



**CITY OF HOLLADAY
Planning Commission**

Abbreviated Staff Report

Publication Date: July 08, 2019

Commission 1st Hearing Date: July 16 2019

Public Hearing No. 3 [Package Entitlement Set]

Proposed Project Name: Holladay Cottages

Project Location and Scope/Size: Some .7 acres (30,492 sq. ft.) of real property currently addressed as 2394 E. Holladay Blvd. in Holladay (County Assessor Account/Parcel No. 22034540080000) – hereinafter the “Property”...

Planner: Robert Hobbs

Applicant(s): Ron Hilton as Applicant and Property co-owner

City Case/File No(s): 19-04-05, 19-04-000431 & 02703

RELEVANT APPLICATION TYPE(S) REQUIRING COMMISSION ACTION

[RECOMMENDATIONS]: Legislative Action Based Requests seeking:

1. **Zoning Ordinance Text Amendment to allow creation of a new Residential Infill [RI] Zone; and, [for the Property]**
2. **General Plan Map Amendment (from Medium Density Residential-Stable [MDR-S] to Medium Density Residential-Transitional [MDR-T]) approval; and,**
3. **[associated] Rezone approval (from R-1-10 to RI)**

REQUIRED PLANNING COMMISSION ACTION(S)

Approve, Continue or Deny An or All of The Above Listed Actions: the Planning Commission shall determine if the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth in H.C.C. §§ 13.07.020.G & G(2) of the City Ordinance.

Public Notice: Published in the newspaper, direct mailed to all property owners within 500-feet of the property and posted on the property at least 10 days prior to public hearing(s); neighborhood meeting held...

BACKGROUND & SUMMARY OF REQUESTS

- The application package accompanying this report proposes a new, single-family small lot infill subdivision/PUD to be known as the “Holladay Cottages”; and,
- Holladay Cottages conceptually contemplates five (5) single-family detached infill PUD lots/dwelling units on the Property; and,
- The Property is zoned R-1-10, which caters to single-family detached housing on lots sized at or above 10,000 sq. ft. (approximately 1/4 acre); and,
- The Applicant seeks City approval to create a new zoning district currently zoned R-1-10 but intended for rezoning into a new [to be created] RI (Residential Infill) District; and,

- The Applicant had previously contemplated developing the Property under existing R-1-4 or R-2-8 rules with a planned unit development (PUD); and,
- The RI Zone would cure the non-conforming density proposed by the Applicant's project were it to be slated for development in the R-1-10 Zone and thus would facilitate its development/build-out on the Property; and,
- The Applicant has submitted an application for subdivision approval which, in form and scope is contingent upon the outcome of their proposed entitlement permits as afore-referenced; and,
- The TRC has reviewed the request and is currently neutral regarding the same finding reasons to support and express concern about the proposed development and associated zoning text amendment that provides basis for its inception.
- Any citizen/outside agency/City department/division correspondence appertaining to the application set herein received by end of day July 03, 2019 is hereto attached.

GENERAL PLAN MAP AMENDMENT RELEVANT CONCLUSIONS OF LAW

- **Pertaining to a General Plan Map Amendment Action: Amendment/modification to its land use map may be made at the discretion of the City's Council...** (H.C.C. § 13.07.020.G)...

ZONING CODE TEXT AMENDMENT/REZONE RELEVANT CONCLUSIONS OF LAW

- **Pertaining to both a Zoning Ordinance Text Amendment and Rezone Action [set]:**
a. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan; and, b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; and, c. The extent to which the proposed amendment may adversely affect abutting properties; and, d. The adequacy of facilities and services intended to serve the subject property, such as, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, environmental hazard mitigation measures, water supply, and wastewater and refuse collection. (H.C.C. § 1307.030.G(2))

GENERAL PLAN MAP AMENDMENT AND REZONE FINDINGS/ANALYSIS (Briefly listed in no specific order or level of priority under each sub-heading), Staff finds that:

- **Property's Current Zone Designation:**
 1. R-1-10 (Single-Family Residential, 10,000 sq. ft. min. lot area); current Property size 30,492 sq. ft. per County Assessor; and,
- **Adjoining Zoning District(s):**
 1. To the north (across Murray Holladay Rd.), R-2-10; to the west, R-2-10 abutted by HV on its western side; to the south, R-1-10; to the east, R-1-10 (see attached zoning "Vicinity Map"); and,
- **Adjoining, Existing Land Use(s):**
 1. To the northwest, residential condos (the Terraces), open land and detached single-family residences working towards the northeast; to the west, three detached residential structures (reported to be duplexes) , 20 units of senior housing (Holladay

Village Condos) ; to the south, detached single-family residences along/fronting Kentucky Avenue; to the east, detached single-family residences and three more duplexes along/fronting S. Clearview St.; and,

2. Commercial “downtown” node and condos to the west of the afore-noted R-2 area (HV and R-2-10 zoned areas); and,

➤ **General Plan:**

The Property lies within a “Medium Density Residential – Stable” (MDR-S) setting; [which has a suggested/supported density range corresponding to the R-M Zone’s two-family home density yield of 5.44 dwelling units per acre or 16 multi-units per acre]; and,

- The General Plan describes the MDR – T setting in this fashion: “Medium Density Residential-Two Units (MDR-T) -- Suggested Zones: R-2-8, R-2-10. This district is intended to accommodate two-family attached unit development with slightly higher densities than the LDR-S districts. New development should be accommodated through utilizing unclaimed density where possible. Proposed rezones within the suggested zone list may be appropriate where increased density will not destabilize the existing neighborhood.”
- The HV Zone’s Small Area Master Plan [as the HV Zone lies nearby], as pertaining to residential areas, advocates that, “New developments within the neighboring single family areas should meet a high level of architectural standards for all developments.” There is no zoning code language that allows or requires that in the R-1-10 design review of single-family structures be conducted by Staff. The same holds true of the proposed RI Zone. Therefore, any such exercise would have to be supported and required by a [Land Use] Development Agreement to be of force and effect; and,
- Current relevant residentially oriented objectives from the City’s currently adopted Plan include, but are not limited to:
 - 1.1 “Clustered developments should be encouraged to promote open space and view sheds where it is consistent with surrounding neighborhoods.
 - 1.2 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.
 - 1.3 Medium and low-density development should be encouraged.
 - 1.4 Higher density development may be allowed within the proposed downtown core or Village.
 - 1.5 Promote affordable housing mechanisms.”
 - 1.6 Higher density development may be allowed within the proposed downtown core or Village.
 - 1.7 Promote affordable housing mechanisms.”

And, under Housing Goals:

1. “Clustered developments should be encouraged to promote open space and view sheds where it is consistent with surrounding neighborhoods.
 2. 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.
 3. Medium and low-density development should be encouraged.”
- The Applicant, upon Staff recommendation as befitting their rezone request, proposes to amend the City’s General Plan [future land use] Map to convert the MDR-S setting assigned to the Property [over] to MDR-T

➤ **Design Review Considerations:**

n/a

➤ **Utility and Emergency Services Provision:** Available to the Property

PROPOSED CODE [TEXT] AMENDMENT FINDINGS/ANALYSIS/SUGGESTIONS FOR CONSIDERATION

13.04.040: DEFINITIONS:

1. Add a definition for the word “PROPERTY” as follows: “Shall refer to any lot or parcel of land...”; and,
2. Amend the definition of “LOT, PARCEL, PLOT OR TRACT OF LAND” to read, “A segment of land established by plat as a subdivision lot, or, via metes and bounds description, or other legal means and identified on a plat of record or in a deed or record of Salt Lake County which may be owned, used, developed/built upon or not...”

13.32.015: RESIDENTIAL INFILL ZONE, RI:

1. Use of the word “buffer” in the purpose statement associated with the RI Zone may be construed by some to be a bit of a misnomer as the gross density yield of the proposed district for single-family housing is 10.89 du/a -- which is matched only by the City’s R-4 Zone and is actually more generous than the City’s R-2 Zones, and, “buffer” connotes “separation” and the homes proposed would not be overly far from property lines. Contrarily, the proposed project’s build-out would give the appearance of a buffer since the development contemplates detached, individual houses on lots smaller than typical of/for single-family areas but with buildings expectedly smaller and less dense in count than a R-M Zone would facilitate and not in two-unit form like the City’s R-2 Zones allow; and,
2. The last sentence of that section should use the word “shall” rather than “must”. More importantly, it compels Staff to make a subjective determination as to distinction in appearance – which also, effectually, enacts a species of design review for residential individual detached houses which is overly time consuming for Staff to manage/enforce as part of conducting plan review of plans submitted for building permit consideration [such effort could be rather better left to imposition via (a) Development Agreement(s)]...

Table 13.32.071:

1. Consider proposing that “each unit in an attached two-family dwelling” be allowed 2,000 sq. ft. per unit (side) vs. the 4,000 sq. ft. currently shown; add the word “duplex” in parenthesis behind the identifier: “each unit in an attached two-family dwelling”; and,
2. Consider adding another row in the table for “zero-lot line” structures with 2,000 sq. ft. per side/half being the allowable minimum area; and,

3. In the rows headed by the phrases “The minimum frontage on a public street (cul-de-sac) for any lot at the street right-of-way line in feet”, and, “The minimum frontage on a private street of any lot at the right-of-way line in feet”, insert after “75% of the minimum” the words “lot width” in each of the cells in the table in those rows (8 total); and,
4. In the table row that reads: “The minimum frontage on a private street of any lot at the right-of-way line in feet”, insert after the word “street” language such that the phrase is re-worded to say, “The minimum frontage on a private street, common drive, or lane of/for any lot at the right-of-way line in feet”; and,
5. Within the “side setback” control section of the table, change the phrase “The minimum side setback in feet for a dwelling shall have a total of 25 percent of the required lot width, with no 1 side setback less than 10 percent of the lot width” to read, “The minimum side setback in feet for a structure shall be not less than 25% of the property width, with no side having less than 10% of the property width as a side setback”; and,
6. Evaluate the five-foot (5') minimum corner side setback to make sure it does not (coupled with the minimal front setback proposed in the RI Zone) lead to the creation of clear vision/view triangle problems at intersections (either private or public or a composite of the same); and,
7. Re-evaluate note no. 2 at the bottom of the table regarding, especially, the front setback required in the zone for structures...especially against any public right-of-way; and,
8. Regarding Subsection C under the Table, again, review proposal to make sure it does not put detached residential dwelling units too close to a right-of-way [particularly if it's public]...

13.32.090: BUILDING HEIGHT:

1. The height limit, as per Applicant's request, is to be 30' not 28'. Change also some of the language in the section (as per Applicant's request and to improve current wording) as follows: “In RI Zones, only a loft that fits within a sloping roof line (including dormers) is allowed as a second story, and the maximum height of any main structure shall be thirty-feet (30’); and,
2. Add a footnote b. that reads, “In all R-2 and R-M Zones, the maximum allowable height of any main structure shall be as listed on Table 13.32.091 of this section.”

Table 13.32.101:

1. Add the following words in both rows under the Coverage Regulations column: “of a property” such that the language reads: “The maximum impervious coverage, in percentile, of/for any residential development on a property shall be:”, and, “The maximum impervious coverage percentage of/for any non-residential development on a property shall be:”...

13.32.120.B.:

1. Re-word the text of the section such that it reads: “Opaque fences shall be provided along all interior property lines unless the Planning and Zoning Commission approves otherwise. In the RI Zone, a hedge or columnar foliage may be used in lieu of opaque fencing and is considered equivalent to the same for purposes of this Title (including regulation by code).”

MISCELLANEOUS:

1. Average increase in possible trip generation per weekday compared to standard 6,000 sq. ft. single-family building lot [using an admittedly somewhat dated number from the I.T.E. Trip Generation Manuals] should remain equal at ~ 9.55 save that overall project trips will increase simply as a function of having increased density in a given development. Thus, trips may be expected to tally up to 50 per day in/out [owners, delivery personnel, emergency services, taxis, etc. are all assumed in the calculation] of Holladay Cottages if the project is developed as planned. (While a national average, Staff questions if trip generation will be that much on any given day.)

STAFF OPINION/ANALYSIS/RUMINATION(S)

- The Applicant proposes to introduce a new Residential Infill Zone into the City's adopted zoning ordinance as a form/type of “buffer” between areas of lower and higher residential density zoning.
- The Applicant provided to the City in February of this year a narrative in accompaniment of a subdivision plat research request that shares their rationale for proposing the entitlement package (including the afore-noted new land use zone/district) made the subject of this report. It reads in part,

“Our overall vision for Holladay Cottages is to be a transitional buffer between the higher density commercial and residential development in and around the Holladay Village and the existing lower density single-family home neighborhood that surrounds it. We believe that Holladay Cottages will set a healthy precedent for smooth transition between the denser public/collective area of the city (e.g. the Terraces) and the private family neighborhoods that adjoin/surround them.

[Also]...by making efficient use of the increasingly costly land in Holladay, [our proposed] small and attractive “cottage” style homes will provide a more affordable housing choice, both for young families that are just starting out, and empty-nesters wanting to downsize. Holladay has always been a diverse community where members of extended families at all stages of life can live. The increasing cost of land threatens that cherished heritage. We believe that adding a moderate amount of medium-density single-family homes like Holladay Cottages to the city's housing mix would be the best long-term solution to that problem for our community.”

- The decision whether to codify the allowance [in general form via implementation of a new land use zone] for increased detached single-family dwelling density [as a primary use of land] remains a subjective one left to the disposition of the City's Council as does their assessment of whether the Property is an agreeable location to superimpose the RI Zone. Pressure for new, affordable [but not necessarily cheap in

price, quality or appearance] housing continues to press on cities across the western U.S. -- including in Holladay.

- Holladay is often protective of the concept of having single-family housing on individual building lots (which the application set made the subject of this report maintains) but at higher density levels than commonly found in the neighborhood wherein the Property lies minus those lots abutting the Property on its east that purportedly are being used as duplexes. On the other hand, such duplexes are either legally non-conforming (i.e., "grandfathered") or illegal neither of which circumstances suggests to Staff that their presence justifies the RI Zone. However, the duplex use(s) on the east side of the Property do help promote the appropriateness of the RI Zone as a transition district in the place where the Property lies.
- Both the zoning on the Property's north and east as well as immediately surrounds land uses (not just structure forms) suggest that the position of the Property be one where it could be used as a type of transition parcel – though Staff is concerned about the proposed density and setbacks that are proposed for the same as part of the RI Zone's intended language.
- Citizen communication to Staff by the time this report when to print has/had been thus far been limited to one couple concerned with the density of the project and possible precedent setting/creep of the RI Zone into R-1 zoned land over time raising the question of where do you draw the line with such a movement if it were to occur.
- If the RI Zone were adopted in its current or a modified form, its emplacement in other areas of the City would be limited to those locations and instances where a private party proposes its overlayment on one or more properties -- and then only with the consent of the City's Council.
- Staff has provided the Applicant our comments thus far on the proposed RI Zone draft supplied to our office. We have asked them to consider "tweaking" the density, setbacks and their proposed architectural regulation methodology. They would apparently prefer to not allow two-unit attached townhouse structures in the zone howbeit that presently the code draft allows for two-unit duplexes. Staff had that as an add-in to clearly state that we allow [i.e., have standards for] the one but not the other (as evident by lot size and width minimums called out for "two family dwellings" – "duplexes") in the proposed zone and the balance of our R-2 type zoning. Attached to this report also is a copy of a handout [chart] iterating Holladay's residential gross density yield. It shows the proposed RI Zone therein by way of comparison.
- The common driveway alignment and proposed fire turnaround appear agreeable to Staff.

STAFF RECOMMENDATION(S)

The Commission shall:

1. Solicit public comment on the request; and,
2. Evaluate any comments and consider both the Applicant's information and Staff's report's analysis' with intent to decide on a course of action respecting the application set made the subject of this report; and,
3. Act on the entitlement package request by, all or in part:

- (1) Recommending approval of the Zoning Ordinance Text Amendment addressed in this report (with any changes thereto deemed noteworthy); and,
- (2) Recommending approval of conversion of the General Plan Future Land Map setting bearing on the Property from MDR-S to MDR-T; and,
- (3) Recommending to the City Council that they also approve the associated Rezone request for the Property [possibly in conjunction with causing the Applicant to enter in to a Development Agreement, or,
- ...
- (4) Denying all or part of the fore-going legislative action requests, or,
- ...
- (5) Continuing or postponing action on the application package request pending receipt of further information relevant to the matter and/or directing the Applicant or Staff to further study issues related to the Applicant's entitlement requests.

Staff recommends consideration of the RI Zone, and its emplacement on the Property, but with down adjusted density comparable to the R-2 Zones and more stringent front setbacks standards for any lot abutting/fronting a public right-of-way or intersection of a public right-of-way with a private right-of-way (e.g., a lane). Adjustments to existing code language as proposed by the Applicant and/or Staff should also be made a part of any text amendment approval for house-keeping [clarification/fixing issues].

ATTACHMENTS

- Copy of Zoning Vicinity Map (page/Exhibit 9)
- Copy of Rezone/Text Amendment Application form (page/Exhibit 10)
- Copy of General Land Use Development Application form (page/Exhibit 11)
- Copy of Affidavit of Property Ownership (proof of proprietary interest) form (page/Exhibit 12)
- Copy of Public Hearing Notice (page/Exhibit 13)
- Copy of Record of Survey (page/Exhibit 14)
- Copy of colored concept site plan (page/Exhibit 15)
- Copy of b/w concept site plan (page/Exhibit 16)
- Copy of Applicant's neighborhood sketch layout of possible RI zoned property development (one house with garage to show possible impact of size/setback controls (page/Exhibit 17)
- Copy of Applicant's neighborhood meeting sign-in roster/roll (page/Exhibit 18)
- Copy of Applicant's draft zoning code text amendment language creating a new residential Infill Zone with Staff redline notes/comments inscribed thereon (pages/Exhibits 19-22)
- Copies of Google Maps imagery (pages/Exhibits 23-28)
- Copy of Applicant's neighborhood meeting display poster email comments regarding Staff RI Zone initial analysis commentary (pages/Exhibits 29-30)
- Copy of Gross Residential Density Yield Chart showing RI Zone impact (page/Exhibit 31)
- Copy of any citizen/outside agency/City department or division correspondence (pages 32+)