



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: 1/21/16

SUBJECT: Rezone – Marian Butcher Trust (Woodruff Cove)

SUBMITTED BY: Paul Allred

SUMMARY: On October 6th, 2015, the Planning Commission unanimously recommended **denial** of the rezone for approximately .51 acres of land by the petitioners. There was ample public comment regarding the request; most of it opposed to the proposal. (*See attached minutes*)

In the intervening time period between the PC and Council public hearing(s) on this matter, staff queried the applicants to see if they wished to withdraw their petition. They answered that they were very much anxious to have this matter considered at the Council.

The *attached Planning Commission staff report* outlines and analyzes the land use in this area of the city and recommends that the PC consider merits of the request and vote on the matter. After much deliberation, the PC recommended denial.

RECOMMENDATION:

Consider public comment, if any, from the hearing, examine the Planning Commission recommendation and evaluate staff report support materials prior to making a decision.

CONTACT PERSON: Paul Allred

EXHIBITS:

- Planning Commission Staff report
- Planning Commission minutes from 10/6/16
- Graphics

10/6/15 PLANNING COMMISSION STAFF REPORT

Planning Commission

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### Staff Report

October 6, 2015

Project Name: **Woodruff Cove Jessop Butcher**  
 Application Type: **Rezone**  
 Nature of Discussion: **Public hearing, discussion and possible action**  
 Planner: **Paul Allred**  
 Applicant: **Marian Butcher Trust, Doug Jessop and Brandon Butcher, agents.**  
 Public Notice: **Sent as required by law 9/25/15**

### BACKGROUND SUMMARY

- Property is .51 acres in area and is currently R-1-10, single family, 10,000 square foot minimum.
- Proposed zone is R-2-10, two-family 10,000 square foot minimum.
- A number of years ago a single family subdivision, Woodruff Cove, was approved at this location. **(See plat map)**
- That plat was never recorded.
- The land in question is currently vacant **(See photos)**
- Applicants would like to build two, twin homes on the property, which requires a rezone. **(See proposed plan layout and aerial)**
- The property is completely surrounded by other development.
- Commercial storage units abuts immediately to the south, high density residential directly to the east, single family directly to the north and a mixture of single family and similar density uses directly to the west on 6060 South.
- The General Plan designates this area as Low Density residential. **(LDR Low Density Residential = 2 – 5 DU/acre (1/4 – 1/5 acre lots) MDR Medium Density = Residential 5 - 12 DU/acre. (See attached portion of General Plan map)**
- This designation may not be accurate for this street given the existing two duplexes already in place along it.
- It would be difficult to argue that the inclusion of R-2-10 here should necessarily prove problematic given that there is already medium and high density residential either on this street or immediately abutting this location.
- Nevertheless, it can be argued that keeping the single family zoning currently in place is justifiable because of the General Plan designation.

### ANALYSIS

This location makes sense for the proposed R-2-10 use -- two, twin homes. A change in zoning and land use here would not necessarily harm or enhance the land pattern in the area given the other existing uses nearby. Most of 6060 South is developed as single family use, but, again, there are two other duplexes or twin homes on the street.

This proposal to develop medium density development in an area of mixed density is somewhat logical for the following reasons:

1. Most of the City is already developed in single family homes.
2. Medium density land uses are in short supply comparatively speaking.
3. Owner occupied twin homes would provide a more attainable, *although not necessarily affordable*, housing opportunity.
4. Detached single family homes may be less marketable in this location due to the storage units and higher density uses to the south and east.

5. The land has been vacant and unproductive for several years under R-1 zoning with a robust local economy in place, which begs the question as to why no one has attempted to develop it for single family use? It is perhaps just more attractive as a medium density development.
6. Zoning this land to R-2 instead of R-1 would not change the overall preponderance of “low density” uses along this street.
7. A review of land uses nearby in the neighborhoods to the north of 6060 and west across Highland and along Nunley shows that they are all either fully developed or becoming increasingly popular for “medium density” – both attached and detached. Therefore, medium density at this location is not out of character.
8. Because the site is within easy walking distance of the second large commercial area in Holladay, it make sense to put a little more density here – especially given the other surrounding medium and higher density uses.
9. Finally, the following language from the General Plan would seem to encourage the proposed rezone;

#### **General Land Use Policies**

- 1.1 Hillside areas with slopes steeper than 25 and up to 30% should be discouraged from development. Greater than 30% shall not be allowed.
- 1.2 Preserve and enhance existing vegetation where possible for visual buffers and erosion control. Add only drought tolerant, xeriscape landscape design and materials.
- 1.3 Clustered developments should be encouraged to promote open space and view sheds where it is consistent with surrounding neighborhoods.
- 1.4 Medium and high-density housing as well as professional offices shall be promoted near collector and major arterial roads as a transition between other land uses.
- 1.5 Medium and low-density development should be encouraged.
- 1.6 Higher density development may be allowed within the proposed downtown core or Village.
- 1.7 Promote affordable housing mechanisms.
- 1.8 Encourage preservation of agricultural land and animal keeping.
- 1.9 Encourage a mix of residential and commercial land use within commercial areas.

#### **RECOMMENDATION**

1. Solicit and carefully evaluate public and applicant input, and consider a positive recommendation on the petition given the analysis (findings) above, or;
2. Recommend continuation of the matter for further discussion and study by the Commission and staff, or;
3. Recommend denial of the petition due to the “low density” designation of this area of the city.

#### **CONTACT PERSONS:**

- Paul Allred, City of Holladay
- Brandon Butcher and Doug Jessop agents for applicant.



Looking due east from street



Southeast view of property



Looking east toward Highland Drive



Looking south from edge of public road

MAPS AND GRAPHICS

Plan for two twin homes at end of street on vacant land showing vicinity land use pattern



Close up of proposed development



PLANNING COMMISSION MINUTES FROM 10/6/15

**1. Public Hearing – Rezone - .51-Acres from R-1-10 to R-2-10 – 2040 East 6060 South – Doug Jessop, Brandon Butcher, Agents for Applicant, Marian Butcher Trust.**

(20:09:30) Mr. Allred presented the staff report and stated that seven or eight years ago a subdivision known as the Woodruff Cove Subdivision was approved but never recorded. The area in question has mixed densities and mixed uses. The General Plan Map shows it as a low-density residential area. The request from the applicants is to take the .5-acre property and rezone it R-2-10. Options available to the Planning Commission were discussed.

The applicant, Doug Jessop, reported that he has been a building contractor and land developer for the last 20 years and has known the Butcher Family for quite some time. Three years ago Brandon approached him and asked him about combining two lots and selling them as two homes. After studying the issue he found that in order to bring the value to the street and the buyer, two single-family homes were not recommended. They chose to apply for R-2-10 zoning and proposed two twin homes. Mr. Jessop reported that the property has been vacant for the past seven or eight years and has become a place where people dump garbage. He believes the development of the property will increase property values on the street. Mr. Jessop stated that the proposed footprints are 1,500 square feet on the main floor for a total of 3,750 square feet for a two-story home. The development will be clean, fresh, and new and will be an improvement over what is currently taking place on the site. Some neighbors expressed concerns about what is proposed. Mr. Jessop indicated that he was open to listening to their comments.

(20:20:00) Chair Snow opened the public hearing.

Jennifer Vernon gave her address as 2017 East 6060 South and commented that the street does not have the infrastructure to compensate for the increase in traffic. She stated that the proposed development would involve at least eight more cars and there is no sidewalk, curb, or gutter. When the garbage cans are out for collection it is difficult for two cars to pass each other. The proposed development would only exacerbate that situation. She was also concerned about safety since there would be no turnaround in the event of a fire. Ms. Vernon stated that she and her children enjoy walking and it would be dangerous for there to be more traffic without a sidewalk. She noted that to put in the necessary infrastructure the City would have to take property from each of the homes on the street. Her home is a twin home; however, they have .5-acre between the two units. The proposal is for four homes on .5 acres. There are apartments to the east but very little traffic is generated down their street from it and they have very little impact. Ms. Vernon was not opposed to one or two homes on the property but felt that more traffic would be generated than the street can handle.

(20:23:12) Bill Flandro reported that he lives in the twin home next to Ms. Vernon. He stated that this is a dead end private street that is totally segregated. He clarified that the apartments referred to are actually condominiums and the access is off of 6200 South. The private road is also substandard and will be impacted significantly by additional traffic. There are only eight homes on the street and each lot is approximately .3-acres in size. Over the past several years there have been several different owners of the property with the last rezone attempt being in 2007. The Planning Commission recommended denial to the City Council who held several meetings and ultimately denied the request. Comments were made at the time by the City

Council indicating that rezoning the one lot will effectively rezone the entire area. He did not object to the development of two homes but did not support any more than that.

(20:25:25) David Chisholm gave his address as 6018 La Tour Street and expressed concerns with the proposal. He reported that on the south side there is an active irrigation ditch that requires a 15-foot right-of-way be maintained. He must also leave access to the cleanout located on the southeast corner of the ditch. Mr. Chisholm reported that the ditch now belongs to the Little Cottonwood Tanner Ditch and used to belong to Big Cottonwood Tanner Ditch. Before anything could be done with the ditch, permission would have to be granted by the ditch company. Mr. Chisholm was also concerned about parking since two twin homes will have a minimum of eight cars. He was also concerned about fire protection and stated that in order to get a fire engine to the site and turn around would require a hammerhead. He also pointed out that because the road is private it is very narrow.

(20:27:08) Kelly Wright gave his address as 2020 East 6060 South and shared the concerns expressed by his neighbors. He considered the increase in traffic on 6060 South to be of most significance. In 2007 similar concerns were expressed as well. He noted that on garbage pickup day the street is very congested. He recommended the City deny the request.

(20:29:09) Brett Butcher listened to the concerns of the neighbors about traffic but stated that they pertain to unforeseen circumstances since it cannot be assumed that each unit will have two cars. He stated that currently there is a business at the top of the street with 20 cars. In terms of the turnaround, the actual buildable lot is .51 acre with .17 acre for a turnaround. Mr. Butcher commented that currently people use it as a private driveway to turn around and they would like to keep it that way. It was actually used as a dumping ground for one of the neighbors who wants to keep it as an empty lot for his purposes. Mr. Butcher stated that he is not the applicant but is considering purchasing one of the new homes. He commented that he has only one car.

(20:30:45) Sean Murnin gave his address 2017 East 6060 South and was pleased that the minimum square footage is 1,500 square feet. He supported the higher square footage, which he considered to be compatible with the area. He agreed with his neighbors that it would be better to have two homes on the lot than four. He was also concerned about the narrow nature of the street and stated that when cars are parked on the road because of parties or other events, it effectively becomes a one-way street. Garbage day requires the truck to stop on Highland Drive and do a three-point turn and then back down 6060 South.

(20:32:40) Marian Butcher identified herself as the property owner. She asked for clarification from the neighbor about them losing some of their property if the development were to proceed. The comment pertained to a neighbor who was concerned that sidewalks will be required, which will result in property being taken from each neighbor to accomplish. Ms. Butcher commented that she lives on a street that has no sidewalks and traffic has been taken from other streets in the neighborhood. It has made no difference and the street has not been widened. Chair Snow stated that any widening of the street would be done by the City and not the applicant.

Sherry Wright agreed with the comments made by her neighbors.

(20:34:48) There were no further public comments. Chair Snow closed the public hearing.

Mr. Allred estimated the width of the street to be 20-feet of asphalt with rough shoulders and no curb, gutter, or sidewalk. City Planner, Jonathan Teerlink, stated that it is possible that the Master Plan includes a 50-foot wide right-of-way. He stated that 6060 South is a public road. A resident commented that the snow plows have been down their street once in the last five years. Mr. Allred clarified that the road is definitely not built to a 50-foot right-of-way.

It was recommended that the matter be continued in order to look at the larger area to determine whether the proposed use makes sense on this particular parcel. He was uncomfortable moving forward without looking at the context and history of the neighborhood.

In response to a question raised, Mr. Jessop stated that he had not yet spoken to the UFA about fire turnarounds and access. He indicated that he works with Ensign Engineering and has been pursuing what he was told he would need for the fire turnaround. Mr. Jessop also confirmed that he is aware of the drainage on the south side and they understand that it needs to be addressed.

Concern was expressed that the request is outside the scope of the General Plan. Lot sizes in the area were discussed. Mr. Jessop commented that when he originally provided Mr. Allred with information on the property he was unaware that the .51-acre project did not include the cul-de-sac that had already been taken out based on a two-lot subdivision. He clarified that the lot on which the four homes would be placed would actually be .68-acre.

Commissioner Carter commented that the City Council is reluctant to approve zone changes unless the Planning Commission has completed a thorough review of the application.

*(20:47:00) Commissioner Carter moved to continue the matter and requested that staff provide the Commission with contextual information pertaining to lot sizes in the area, other zones that about the area, additional information regarding the street, and who maintains it.*

*Commissioner Jensen made a friendly amendment that the applicant meet with the UFA and confirm the design, whether a cul-de-sac will be required or what the hammerhead would be, and whether a street dedication is needed for public services. Commissioner Carter accepted the friendly amendment.*

*Commissioner Jensen seconded the motion.*

Commissioner Carter clarified the motion and stated that the area appears to be in transition except on this street. All around the parcel more intense uses are taking place. He questioned whether a more intense use on this street is appropriate. It seemed to Commissioner Bowthorpe that a significant burden was being placed on staff to document the application. In his opinion it should be the applicant's responsibility to make the case. He felt that a decision on the merits of the application should be made tonight.

*Commissioner Jensen withdrew his motion.*

*Commissioner Bowthorpe moved to send a recommendation of denial to the City Council primarily because it is not in accordance with the current City General Plan. Because of some of the questions raised there is not enough clarity with respect to the public comments heard tonight. The motion was based primarily on the fact that the request does not meet the recommendations of the General Plan. Commissioner Carter seconded the motion. Vote on*

***motion: Chris Jensen-Aye, Jim Carter-Aye, Spence Bowthorpe-Aye, and Chair Matt Snow-Aye. The motion passed unanimously.***

Chair Snow indicated that the matter will next go to the City Council who will make the final decision. Mr. Allred stated that those who live within 500 feet of the property will receive notice from the City of the next public hearing.