

Planning Commission Staff Report



MEETING DATE: April 17, 2019

PROJECT NAME: ZMA-19-003

LOCATION: 3662, 3742 and 3804 E. North Little Cottonwood Rd.
(Parcels 2812101016, 2812176013, and 2812176014)

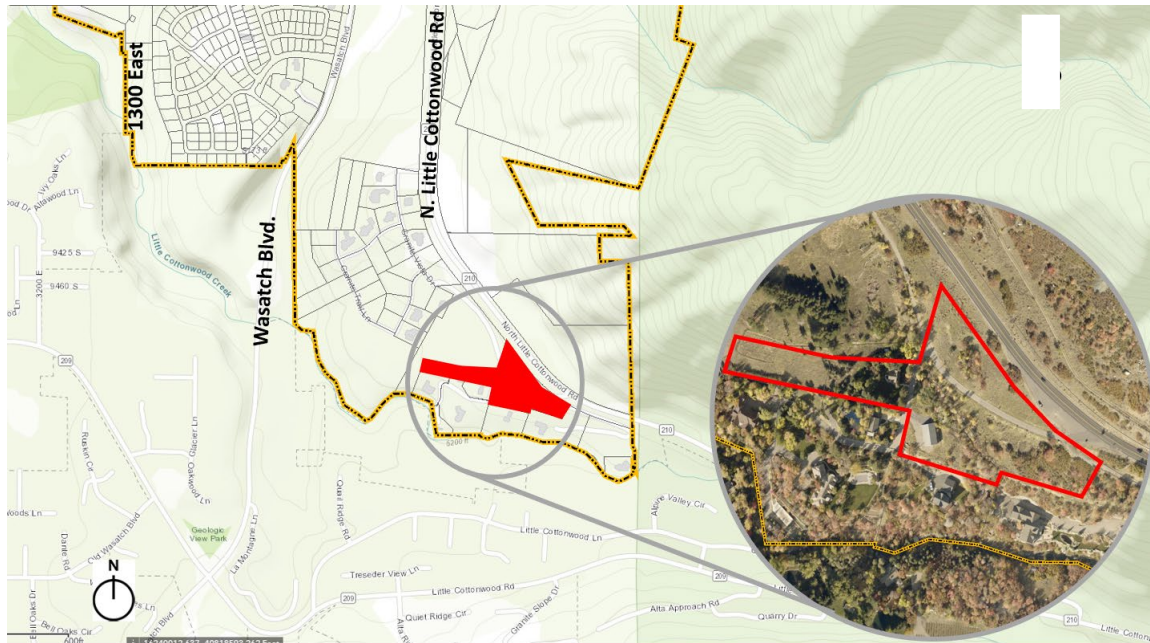
REQUEST: General Plan Map Amendment, Zone Map Amendment

APPLICANT: Eric Despain, for Robert V Despain Trust and Rola V LLC

SUMMARY

Request

The applicant is requesting a General Plan Land Use Map amendment and Zone Map amendment for three parcels, totaling 5.2 acres (outlined in red below) located at 3662, 3742 and 3804 E. North Little Cottonwood Rd.



	Existing	Proposed
Land Use	Residential Rural Density	Residential Low Density
Zoning	RR-1-43 (Rural Residential)	R-1-15 (Residential Single Family)

Recommendation

Based on the findings and analysis in this report, staff recommends that the Planning Commission forward a recommendation of approval to the City Council to amend the General Plan Land Use Map and Zone Map as requested.

CONTEXT & ANALYSIS

Existing Conditions

Subject Properties (Red)

- General Plan: Residential Rural Density
- Zoned: RR-1-43 (Rural Residential – 43,560 min lot size)
- 3662: Vacant
- 3742: Residence/Barn
- 3804: Vacant

West (Yellow)

- General Plan: Residential Low Density
- Zoned: R-1-15 (Residential Single Family – 15,000 sq. ft. min.)
- Use: Residence / Tree Farm
- Planned to become a part of a development with the subject property.

South

- General Plan: Residential Rural Density
- Zoned: RR-1-21 / RR-1-43 (21,000 and 43,560 sq. ft. min lot size)
- Use: Very Low Density - Six Residences

East

- General Plan: Residential Rural Density
- Zoned: RR-1-43 (43,560 sq. ft. min lot size)
- Use: Vacant / 1 Residence

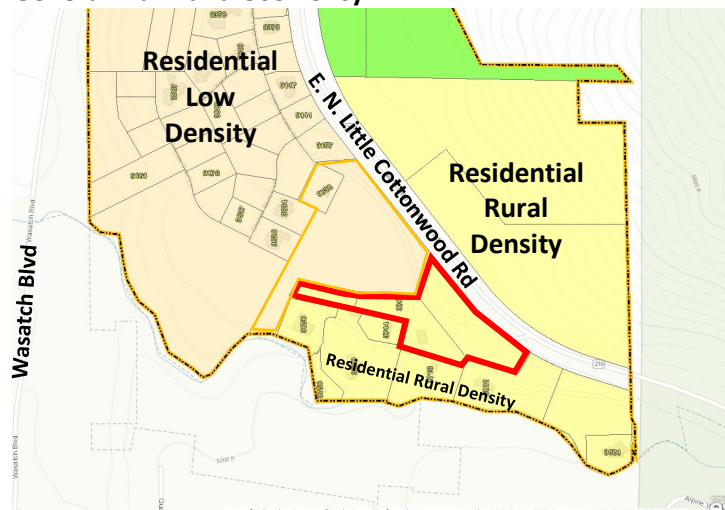
North

- General Plan: Residential Rural Density
- Zoned: RR-1-21 (ZC) (21,000 sq. f.t min lot size)
- Use: Vacant / Hillside

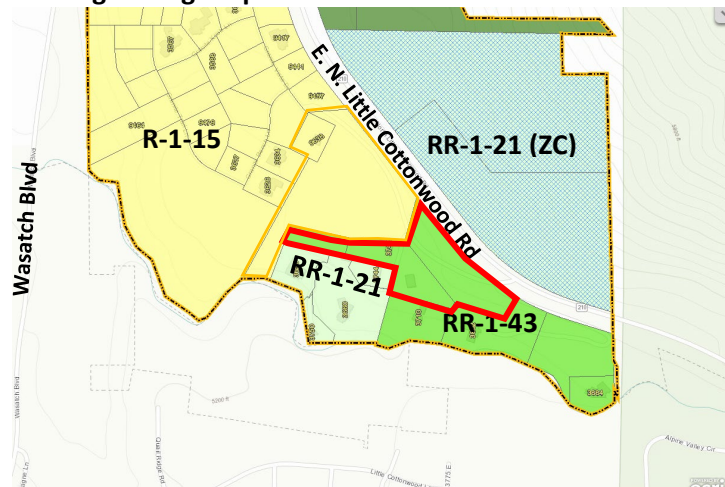
Aerial Photo of Existing Conditions



General Plan Land Use Policy



Existing Zoning Map



GENERAL PLAN LAND USE MAP AMENDMENT

The General Plan land use map identifies preferred land uses throughout the city and is used to guide decision making for rezone applications. The first goal of the General Plan's land use element is to "preserve the quality of life and existing image of the City." One of the objectives of this goal is to "adopt a future land use map that reflects the needs of the community and guides future growth/development, including support of thriving development within existing zoning categories." It further states that the city should "promote a stable economy through a coordinated public land use strategy."

Current Land Use Policy

The land use map designates the current land use of the subject properties as "Residential Rural Density." The General Plan states:

"Residential – Rural Density is a very low-density classification that allows residential and/or limited animal and agricultural uses and no more than 2 units per acre."

"This land use is reserved for large lot (potentially with animal rights) residential development. Clustering may be allowed within this land use to preserve rural character, sensitive open space, or community park space."

Despite the stated policy, current zoning allows up to 1 unit per acre. The applicant is requesting that the land use policy be amended to designate this area as "Residential – Low Density". The General plan describe this land use as follows:

"Residential – Low Density districts are residential areas that contain between 2.5 and five (5) dwelling units per acre. Properties that are assigned the Residential – Low Density classification are generally (but not necessarily limited to) neighborhoods consisting of single-family dwellings."

Staff Analysis

The proposed change is estimated to have the following estimated impact on the total number of additional homes that could be constructed as a result of changing the policy and ordinance:

	Existing Zone	Proposed Zone
R-1-43 area only (5.2 acres)	4 Lots	10 Lots
R-1-43 + adjacent R-1-15 area (12.55 acres)	22 Lots	26 Lots

This estimated lot yield considers the addition of public roads and maximizing lot layouts against existing property lines.

Additional Considerations

In determining appropriate land use policy, the following community goals should be considered.

- Community Character

"Canyon Gateways" The base of... Little Cottonwood Canyons should be considered for gateway enhancements. Preservation of open space should be considered an important part of the gateway experience in these particular areas."

- Although this proposal would slightly increase density in this area, an overall density impact of four lots should not substantially impact the goals for this area. Development of the property will provide opportunities to formally designate open space areas per the sensitive lands ordinance.
- Transportation
“All new developments should include appropriate sidewalk facilities.... Create a network of bicycle facilities throughout the City, to serve transportation and recreation needs.”
 - Development of this property will provide the city an opportunity to increase sidewalk facilities and improve the pedestrian and bicycle network per the streets and sensitive lands ordinances.
- Open Space & Trails
“The City should work with private landowners... to encourage responsible development of private land and protection of open spaces along the foothills and in other important areas of the City. The City should explore the effectiveness and applicability of open space preservation tools such as cluster development.... Effectively manage natural open spaces... through implementation of appropriate zoning policies and working with landowners to achieve development consistent with the area’s natural characteristics.”
 - Regardless of the zoning designation, development of this property will provide an opportunity for the city to increase open space and trail infrastructure available to the city. Development of the property will provide opportunities to formally designate open space areas and trails per the Sensitive Lands ordinance. Their proposed amendment does not significantly affect these opportunities.
- Housing Policies and Affordability
 - Additional housing supply is crucial to keep a growing population housed and suppress unsustainable growth in housing prices and rents.

Conclusion: The overall impact will be an increase of density of approximately 4 units. The request to amend the General Plan Land Use Map to the Residential – Low Density designation is consistent with the principles, goals, and objectives contained in General Plan and other principles of quality growth and governance, and is also consistent with the adjacent properties north of the subject property.

ZONING MAP AMENDMENT

Previous Zoning History

Salt Lake County rezoned this property from R-1-43 to R-1-15 in September 2004 (Salt Lake County Recorder’s Document #9167056). When the property was annexed into the City, the zoning was reverted to the previous designations. Whether this was intentional or an oversight is unknown at this moment.

Zoning Ordinance Goals for the R-1-15 Zone

R-1-15 is the lowest density zone within the Residential Low Density land use designation. The R-1-15 zone purpose statement reads, in part, that its purpose is to:

“The purpose of the R-1-15 zone is to allow for the establishment of single- family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.”

The purpose of the zoning ordinance is to promote the “health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city.” If the Planning Commission recommends the change to the General Plan Land Use Map, as discussed above, the R-1-15 zone’s purposes are will be in line with the General goals.

STAFF ANALYSIS

The request to amend the zone map from RR-1-43 (Rural Residential Density) to R-1-15 (Residential Single Family) is consistent with the goals of the Zoning Ordinance; and with the zoning of developed and undeveloped land northwest of the subject properites. The request has been noticed as required by 19.90.020, and the applicant will be required to meet all relevant portions of chapter 19.90 of the zoning ordinance (Amendments and Rezoning).

RECOMMENDATION

Based on the findings and analysis in this report, staff recommends that the Planning Commission forward a recommendation of approval to the City Council to amend the land use map and zoning map as requested.

FINDINGS FOR RECOMMENDATION

Staff’s recommendation of approval of the proposed zone map amendment is based on the following findings:

1. The proposed General Plan Land Use and Zoning Map amendment, and the purposes of the R-1-15 zone, are consistent with the principles, goals, and objectives of the General Plan;
2. The proposed amendment fits in context with the land use and zoning in the area, especially the developed and underdeveloped land north of the subject properties;
3. The proposed amendment is consistent with previous actions taken by Salt Lake County prior to incorporation;
4. The proposed zoning map amendment will be completed in accordance with the procedure as outlined in 19.90.010 “Amendment Procedure” of the Cottonwood Heights Municipal Code;
5. Proper notice was given in accordance with all local and state noticing requirements.
6. The proposed zone map amendment is fiscally more sustainable for the city and tax payer than that rural low-density zones;
7. Future development impacts of the proposed zone will be appropriately mitigated through requisite site plan and permit review, including sensitive lands ordinance provisions;
8. The zone map amendment is done in accordance with the procedure outlined in 19.90.010 “Amendment Procedure” of the Cottonwood Heights Municipal Code;
9. Proper notice was given in accordance with all local and state noticing requirements.

Attachments:

1. Model Motions
2. Applicant Statement

MODEL MOTIONS

- Approval – “I move that we forward a recommendation of approval to the City Council for Project ZMA-19-003 based on the findings listed in the staff report dated April 6, 2019...”
 - List any additional findings...
- Denial – “I move that we forward a recommendation of denial to the City Council for Project ZMA-19-003.”
 - List findings for negative recommendation...

Zoning Narrative for Despain Farm Parcels 28-12-176-013-0000, 28-12-176-014-0000 and 28-12-101-016-0000

How will your proposed amendment conform to what is envisioned for the future of the site or area, as expressed in the General Plan?

We own five parcels east of the Granite Oaks subdivision. All these parcels are bordered by single family homes (three of which belong to my sister, brother, and myself). Three of the parcels were rezoned to R1-15 at the time the Granite Oaks subdivision was rezoned (including parcel 28-12-101-016). However, my father did not rezone the parcel on which his house is located, or the parcel east of his house, as he did not plan to re-develop them at that time. My sister and I would like to add these three parcels to the R1-15 zone, so that we can develop an R1-15 subdivision that is well planned and not driven by the current parcel boundaries.

Our 5 parcels are:

28-12-101-007-0000 R1-15 One unit per 15000 square feet

28-12-101-008-0000 R1-15

28-12-176-013-0000 RR 1-43 One unit per acre (43,560 square feet)

28-12-176-014-0000 RR 1-43

28-12-101-016-0000 RR 1-43

To answer this question, I read the entire General Plan. I believe the low density residential single family development aligns with the goals of the plan, specifically section 2.4 describing the desired development of the annexation area in Little Cottonwood. These parcels do not disrupt the viewshed of the foothills or the canyon because they are below the state highway. As we begin to close the tree farm in this area east of Granite Oaks, the need for agricultural uses and animal husbandry will no longer be necessary on these parcels. Parcel 28-12-176-014-0000 could be a good location for an entrance sign to the city, as discussed in section 2.6. In conjunction with a future subdivision development, I think this could be an ideal location for an open space parcel in the subdivision along the highway. Section 2.7 land use map shows these parcels on the boundary of residential low density and rural low density residential. The zoning map (attached) shows these parcels on the boundary of residential low density and rural residential low density. Section 7.2 goals should be well met by low density single family residential owner occupied homes. In section 8.1, I believe we are in annexation area C, which has now completed annexation. Regarding section 8.2 goal number one, I believe that an R1-15 development will enhance the aesthetics of this city gateway and the entrance to Little Cottonwood Canyon better than a development based of mixed zoning or higher density. Section 8.3 recommends area C development of lots ranging from 15000 square feet to one acre, which should be compatible with an R1-15 subdivision.

What level and type of development currently exists in the area?

Low density residential single family homes and a barn consistent with prior agricultural uses.

If approved, how would development of the property under the new zoning be consistent with the existing development?

We want to develop an R1-15 subdivision of low density single family residential homes, similar to the surrounding homes, but with 15,000 square foot lots.

If the amendment is approved, how would subsequent development affect demand on public services and facilities such as utilities, emergency services, schools, etc.? Can you insure that any negative impact will be mitigated? How?

At the time Granite Oaks was developed, all utilities and access from the state highway were improved to handle an R1-15 development of the complete farm. UDOT approved the access to the state highway based on R1-15 development of the entire farm. We have a legal agreement with Granite Oaks to jointly use access points and utilities previously installed during the construction of that subdivision. Completing development of this area will improve the emergency access to the existing homes from the state highway.

If approved, how would the amendment affect public health, safety, and/or general welfare?

An orderly, well planned development will promote the general welfare rather than a development based on inconsistent zoning and arbitrary parcel boundaries. The wildfire risk may be reduced. The access from the state highway to the existing homes will be improved.

Disregarding any specific development that might be envisioned for the property following any proposed rezoning, discuss all the various uses that would be allowed under the current zoning; how would the proposed uses fit better with the area than the uses that are allowed under the current zoning?

The current zoning allows low density single family residential homes, but on a larger lot size than R1-15 (43,560 square feet current zoning versus 15000 square feet with the rezone). With the mixed zone parcels, we can still develop a subdivision, but the lot lines are constrained to the parcel boundaries, which results in a hodge podge subdivision driven by random past decisions, rather than good planning for the area. An initial design by Ensign Engineering resulted in 3 more lots and a clean layout with the rezone. We can share the drawings with you if you would like to see them to get an idea of what the rezone could allow versus the current zoning. The current zoning also allows agriculture and animal husbandry, which were traditional uses on the farm.

What has changed since the zoning classification was established that makes this requested amendment necessary?

After my parents passed away, it now makes sense to include their house in the new development, along with the parcel behind their house.

Disregarding any benefit to the specific property owner or developer, how will your proposal benefit the community as a whole? How will it outweigh any negative impacts of the change that is proposed?

We can develop a beautiful low density residential single family subdivision to complete the area and improve the road access to the existing homes.

How does the proposed amendment further the purposes of the current zoning ordinance as outlined in Title 19.02.020 ("Purpose of provisions")?

The R1-15 subdivision will finish the roads in this area to comply with the UDOT access agreement that provides good access for the area from the state highway. Currently, the back access to Granite Oaks is impassible for much of the year, and the old dirt road prefers a 4 wheel drive vehicle the rest of the year. Also, the subdivision may reduce the wildfire danger and provide a hydrant system to fight fires.

Which of the following has arisen that is not property addressed in the current zoning ordinance or general plan?

The provisions of the zoning ordinance should be brought into conformity with the General Plan (note specific sections of the zoning ordinance and General Plan)

I believe the R1-15 zone is in compliance with the goals of general plan section 8.2 for area C.

A change has occurred in the land market, or other factors have arisen which requires a new form of development, a new type of land use, or a new procedure to meet said change(s)

As we begin to close the tree farm in the east area of the farm, we will no longer need the agricultural and animal husbandry uses of the rural zoning.

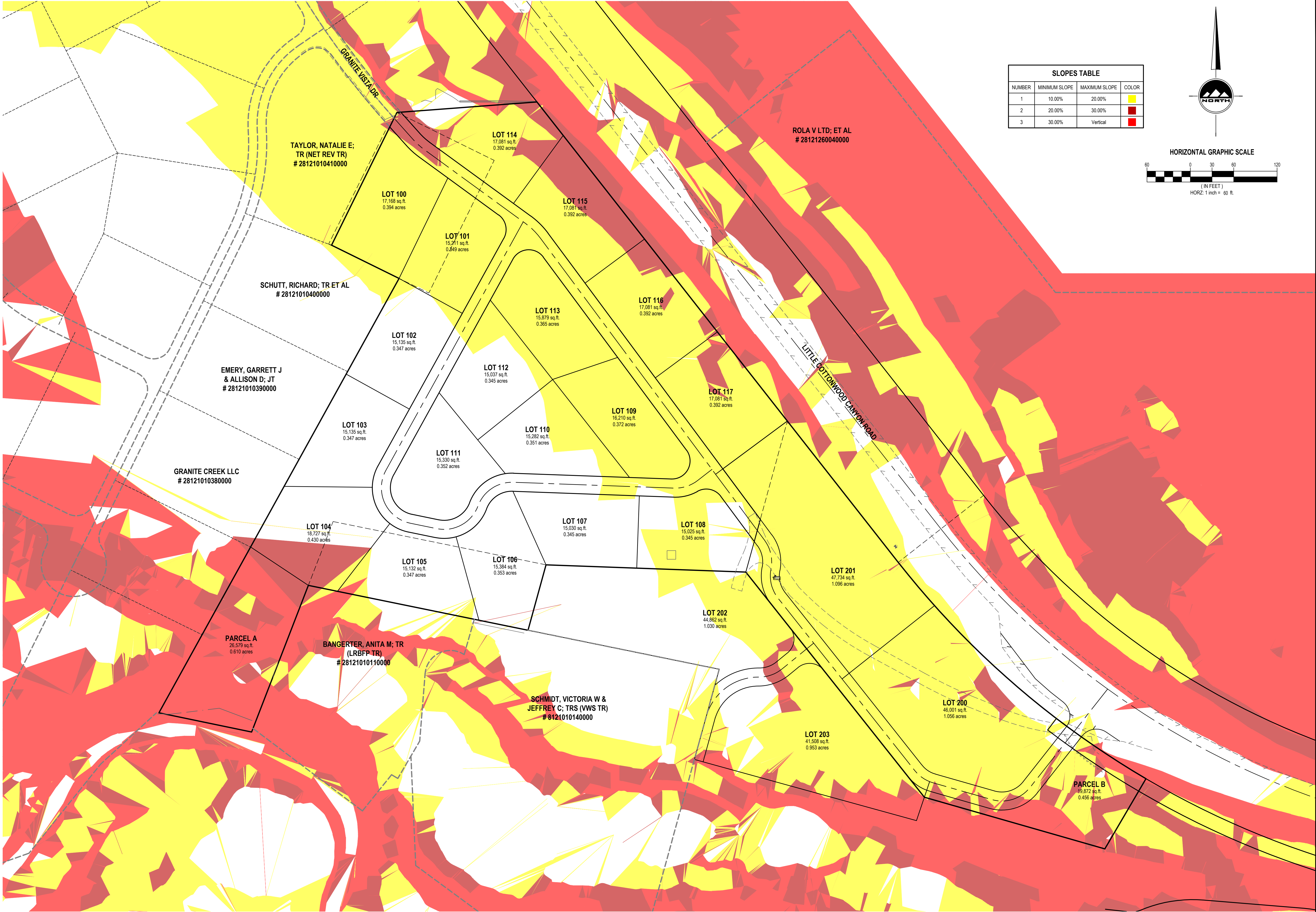
New methods of development or of providing infrastructure make it necessary to alter the zoning ordinance or General Plan to meet these new factors

I don't believe this is the case.

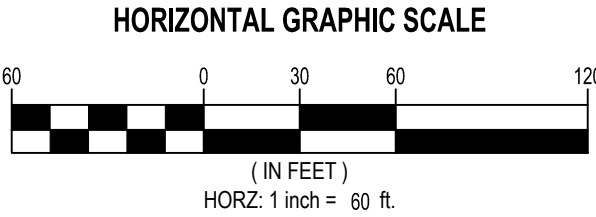
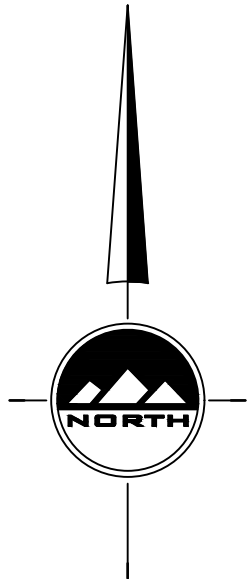
Regarding parcel 28-12-101-016-0000, this parcel was rezoned to R1-15 along with all the other R1-15 property on the farm at the time Granite Oaks applied for rezone with Salt Lake County. The attached documentation shows the public notice of the ordinance change by the county for this parcel and the other parcels. For unknown reason, during the annexation to the city this parcel was brought in as RR1-43, rather than R1-15. We did not realize this discrepancy until we recently met with the city planners who brought this to our attention. We wish to reserve our rights to keep the previous rezoning by the county, but hope this application to rezone will be an expedient and efficient way to resolve the discrepancy.

Thank you for your time and effort in this matter,

Eric Despain
Despain Farm



SLOPES TABLE			
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR
1	10.00%	20.00%	Yellow
2	20.00%	30.00%	Red
3	30.00%	Vertical	Dark Red



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TOOELE
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CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

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FOR: _____

CONTACT: _____

PHONE: _____

DESPAIN PROPERTY

CONCEPT PLANS

N. LITTLE COTTONWOOD

COTTONWOOD HEIGHTS CITY, UTAH

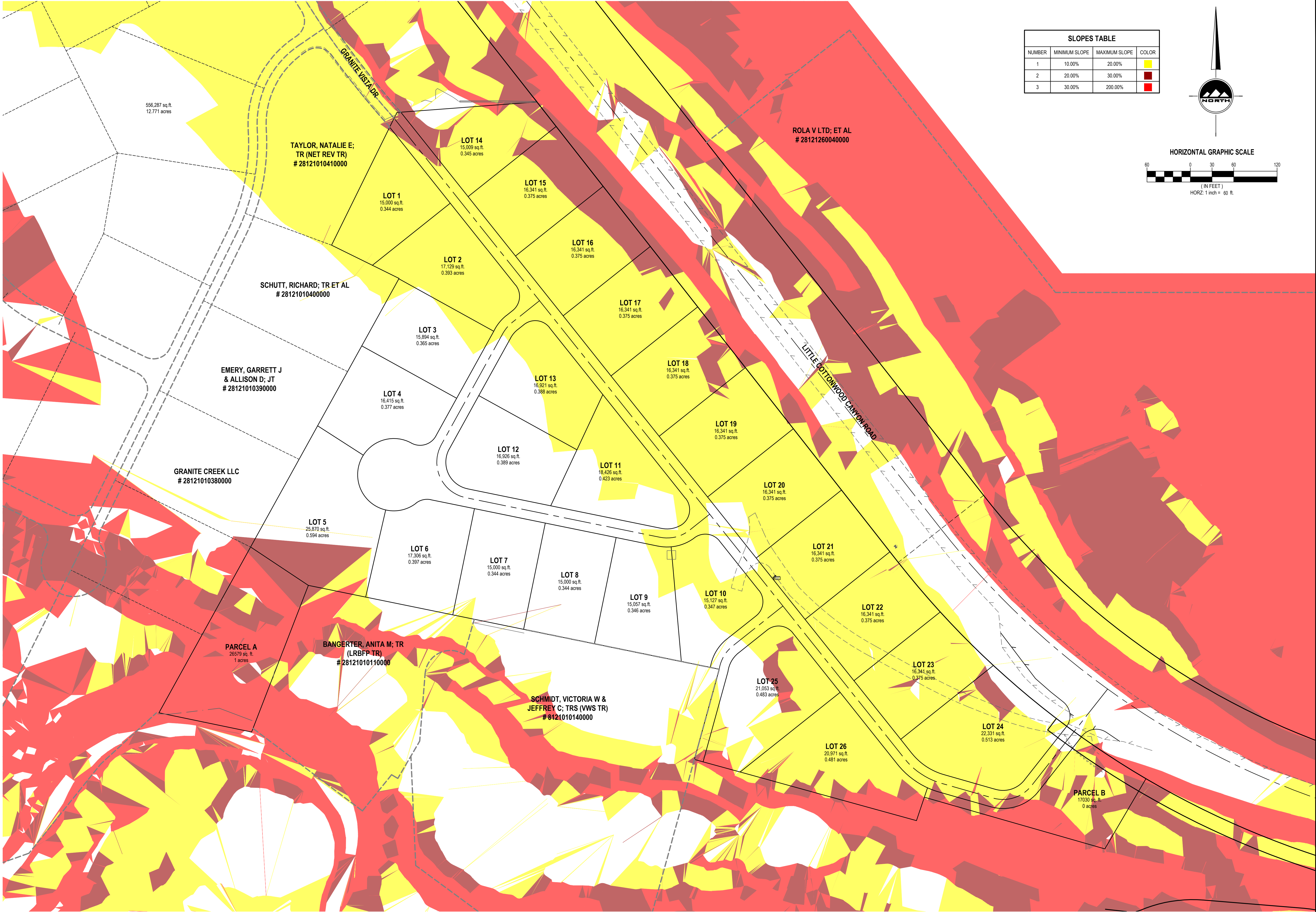
CONCEPT

CONCEPT PLAN

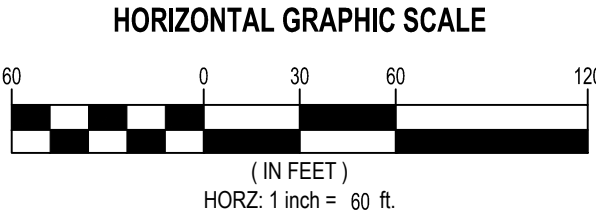
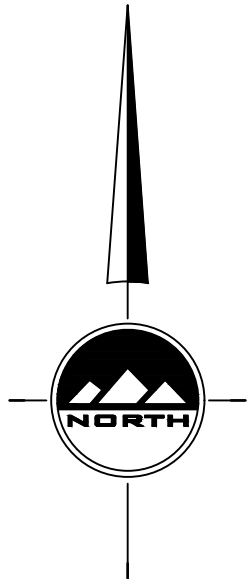
CURRENT ZONEING

PROJECT NUMBER	PRINT DATE
3019Q	1/21/19
DRAWN BY	CHECKED BY
G.OFFERMANN	
PROJECT MANAGER	
B.MORRIS	

C-100



SLOPES TABLE			
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR
1	10.00%	20.00%	Yellow
2	20.00%	30.00%	Red
3	30.00%	200.00%	Dark Red



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N. LITTLE COTTONWOOD
COTTONWOOD HEIGHTS CITY, UTAH**

CONCEPT

**CONCEPT PLAN
R-1-15 ZONEING**

PROJECT NUMBER: 3019Q
PRINT DATE: 1/21/19
DRAWN BY: GOFFERMANN
CHECKED BY:
PROJECT MANAGER: B.MORRIS