



**Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** March 8, 2019  
**Re:** **March 13, 2019 Town Council Meeting**  
**Development Agreement: Cottage Housing Development Overlay Zone – Parcel S-CCWS-2**

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**Overview**

In the last meeting the Council approved a zone change from Valley Residential (VR) to Valley Residential – Cottage Housing Overlay (VR-CHD) on parcel S-CCWS-2. The approved zone change allows the construction on nine cottage units on a 1.5-acre piece of property.

The Council’s zone change approval is contingent on the developer entering into a development agreement with the Town. The development agreement memorializes the terms of the zone change approval, and will ensure the ultimate development of the property complies with the applicant’s concept proposal.

The Town Attorney has prepared development agreement language (attached). The Council should review this language to ensure it is consistent with the Council’s motion of approval. If the Council finds the language in the development agreement accurately represents the Council’s approval, then the Council should approve the development agreement and authorize the Mayor to execute the document.

**CHD Zone Change Motion of Approval (Feb 13, 2019 Town Council Meeting)**

*Motion made by Mike Alltucker to grant the application for a zone change from Valley Residential to Valley Residential-Cottage Housing Development Overlay Zone on parcel S-CCWS-2 for the purpose of allowing a 9-unit cottage neighborhood development. This motion is based on the following findings: 1) The plan complies with the General Plan, it also complies with Town ordinance section 10-3-2 amendments to the Town Code, and also including section 10-13F Cottage Housing Overlay Zone; 2) The subject property is located in the Valley Residential Zone; 3) The proposal contemplates the construction of nine cottages on 1.5 acres, which meets the density requirement for the Overlay Zone; 4) The development proposal meets the minimum landscape or natural space of 40% of the total project area; 5) The proposal meets the required setbacks for the Valley Residential Zone; 6) The proposal contemplates seven buildings that have a 1,000-square-foot floor area and two single-story buildings that have an 850-square-foot floor area, and those buildings are within the total maximum allowable floor area of 1,500 square feet per building; 7) The proposal contemplates that each cottage opens onto a commons area, and the commons area meets the size standard; 8) The proposal includes eighteen parking spaces, which meets the two-space per cottage requirement under the ordinance; 9) The concept drawings of the cottages in the proposal appear to show that the cottages are twenty-foot (20’) high or less, and that they have 3:12 pitched roofs and covered porches; 10) The proposal adequately preserves open space as required for the Overlay Zone; 11) The project has been designed to minimize visual impact from SR-9 and is not within one thousand (1,000) feet from any other cottage housing development; 12) The subject property has sufficient developable acreage to accommodate all required improvements without impacting steep slopes, flood hazard areas, or other sensitive lands; 13) The*

*applicant has provided an Erosion Hazard Assessment dated February 6, 2019 from Rosenberg Associates that makes various recommendations for mitigating the risk of lateral erosion damage to structures on the property, and has furnished supplemental documentation dated February 13, 2019; 14) The zone change amendment would promote more fully the objectives and purposes of the Springdale Zoning Ordinances and the Springdale General Plan; 15) The amendment is warranted because of substantial changes in housing and rent costs that make traditional single-family residences unaffordable for most Springdale employees, and changing market preferences for smaller dwelling units with less space and maintenance obligations; 16) The zone change is consistent with the purpose of the Overlay Zone because it will help promote lower cost housing in the private market, add to the diversity of the Town's housing stock and will make available a type of housing that will be more affordable than standard single large lot family alternatives; 17) The requirements of the Cottage Housing Development Overlay Zone and other ordinances have been satisfied; 18) The General Plan specifically contemplates and encourages Cottage Housing Developments, and this development is consistent with the implementation strategies encouraged by the General Plan in sections 5.1.1, 5.1.2, and 5.1.5; 19) The proposed development would maintain a high-quality living environment within the Town that meets the goals of the General Plan; 20) The proposed development creates no significant detriment to adjacent properties or to the adjacent areas in which it is located; 21) Any variation allowed from the development standards of the Valley Residential Zone will not create increased hazards to the health, safety, or general welfare of the residents of the proposed development or adjacent areas; 22) The proposed concept design and layout are compatible with the Town's unique rural village character, as identified in Chapter 2 of the General Plan; 23) The purpose and objectives of the Cottage Housing Development Overlay Zone would be furthered by entering into a development agreement with the developer; 24) We find that all of the requirements and regulations of 10-13F-10 have been met and the development maintains a high-quality living environment within the Town that meets the goals of the General Plan and is also compatible with the Town's unique rural village character; 25) We find that additional traffic due to the development would be of a deminimis nature and would not cause adverse impacts to the surrounding properties or to traffic on SR-9.*

*This motion imposes the following conditions:*

- 1) This zone change is granted subject to a condition precedent that the developer must enter into a development agreement with the Town, in a form approved by the Town's attorney, and adopted by the Town Council at a later meeting, which includes the conditions stated in the Town's staff report dated December 6, 2018 regarding this zone change except deleting item 8 concerning the public access easement;*
- 2) That the applicant complies fully with the previously issued grading permit for the site;*
- 3) The applicant addresses the four additional items recommended by Sunrise Engineers with additional analysis concerning the Erosion Hazard Assessment report by Rosenberg and that the Town engineer review and approve that amended report;*
- 4) The developer be required to comply with all conditions, improvements and perpetual maintenance requirements contained in the Rosenberg report and any future amendments;*
- 5) The developer be required to notify all future property owners of the potential flooding risk by adding a note, to be approved by Town Council, to the final plat or any substantive subdivision plat;*
- 6) In addition, the developer shall be required to include a notification to property owners through the CC&R's of the development;*
- 7) The developer shall also be required to notify all future property owners of their perpetual maintenance and repair responsibility for any flood damage to the properties and for the maintenance of the private roadways, landscaping, and site utilities by including a note on the subdivision plat and again in a provision in the CC&R's;*

8) The applicant to provide the Town with a copy of any regulatory permit which may be required on this property;

9 ) Transient lodging or any other short-term rentals and any other commercial uses are not allowed. The developer shall include a note on the final subdivision plat or a restriction on the deeds and a section in the CC&R's which would be satisfactory to the Town attorney describing this prohibition.

Finally, this zone change is granted based only on the Town's review of preliminary concept drawings. The applicant and other property owners are still required to comply with all ordinance requirements for any subdivision approval and any other development entitlements required under Town ordinances. If the concept design approved with this zone change must be changed to meet the requirements for subdivision approval or other entitlements, the applicant must comply with the requirements of Chapter 13F, Title 10 in order to obtain approval for the change; seconded by Randy Aton.

*Council discussion: Based on the information they had, Ms. Zumpft felt the Council did their best to determine what this project could do for the community. She appreciated the applicant's willingness to respond to comments for changes.*

*Vote on the motion:*

*Aton: Aye*

*Zumpft: Aye*

*Smith: Aye*

*Player: No*

*Alltucker: Aye*

*Motion passed.*

*Mayor Smith commented the Council took its time with this item in order to be precise and careful for the Town and the developer's sake.*

*Although not required, Ms. Zumpft asked the developer to consider public pedestrian access to the river.*

*The Town attorney would draft the development agreement to be reviewed and approved by the Council in a future meeting.*