning districts.

**Reports:**

**Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

**Commission Reports:** Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on June 7, 2016.

  
Skarlet Bankhead  
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

1 **Providence City Planning Commission Minutes**

2 **Providence City Office Building**

3 **15 South Main, Providence UT 84332**

4 **May 25, 2016**

**6:00 pm**

6 Chairman: Larry Raymond

7 Attendance: Rowan Cecil, Michael Harbin, Robert James, John Parker

8 Excused: Larry Raymond, Wendy Simmons

10 S Bankhead swore in John S. Parker as a member of the Planning Commission.

12 **Approval of the Minutes:**

13 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of May 11, 2016.

14 **Motion to approve minutes for May 11, 2016: R Cecil, second – M Harbin**

15 **Vote: Yea: R Cecil, M Harbin, R James, J Parker**

16 **Nay: None**

17 **Abstained: None**

18 **Excused: L Raymond, W Simmons**

19 **Public Hearing 6:00 PM:**

20 The Providence City Planning Commission will hold a public hearing to provide an opportunity for anyone  
21 interested to comment on the proposed code amendment to Providence City Code Title 10 Chapter 6 Section 1 Use  
22 Chart before action is taken. The Planning Commission invites you to attend the hearing in order to offer your  
23 comments.

- 24 • Jan Arnell, resident of Providence, is confused as to why a particular type of business is being eliminated  
25 from the city, she feels it is discriminatory. She is aware of the Checketts' business and feels they are being  
26 targeted.
- 27 • R Cecil said he was on the Planning Commission for three years and during those three years the Planning  
28 Commission had nothing but complaints from neighbors in that area. That particular business is illegal and  
29 was illegal during that time.
- 30 • R James clarified that this is a public hearing on Title 10, Chapter 6, Section 1, not the Checketts' business.  
31 Planning and Zoning began looking at the Use Chart about 6 months ago. The Checketts are not being  
32 targeted; the Commission is just trying to make the Use Chart easier to understand. R James said was  
33 suggested by the city attorney a few months ago to add the words "counter top" to the "cabinet shop"  
34 section for clarification. The conditional use permit for cabinet shops has not been changed.
- 35 • Laura Fisher, resident of Providence, commented that some businesses that are being considered for single  
36 family traditional zone do not belong in SFT. She is surprised that some of the uses are being considered  
37 for conditional use as a home business in SFT. She stated there is great potential for CUP's to be abused.  
38 She requested the Planning Commission to reconsider some of the types of businesses they are considering  
39 for residential home businesses.
- 40 • S Bankhead said there is still a position available on the Planning Commission and invited any audience  
41 member who may be interested in serving on Planning Commission to contact her or the Mayor.

42 **Action Items:**

43 **Item No 1. Proposed Code Amendment:** The Providence City Planning Commission will consider for  
44 recommendation to the Providence City Council, approval of code amendments to the Use Chart including but not  
45 limited to adding the words "counter top or" before the words "cabinet shop" in Item H. Industry and  
46 Manufacturing, Use 3.

- 47 • R James said this is an action item in order for the Commission to make a recommendation to the City  
48 Council. This is a matter of clarification for the Use Chart to break cabinet shop and counter top into two  
49 separate line items.
- 50 • S Bankhead reminded the Commission and audience how land use decisions are made and also that the  
51 Planning Commission is only making a recommendation to the City Council, they are not the final say. She  
52 read the following Findings of Fact, Conclusion of Law, Conditions and Executive Staff  
53 Recommendations:
  - 54 • **Findings of Fact:**
    - 55 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall  
56 be done in accordance with state law.
    - 57 ○ UCA § 10-9a-102 Purposes -- General land use authority.

- (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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.
- (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
- 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.
- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
- Conclusions of Law:
  - The proposed code amendment has been processed consistent with the above Findings of Fact.
  - The Planning Commission held a public hearing on May 25, 2016.
  - The attached code amendment represents the Planning Commission's recommendation.
- Conditions:
  - That the proposed code amendment continue to be processed in accordance with state and city codes, rules, and regulations.
- Executive Staff Recommendation:
  - That the Providence City Planning Commission make a recommendation to the Providence City Council, that the City Council adopts the attached code amendment to Providence City Code Title 10 Chapter 6 Section 1 based on the Findings of Fact, Conclusions of Law, and Conditions listed above.
- R James said the Commission has been trying, in the last six months, to clarify and define each zone in the general plan. This will be an ongoing discussion as it is such a comprehensive plan.
- S Bankhead explained that agendas to Planning Commission and City Council are posted so if anyone is interested in attending meetings, they can be informed as to what will be discussed.
- There was discussion about how items get on the agenda.

**Motion to postpone the proposed code amendment recommendation to City Council until next meeting: R Cecil, second – J Parker**

**No vote was taken**

Item No. 2. Lot Consolidation: The Providence City Planning Commission will consider approval of a Lot Consolidation combining Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision, requested by Jeff and Christine Jackman.

- Christine Jackman explained that she and Jeff are the owners of both lots and they would like to combine the lots and vacate the public utility easement.
- S Bankhead reported the following:
  - On April 28, 2016, Jeff and Christine Jackman filed a petition to vacate a public utility easement and consolidate Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision.
  - Executive Staff reviewed the petition and felt good cause existed; and neither the public interest nor any person will be materially injured by vacating the public utility easement and consolidating Lots 1 and 2;

- On May 10, 2016, the Providence City Council adopted Ordinance No. 2016-11 vacating and removing a public utility easement located in the Providence Hollows Subdivision between Parcel No. 02-286-001 and 02-286-0002, (Lot 1, 509 North 470 East and Lot 2, 529 North 470 East, respectively).
- S Bankhead read the following Findings of Fact, Conclusions of Law, Conditions and Recommendations:
- Findings of Fact:
  - Utah Code 10-9a-608(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.
  - Utah Code 10-9a-608 (2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:
    - (a) the petition seeks to:
      - (i) join two or more of the petitioner fee owner's continuous lots;
    - Executive Staff used Providence City Code 11-3-8 Final Lot Consolidation/Lot Line Adjustment in a Recorded Subdivision to review the petition.
- Conclusions of Law:
  - Executive Staff feels the petition meets the requirements of Providence City Code 11-3-8 with the following conditions:
- Conditions:
  - The Petitioner will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: preparing an amended final plat for recording.
- Executive Staff Recommendation:
  - The executive staff has reviewed the request; and recommends that the Planning Commission approve the petition to consolidate Lot 1, 509 North 470 East and Lot 2, 529 North 470 East in the Providence Hollows Subdivision based on the Findings of Fact, Conditions of Law, and Conclusions listed above.
- J Parker asked where the easement will go.
- S Bankhead said it will go around the perimeter of the consolidated lots.

**Motion to approve the lot consolidation of lots 1 and 2 with the conditions as stated in the Executive Staff**

**Review: R Cecil, second – M Harbin**

**Vote: Yea: R Cecil, M Harbin, R James, J Parker**

**Nay: None**

**Abstained: None**

**Excused: L Raymond, W Simmons**

**Study Items:**

**Item No. 1. Proposed Rezone:** The Providence City Planning Commission discuss a proposed rezone for a 0.67 acre parcel of property, Parcel No. 02-098-0044, located generally at 160 South 100 East. William (Bill) Bertolio is requesting a zone change from Single-Family Traditional (SFT) to Multi-Family High (MFH).

- S Bankhead reviewed the Findings of Fact, Conclusions of Law, Conditions and Executive Staff Recommendations as follows:
- FINDINGS OF FACT:
  - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
  - UCA § 10-9a-505(1)(a) 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 this chapter.
  - UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
  - UCA § 10-9a-102 Purposes -- General land use authority.
  - (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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

1 industries, to protect both urban and nonurban development, to protect and ensure access to  
2 sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to  
3 protect property values.

- 4 ○ (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances,  
5 resolutions, and rules and may enter into other forms of land use controls and development  
6 agreements that they consider necessary or appropriate for the use and development of land within  
7 the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and  
8 development agreements governing uses, density, open spaces, structures, buildings, energy  
9 efficiency, light and air, air quality, transportation and public or alternative transportation,  
10 infrastructure, street and building orientation and width requirements, public facilities,  
11 fundamental fairness in land use regulation, considerations of surrounding land uses and the  
12 balance of the foregoing purposes with a landowner's private property interests, height and  
13 location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- 14 ○ UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map  
15 consistent with the purposes set forth in in this chapter.
- 16 ○ UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on  
17 a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body  
18 a proposed land use ordinance and zoning map that represent the planning commission's  
19 recommendation.
- 20 ○ UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning  
21 district; or (c) any other provision of a land use ordinance.
- 22 ○ Providence City Master Plan Sheet No. 5-B Future Re-Zone of Exiting Districts.
- 23 ○ Providence City Code 10-8-1 Area Regulations, Space Requirement Chart

24 • CONCLUSIONS OF LAW:

- 25 ○ The proposed code amendment has been processed consistent with the above Findings of Facts.
- 26 ○ Executive Staff feels changing the current single-family zone to a multi-family zone is not  
27 consistent with the City's master plan.
- 28 ○ The Executive Staff feels, to be consistent with the City's master plan, the request should be  
29 denied. However, if the Planning Commission feels that allowing a multi-family structure would  
30 improve the area, the Executive Staff recommends MFR.

31 • CONDITIONS:

- 32 ○ The Applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
33 laws, codes, and ordinances.
- 34 ○ The application process will process will continue to meet all relevant federal, state, county, and  
35 Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning  
36 Commission scheduling and holding a public hearing prior to making a recommendation to the  
37 City Council.

38 • RECOMMENDATION:

- 39 ○ That, prior to making a recommendation to the Providence City Council, the Providence City  
40 Planning Commission schedule and hold a public hearing.
- 41 • R James asked Bill Bertolio how he felt this rezone would benefit Providence.
- 42 • B Bertolio said his neighbor wants to build an upscale four-plex on that property. MFH residential was  
43 requested because there is room on the property for another four-plex. Both four-plexes would have  
44 frontage. There aren't very many apartment complexes in Providence. The old house that is sitting on the  
45 property will be demolished and replaced with attractive four-plexes.
- 46 • David Goetze lives across the street from this lot. He is not in favor of the rezone and feels it would  
47 challenge the character of the neighborhood, create traffic congestion and lower property values.
- 48 • Brian Olsen lives in the area. He feels if this rezone is allowed, then there are many other parts of town that  
49 will want a rezone for the same purpose. Family turnover would be a concern as well as the canal being a  
50 risk for children. He requested the Planning Commission deny the request.
- 51 • Dave Burton commented that there is already a duplex next to this property.
- 52 • B Bissland commented that he thinks this property is in the historic district and a four-plex would not be  
53 allowed.
- 54 • R James said the historic district is more of an honorary type of historic district.
- 55 • S Bankhead said Planning Commissions and City Councils in the past have been very reluctant to formalize  
56 the historic district. There are no codes or ordinances that require preservation of those older homes that are  
57 highlighted on the walking tour.

- A public hearing will be held June 8<sup>th</sup>.

Item No. 2. Proposed Rezone: The Providence City Planning Commission discuss a proposed rezone for a 18.72 acre parcel of property, Parcel No. 02-115-0014, located generally at 900 South 400 East. Sierra Homes is requesting a zone change from Agricultural (AGR) to Single-Family Traditional (SFT).

- S Bankhead reviewed the Findings of Fact, Conclusions of Law, Conditions and Executive Staff Recommendations as follows:

- FINDINGS OF FACT:

- Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
- UCA § 10-9a-505(1)(a) 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 this chapter.
- UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
- UCA § 10-9a-102 Purposes -- General land use authority.
- (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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.
- (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
- 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.
- UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

- CONCLUSIONS OF LAW:

- The proposed code amendment has been processed consistent with the above Findings of Facts.
- Executive Staff feels changing the AGR zone to SFT zone is consistent with the City's master plan.

- CONDITIONS:

- The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes and ordinances.
- The application process will continue to meet all relevant federal, state, county and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

- RECOMMENDATION:

- That the Providence City Planning Commission schedule and hold a public hearing prior to making a recommendation to the Providence City Council.

- Water concerns were briefly discussed.
- A public hearing will be held on June 8<sup>th</sup>.

1 Item No. 3. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible  
2 amendments for the zoning element of the Providence City general plan; including the definitions for zoning  
3 districts.

- 4 • R James reviewed why this is on the agenda.
- 5 • S Bankhead said she has been reviewing this with John Drew from the City Council. She feels this is a  
6 summarizing statement and then the elements will be written in more detail. Moderate income housing plan  
7 needs to be reviewed every two years, as well as the annexation policy plan. Residential element needs to  
8 be reviewed (clustering). The water, sewer and storm water sections will also need to be reviewed. The  
9 general plan is not an ordinance; it is adopted by resolution and is a guideline. More detail can be given in  
10 the residential sections.
- 11 • J Drew said the general plan is more of a business plan for the City. There are issues that have not been  
12 addressed so they need to be discussed. Once it is updated, it would be good to review it each year.
- 13 • S Bankhead would like to see a home business element that discusses the philosophy of home businesses  
14 included in the general plan.
- 15 • J Drew said when development comes each developer has a different idea of how they want to develop  
16 property. A good general plan will help deal with all the different demands, saves time and protects the city  
17 from legal ramifications, insulates the city from lawsuits. If the city has a plan, and has to go to court, there  
18 is a plan in place.
- 19 • R James asked if a workshop between City Council and Planning Commission that also includes the  
20 general public could be scheduled.
- 21 • J Dew felt parks should be included in the general plan. Also, if there is no general plan, then all the City  
22 Council or the Planning Commission can do is react to developers and residents rather than refer to the  
23 plan. There needs to be a vision of how the city grows and develops.
- 24 • S Bankhead said some of the areas on the zoning map will have to be rezoned. It is a good idea to have a  
25 plan in place so that there are guidelines for what can be rezoned and what a property can be rezoned to.
- 26 • There was discussion about how to proceed and plan for a workshop with City Council, Planning  
27 Commission and the public. It was suggested by S Bankhead that the historic district be addressed and that  
28 a workshop be scheduled that includes the Historical Preservation Commission.
- 29 • S Bankhead will include information in the newsletter to inform the public that the general plan is being  
30 reviewed. She will also create a webpage where ideas can be collected.

31 **Reports:**

32 Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

- 33 • No staff reports.

34 Commission Reports: Items presented by the Commission Members will be presented as informational only; no  
35 formal action will be taken.

- 36 • No Commission reports.

37 **Motion to adjourn: R Cecil, second – J Parker**

38 **Vote: Yea: R Cecil, M Harbin, R James, J Parker**

39 **Nay: None**

40 **Abstained: None**

41 **Excused: L Raymond, W Simmons**

42 Minutes recorded by S Bankhead and prepared by C Craven.

43  
44  
45  
46  
47 \_\_\_\_\_  
Robert James, Chairman Pro Tem

\_\_\_\_\_  
Caroline Craven, Secretary

**PROVIDENCE CITY**  
**Executive Staff Report**  
**Review Date: May 24, 2016**

**Request:** Rezone an 18.72acre parcel from Agricultural (AGR) to Single-Family Traditional (SFT)

<b>Item Type:</b> Rezone	<b>Applicant:</b> Sierra Homes	<b>Owner:</b> Doran J & Kathy R TRS Baker
<b>Prepared by:</b> S Bankhead	<b>General Plan:</b> SFT	<b>Zone:</b> AGR
<b>Parcel ID #:</b> 02-115-0014 <b>Address:</b> 900 S 400 E (approximate)	<b>Acres:</b> 18.72	<b>Number of Properties:</b> 1

**Background Information:**

1. The Applicant filed a Land Use Application with Providence City on May 5, 2016.
2. Executive Staff reviewed the application on May 10 and 24, 2016.
3. Providence City Master Plan Sheet No. 5-B Future Re-Zone of Existing Districts shows this area as a SFT zone.
4. Single-Family Traditional requirements are as follows: 12,000 sq. ft. minimum lot size; 95 ft. minimum lot width (measured at the setback line); a maximum of 3.75 units per acre (excluding right-of-way (ROW)), infrastructure - Infrastructure is defined to include rights-of-way, PUB and REC districts within development)

**FINDINGS OF FACT:**

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-505(1)(a) 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 this chapter.
3. UCA § 10-9a-505(3)(a)There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
4. UCA § 10-9a-102 Purposes -- General land use authority.  
*(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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.*  
*(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.*

5. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
6. 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.
7. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
8. Providence City Master Plan Sheet No. 5-B Future Re-Zone of Exiting Districts.

**CONCLUSIONS OF LAW:**

1. The proposed code amendment has been processed consistent with the above Findings of Fact.
2. Executive Staff feels changing the AGR zone to SFT zone is consistent with the City's master plan.

**CONDITIONS:**

1. The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The application will process will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

**RECOMMENDATION:**

That the Providence City Planning Commission schedule and hold a public hearing prior to making a recommendation to the Providence City Council.

# PROVIDENCE CITY LAND USE APPLICATION

15 South Main \* Providence UT 84332

435-752-9441 \* Fax: 435-753-1586 \* email: [sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov)

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.**

## Development Review Committee, and/or Planning Commission, and/or City Council

Annexation	Exception to Title	<input checked="" type="checkbox"/> <b>Rezone</b>
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
<b>Appeal Authority</b>		
Appeal		Variance

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.**

Applicant's Name: SIERRA HOMES  
 Address: 470 N 2950 W TREMONTON UT 84337  
 Phone(s): 435-257-4963 Fax: \_\_\_\_\_ E-Mail: matth@sierrahomes.com

Party Responsible for Payment: SIERRA HOMES  
 Billing Address: - SAME AS ABOVE  
 Phone(s): \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner's Name (how it appears on a legal document):  
DORAN J & KATHY R TRS BAKER  
 Address: P.O. Box 219 PROVIDENCE, UT 84332  
 Phone(s): \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Architect/Engineer/Surveyor's Name: ALLIANCE ENR.  
 Address: 150 E 200 N Logan, UT 84321  
 Phone(s): 435-755-5121 Fax: \_\_\_\_\_ E-Mail: alliance.logan@yale.com

Cache County Property Number(s): 02-115-0014  
 Total Acreage: 18.72 Project Name: T30  
 City Address of Project (if applicable): \_\_\_\_\_

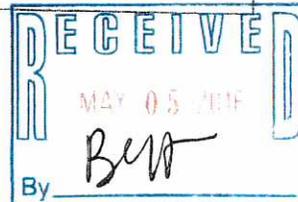
I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: [Signature] Date: 5/4/16

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:

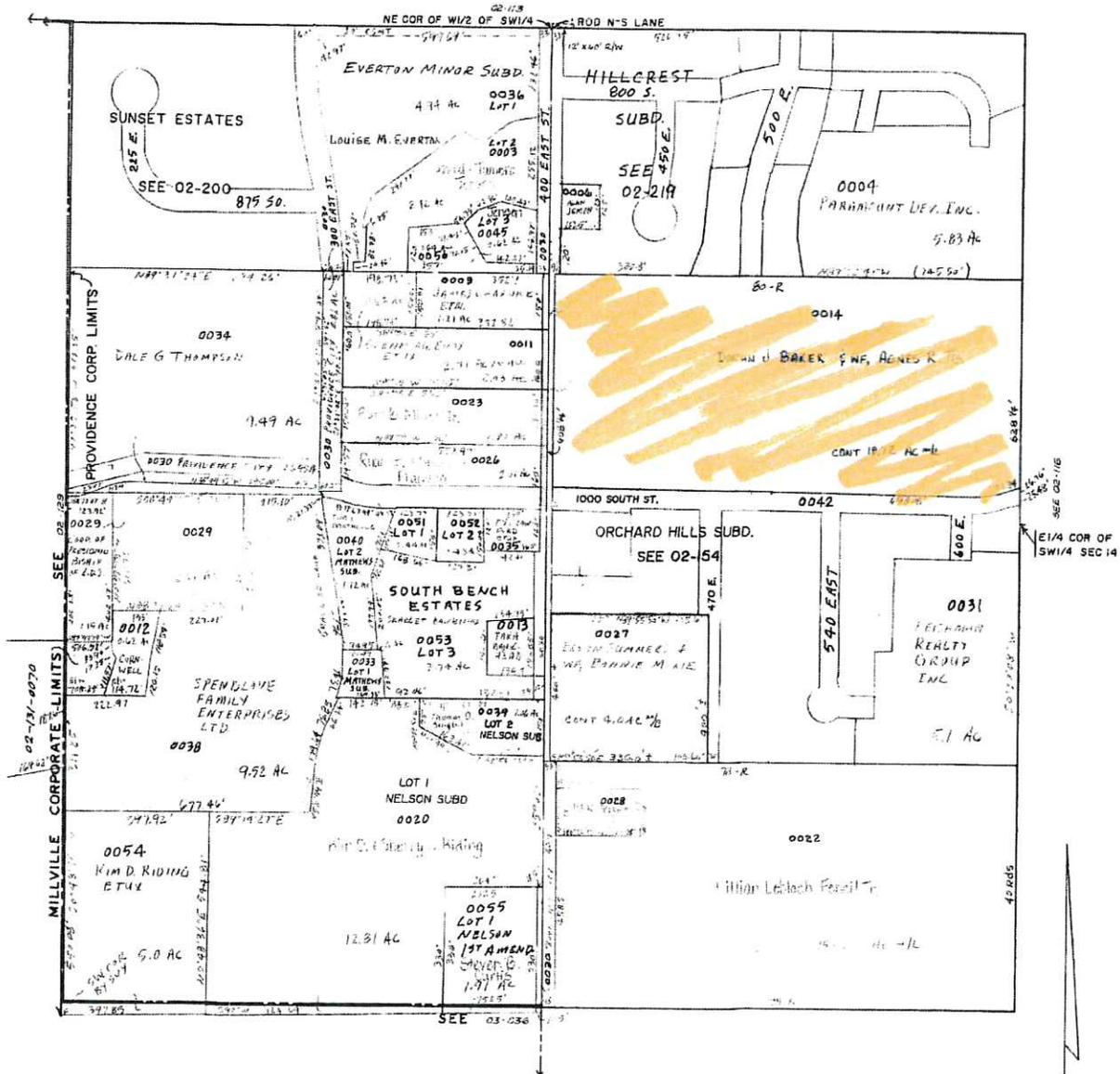


SW<sup>4</sup> Section 14 Township 11 North Range 1 East

Scale 1 Inch = 200 FEET

TAX UNIT 09

02-115



RECEIVED  
MAY 05 2016  
By \_\_\_\_\_

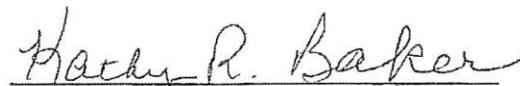
May 2, 2016

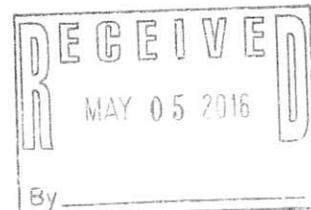
To Whom It May Concern:

We, Doran J. and Kathy R. Baker, hereby grant permission to River Valley Development LLC, Jay Stocking, to enter into the rezoning process of our property, 18.72 acres located at approximately 525 East 1000 South in Providence, UT 84332, Tax ID No. 02-115-0014.

Sincerely,

  
Doran J. Baker

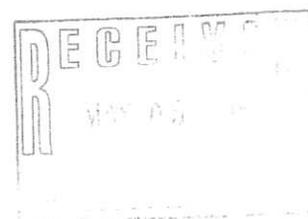
  
Kathy R. Baker



To Providence City

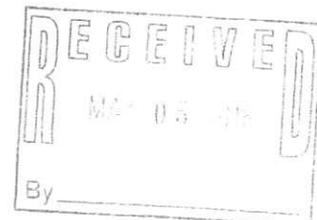
The purpose of this application is to rezone parcel 02-115-0014 from its current zoning to a SFT or 12,000 square foot lot zoning.

Thank you for your consideration



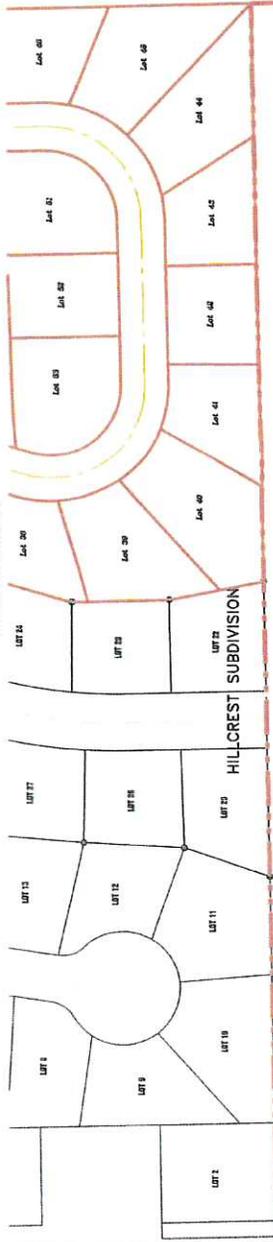
Legal Description:

BEG 40 RDS S OF NE COR SW/4 SEC 14 T 11N R 1E & TH S 628.25 FT TH NW' LY 80 RDS TO PT 608.25 FT S  
& 80 RDS W OF BEG TH N 608.25 FT TH E 80 RDS TO BEG CONT 18.75 AC LESS: BEG AT NW COR SD LT 34  
& TH N 0°23'59" W 26.76 FT TH S 73°17'11" W 53.84 FT TH ALG CURVE TO RIGHT WITH RADIUS OF 280  
FT (LC BEARS S 81°31'25" W 80.23 FT) TH N 89°45'39" E 131.11 FT TO BEG (ENT 895680) (PT OF ROAD)  
CONT 0.03 AC NET 18.72 AC



PROVIDENCE, UTAH  
 PROPOSED REZONE  
 PARCEL 02-115-0014

LOCATED IN SEC. 15,  
 T11N, R1E, SLB&M



400 EAST STREET

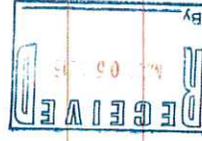
GRANDVIEW SUBDIVISION

1000 SOUTH STREET

ORCHARD HILLS SUBDIVISION

ORCHARD HILLS  
 PHASE 1

NORTH  
  
 SCALE 1" = 66'-0" (66'x300')



ALLIANCE CONSULTING  
 ENGINEERS  
 150 EAST 200 NORTH SUITE P  
 PROVO, UT 84601  
 (435) 755-9121

DATE 5-2019  
 DRAWN BY  
 REVIEW BY: BDL  
 JOB NO.

SHEET 1 OF 1 SHEETS

**PROVIDENCE CITY**  
**Executive Staff Report**  
**Review Date: 05/24/2016**

**Request:** Rezone a 0.67 acre parcel from Single-Family Traditional (SFT) to Multi-Family High (MFH)

<b>Item Type:</b> Rezone	<b>Applicant:</b> William (Bill) Bertolio	<b>Owner:</b> Max & Arlene Thompson Bertolio
<b>Prepared by:</b> S Bankhead	<b>General Plan:</b> SFT	<b>Zone:</b> SFT
<b>Parcel ID #:</b> 02-048-0044 <b>Address:</b> 160 S 100 E (approximate)	<b>Acres:</b> 0.67	<b>Number of Properties:</b> 1
<b>Background Information:</b>		
<ol style="list-style-type: none"> <li>The Applicant filed a Land Use Application with Providence City on April 29, 2016; and a letter specifying the requested zone on May 6, 2016.</li> <li>Executive Staff reviewed the application on May 10 and 24, 2016.</li> <li>There is a duplex located at 150 South 100 East. As per the Cache County Parcel and Zoning View, the duplex was built in 1962.</li> <li>Providence City has three multi-family districts: Multi-Family Residential (MFR), Multi-Family Medium (MFM), Multi-Family High (MFH). MFR requires a minimum lot size of 10,000 sq ft and 80 feet minimum lot width (measured at the set back line), 35 ft. maximum height. There are no minimum lot size requirements or lot width, or maximum height requirements specified in the Chart for the MFM and MFH zones. The Maximum units per acre (excluding right-of-way (ROW) and infrastructure) are as follows: MFR – 7.25, MFM – 12, MFH – 18.</li> </ol>		

**FINDINGS OF FACT:**

- Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
- UCA § 10-9a-505(1)(a) 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 this chapter.
- UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
- UCA § 10-9a-102 Purposes -- General land use authority.  
*(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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.*  
*(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width*

*requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.*

5. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
6. 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.
7. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
8. Providence City Master Plan Sheet No. 5-B Future Re-Zone of Exiting Districts.
9. Providence City Code 10-8-1 Area Regulations, Space Requirement Chart

**CONCLUSIONS OF LAW:**

1. The proposed code amendment has been processed consistent with the above Findings of Facts.
2. Executive Staff feels changing the current single-family zone to a multi-family zone is not consistent with the City's master plan.
3. The Executive Staff feels, to be consistent with the City's master plan, the request should be denied. However, if the Planning Commission feels that allowing a multi-family structure would improve the area, the Executive Staff recommends MFR.

**CONDITIONS:**

1. The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The application will process will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

**RECOMMENDATION:**

That, prior to making a recommendation to the Providence City Council, the Providence City Planning Commission schedule and hold a public hearing.

# PROVIDENCE CITY LAND USE APPLICATION

15 South Main \* Providence UT 84332

435-752-9441 \* Fax: 435-753-1586 \* email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.**

Development Review Committee, and/or Planning Commission, and/or City Council		
Annexation	Exception to Title	<input checked="" type="checkbox"/> Rezone
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal		Variance

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.**

Applicant's Name: William Bill D. Bertolio bill.bertolio@cachevalleyrealty.com  
 Address: 435 E 125 N Providence, UT  
 Phone(s): 435 7576314 Fax: \_\_\_\_\_ E-Mail: bill.bertolio@cachevalleyrealty.com

Party Responsible for Payment: William D. Bertolio David Burton  
 Billing Address: 174 N. 400E., Providence  
 Phone(s): 752-0100 Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner's Name (how it appears on a legal document):  
Max + Arlene Thompson Bertolio  
 Address: 435 E 125 N Providence UT  
 Phone(s): 435 770-7260 Fax: \_\_\_\_\_ E-Mail: Arlene's Cell

Architect/Engineer/Surveyor's Name: Cache landmark engineer  
 Address: 101 West 400 North (Suite 130) Steve Paul  
 Phone(s): 435 713 0099 Fax: 713 0055 E-Mail: 787 1199 Cell

Cache County Property Number(s): 02-098-0044  
 Total Acreage: .107 Project Name: David Burton - Multi Family  
 City Address of Project (if applicable): \_\_\_\_\_

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: William D Bertolio Date: April 20, 2016  
 Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:



28 April 2016

To Whom it May Concern,

I grant permission for the property in the Jack C. Thompson Family trust, parcel number 02-098-0044 to be re-zoned.

Mal O. Thompson 28 April 2016  
Executor  
435-563-9487



05/04/2006

Dear Providence City,

To whom this may concern;

David Barton and I have agreed that we would like to include

The rezone to be multifamily high density. Right now Dave would like to build only one 4-plex up scale on the property. However, If property is rezoned as I just requested and if everything works out well, he may request to build a second 4-plex later on.

Thank you very much for your consideration

Bill Bertolo, Providence city resident



Winnipeg City

If I am able to acquire the property herein shown and it were rezoned to multi family use, I would build an upscale fourplex on the property. I believe that use of property would be prudent and the best use of the property

Respectfully *David M. Bunter*  
David M. Bunter  
435-752-0100



pt NE/4 SE/4 Sec 10 Twp 11 North, Range 1 East

02-098

Scale 1" = 50 Feet

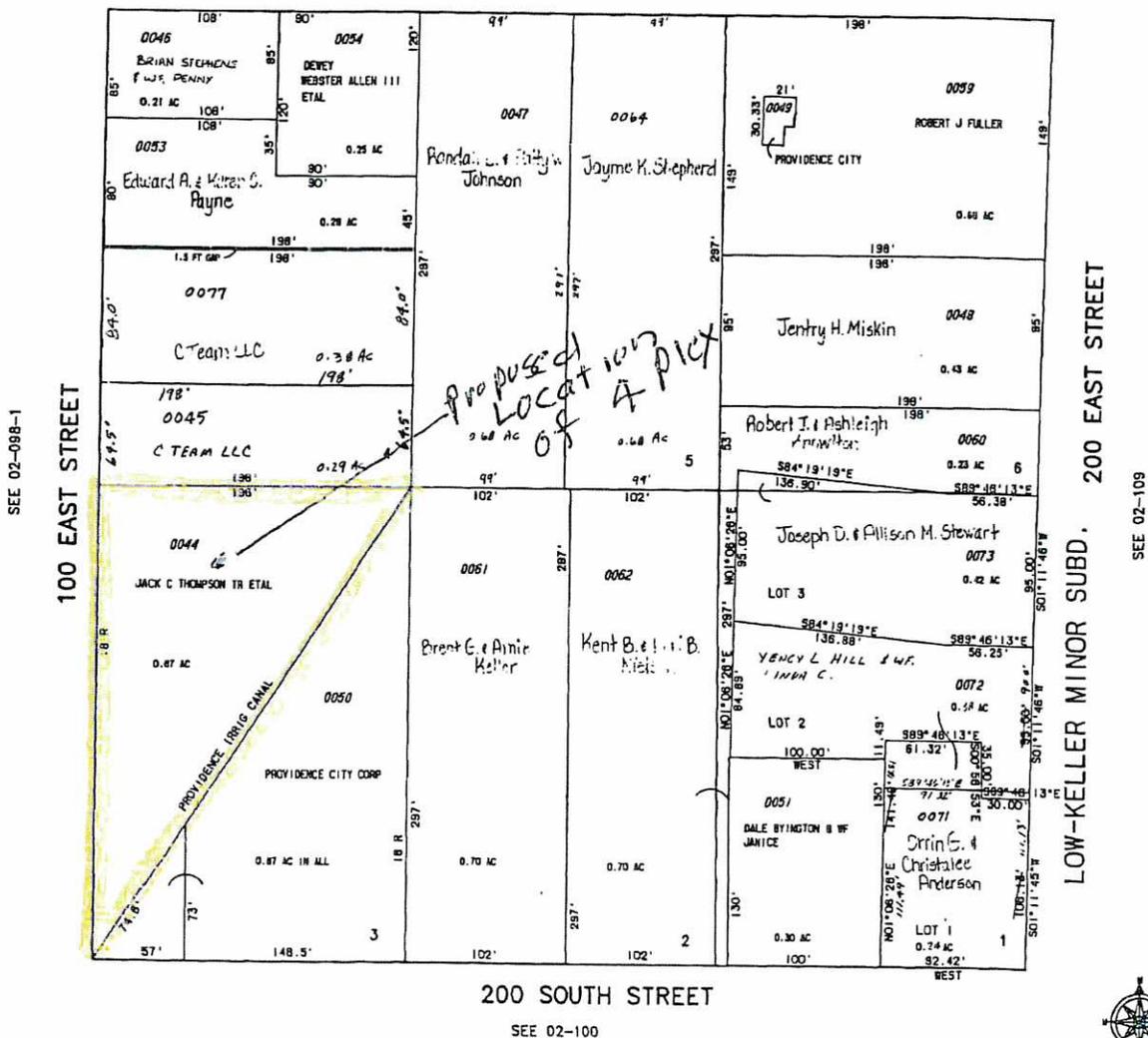
TAX UNIT 09

-2-

BLOCK 1 PLAT "A" PROVIDENCE CITY SURVEY

SEE 02-098-1

100 SOUTH STREET



SEE 02-098-1

100 EAST STREET

200 EAST STREET

SEE 02-109

200 SOUTH STREET

SEE 02-100

RECEIVED

By \_\_\_\_\_



## ZONING

---

### Background

A zoning ordinance was prepared and approved by the city council in 1991. Although eight zones were approved, most of the city was zoned 'R1' for 'single family residential', and 'A' for 'agricultural'. In the late 1980's the first 'R2', 'single family 10.000 sf lot, was approved. In 1996 the Utah State Legislature passed the 'Affordable Housing Bill #295, effective 1998, requiring each jurisdiction to provide their share of affordable housing. In order to meet this requirement a new use chart providing additional zones was adopted in 1999. Smaller lot size in single family, multi-family, and commercial zones were part of this latest a modification approved in 2000. In 2009 the City approved a modification to include the Mixed Use District (MXD).

---

### Principles

- Protect and promote the health, safety, order, prosperity, and general welfare of the present and future inhabitants of the City.
  - Protect life and property from natural hazards, and assure efficient and safe traffic movement.
  - Conserve the value and integrity of rural residential neighborhoods, assure orderly growth, preserve culturally and historically important sites and landmarks, encourage good visual quality, and high aesthetic standards.
  - Efficiently utilize and conserve the City's resources.
  - Encourage attractive and functional commercial centers, and increase and stabilize the local tax base.
- 

### Master General Plan Directive

The major goal of master general plan zoning is to propose the direction in which the remaining areas of the city should develop. The city has accepted its responsibility for affordable housing by upgrading the use chart to include higher density zones. These zones should generally be on the perimeter of the city with good access to major roads without going through the core of the city. Zoning limits the number of houses per acre and allows for flexible development concepts.

When planning for residential development, the standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. The following residential zones are intended to represent the standard for residential development in the City. Uses are intended to be compatible with the existing scale and intensity of the surrounding neighborhood. The City should consider the following characteristics for each residential district:

District	Description
Agricultural	5 acre minimum lot size – is established to provide area to

protect farmland and farming activities from incompatible nonfarm uses, while preserving the rural and semi-rural character of the City.

Single Family Estate	1 acre minimum lot size - is established to provide area where residential uses may be harmoniously integrated with incidental agricultural pursuits. This district is intended to protect the natural scenic character of the area by limiting development and to protect wildlife habitat. Livestock and horticultural uses may be combined to provide a transition between higher density residential areas and agricultural areas and to maintain a rural component of the City.
Single Family Large	0.5 acre [minimum lot size] – is established to provide area where residential uses may be harmoniously integrated with incidental agricultural pursuits. Limited livestock and horticultural uses may be combined to provide a transition between higher density residential areas and agricultural areas and to maintain a rural component of the City.
Single Family Traditional	12,000 sq. feet [minimum lot size] – is established to provide areas for low density single-family housing. Horticultural uses may be incorporated. Very limited livestock uses may be incorporated.
Single Family Residential Density	10,000 sq. feet [minimum lot size] – is established to provide areas for moderate density single-family housing in the City.
Single Family Medium Density	8,000 sq. feet [minimum lot size] – is established to provide areas for medium density single-family housing in the City.
Single Family High Density	6,000 sq. feet [minimum lot size] – is established to provide for higher density residential developments such as, small lot single-family and multi-family infill developments.
Single Family Mobile Home	5,000 sq. feet [minimum lot size] – is established to provide for mobile home developments. Mobile homes are prohibited in all other districts. Mobile homes must meet the building code standard of construction in order to be established in this zone.
Multi-family Residential Density	10,000 [sq. feet minimum lot size] – is established to provide an environment suitable for a variety of housing types of a low density nature, including single-family, two-family, and multi-family dwellings, with a maximum height of thirty feet (30'). This district is appropriate in areas where the applicable

master plan policies recommend multi-family housing with a density of 7.25 or less units per acre.

**Multi-family Medium Density** Is established to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty-five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of 12 or less dwelling units per acre.

**Multi-family High Density** Is established to provide an environment suitable for high density multi-family dwelling. This district is appropriate in areas where the applicable master plan policies recommend a maximum density of 18 dwelling units per acre.

The property along Highway 165 and the northwest part of Providence must be limited to commercial development. Development should consist mostly of retail sales to allow an increase in the city tax base (**Commercial Highway District – CHD**). ~~Commercial development outside of the mixed use district should have at least 30% green space to preserve the open and green character of the city. (Res 09-035-12/08/2009)~~

When planning for commercial development, the City should consider the following characteristics for each commercial district:

District	Description
Mixed Use (MXD)	The Mixed Use District (MXD) is established to stimulate by providing a unique planning environ which combines light commercial, office, and residential development in a pedestrian friendly manner. This district allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City.
Commercial General (CGD)	The Commercial General District is intended to allow auto-accommodating commercial development. This district allows a full range of retail and service businesses. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in pedestrian areas. Development standards promote attractive development, and open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for

motorists, transit users, pedestrians, and the businesses themselves.

**Commercial Highway (CHD)**

The Commercial Highway District (CHD) is intended to promote full range of retail businesses. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in pedestrian areas. Non-retail uses are allowed but limited in size to ensure they do not dominate the character of the of the retail area.

No building construction should be considered above the deer fence.

Flexible planning concepts should be incorporated into the zoning ordinances allowing the city greater opportunity to create neighborhoods consistent with the Master Plan principles.

---

Current concerns include:

1. 1999 Use Chart  
The master plan does not currently display the desirable areas for the new zones.
2. Zoning ordinance need further coordination and clarification, including: performance based zoning criteria.
3. The new use chart may allow too many small lots

---

Future Needs:

**Residential**

- Planning for safe neighborhoods.
- Planning neighborhoods consistent with Master Plan principle.
- As property currently in the County, on the north side of the City, is annexed into Providence, it should be zoned Single-Family Traditional (SFT).
- As property currently in the County, on the east side of the City, is annexed into Providence, it should be zoned Single-Family Traditional (SFT).

**Commercial**

- Consider neighborhood commercial at 1000 South 300 East, 3rd north and 1st West.
- Offer incentives for retail development.
- Development pays up-front cost.
- Rezone the property on the west side of SR165 to Commercial Highway District (CHD)
- Rezone the property on the east and west sides of SR165 to CHD from 300 South to the

Providence / Millville boundary, as the property is annexed into the City.

#### Annexation

- Preserve and protect annexation declaration. Include Theurer property at southwest, and Celco property at southeast bench. Also include all properties south of Oliver Low's to USU property and west side of Hwy 165, and designate for commercial.