



# SANDY CITY COMMUNITY DEVELOPMENT

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## MEMORANDUM

May 3, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Hinton Subdivision (Preliminary Review)  
825 E 7800 S  
[High Point, Community #6]

SUB-03-18-5381  
SPEX-04-18-5399  
Zone: R-1-8(INF)  
1.09 Acres, 5 Lots

**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
A#92-07	Klinell Annexation – Annexation application that incorporated the subject property into Sandy City jurisdiction.
ZONE-01-18-5340	Rezone application to rezone the subject property from R-1-20A to R-1-8(INF). The application went before the Planning Commission on March 1, 2018 resulting in a unanimous decision by the Commission to forward a positive recommendation to the City Council. The City Council heard the item on March 27, 2018 and approved the rezone by a vote of 4-2 in favor.

### DESCRIPTION OF REQUEST

The applicant, Mr. David George, is requesting preliminary subdivision review for a five lot single-family subdivision located at 825 E 7800 S and adjacent to the North Pine Villas Subdivision. The subject property is a narrow and deep lot that has an existing home fronting onto 7800 South and a large rear yard that is mostly unused. The proposed subdivision would divide the 1.09 acres property into five lots, one for the existing home to remain and four lots for new single-family home construction. The subject property was recently rezoned to accommodate this type of development and was zoned R-1-8(INF), consistent with the subdivision adjacent to the east.

The applicant is also requesting that the Planning Commission grant a special exception for the establishment of lots without public frontage as well as the use of “flag” or “L-shaped” lots. These issues will be further discussed in the analysis section of this report.

**BACKGROUND**

The North Pine Villas PUD is a project that was approved at the end of 2017 and is currently under construction. When the project was brought to city staff as a conceptual plan, staff encouraged the developer to try and acquire the subject property of this application in order to develop both properties together. The owner was unwilling to sell at the time and, consequently, the North Pine Villas PUD was approved separately. Despite this, the North Pine Villas PUD was designed to accommodate and anticipate the development of the subject property by providing a stub street that could be used for access to any lots developed on the property in the future.

Land uses surrounding the subject property include townhome developments to the west and south and single-family residential to the north and east. The townhome developments are both zoned PUD(10) and the adjacent single-family subdivision to the east of the property is zoned R-1-8(INF). The subject property is surrounded by both Midvale City and Salt Lake County jurisdictions, which provide services to single-family homes in the area that are on slightly larger lots than those of the proposed subdivision. The homes to the south of the proposed project, which are incorporated into Sandy City, are zoned R-1-8.

**NOTICE**

Notices were mailed to property owners within a 500 foot radius of the subject parcel to notify them of the Planning Commission meeting. Because the applicant was required to hold a neighborhood meeting recently for the rezone application, no neighborhood meeting was held specifically for the subdivision. The applicant held a neighborhood meeting for the rezone on January 23, 2018.

**ANALYSIS**

The R-1-8(INF) zone allows for single-family housing on lots no smaller than 7,000 square feet as long as the average lot size of the all lots in the subdivision is a minimum of 8,000 square feet. The smallest lot in the proposed subdivision is 7,017 square feet in size and the average lot size is 8,178 square feet. The purpose of this zone is to accommodate the development of single-family lots on infill parcels that would otherwise be difficult to develop. Lots 1-4 do not have frontage onto a public street and are configured as flag lots, both of which require the approval of a special exception from the Planning Commission. Conformance to setbacks and building heights will be part of the building permit process for any new structure.

The existing home on the property will continue to be accessed via 7800 South. As part of the subdivision, the city has required the applicant to dedicate seven (7) feet along the frontage of 7800 South to Sandy City for future improvements along the street. This piece of dedication will make the existing structure a legal non-conforming use as the home will no longer meet the required minimum front setback for the zone. All four of the proposed new lots will be accessed via a private street called Winter Pine Cove that is under construction as part of the North Pine Villas project. Before final approval, the applicant will be required to provide evidence of a shared maintenance agreement between the owners of lots 1-4 and the North Pine Villas HOA in order to ensure shared responsibility of Winter Pine Cove. Shared access for Winter Pine Cove was established on the recorded plat of the North Pine Villas Subdivision, but maintenance of the road needs to be agreed upon between the two parties.

The plat shows a hatched area that represents a private lane that will provide access to lots 1-4 from Winter Pine Cove. Each of the four lots would own a portion of the private lane as per the standards for flag lots outline in code. The hatched area represents a shared access and utility easement for the benefit of the four lots. Additionally, staff will require that a shared access and

maintenance agreement be established between the owners of lots 1-4 prior to granting final approval.

#### Special Exceptions

**Flag Lots - Section 15A-21-22** of the Sandy City Development Code allows flag or L-shaped lots to be used if approved as a special exception by the Planning Commission. The purpose of a flag lot is to encourage the more efficient use of land, particularly for infill developments. The code lists several criteria to be used by the Planning Commission when determining whether or not to approve the use of flag lots. The criteria that likely require the most consideration from the Planning Commission are as follows:

- D. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts, unless otherwise determined by staff on a case by case basis.
- F. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
- H. No more than two flag lots can be served by the staff portion.
- I. The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision unless otherwise approved by the Planning Commission. The Planning Commission may allow more than 20 percent if the subdivision is an infill development and the lot configuration is the most efficient use of land.
- K. The approved building envelope shall be illustrated upon the final plat.

Response to D: The plat shows four new lots that will each be considered flag lots, with two flag lots running north and south from Winter Pine Cove, which is the private street onto which they will front. Staff would like to have the ability to determine which side will be considered the front portion of each lot based on the house plan that is submitted. Determining the direction that the house will face would allow staff to mitigate impact on neighboring homes by facing the homes with optimal setbacks distances from adjacent lots based on the house plan that is submitted during the building permit process.

Response to F: Criteria F listed above requires that all flag lots meet the minimum size requirements for the zone independent of the square footage used by the staff portion of the flag. In this case, that would mean that each lot would need to have a minimum of 7,000 square feet with an overall average of 8,000 square feet without including the portion of the shared private drive that is owned by each lot. This measurement is shown on the plat as the NET square footage of the lot. The minimum size of any of the lots is 7,017 square feet and the average size is 8,178 square feet. The proposal complies with the size requirements of the zone.

Response to H: The code does not allow for more than two flag lots to be served from the same staff portion. The proposed configuration shows two staff portions, one extending to the north and one extending to the south of Winter Pine Cove, with two lots served from each.

Response to I: Flag lots make up 80 percent of the subdivision as it is currently proposed, well above the 20 percent maximum listed in Criteria I. However, the Planning Commission may allow for more than 20 percent if the project is an infill development and flag lot configuration is the most efficient use of land. The applicant has worked with staff to explore different lot configurations for this infill parcel and found this to be the cleanest way to meet the requirements of the code.

Response to K: The applicant will be required to show building envelopes for all flag lots on the final plat prior to approval. However, staff would like the ability to change the direction that the house is required to face based on the actual house plans that are brought in for a building permit. To accomplish this, staff asks that a note be added to the final plat explaining that the front property lines for lots 1-4 may be determined by the Director during building permit review. Doing so will allow staff to mitigate impact on neighboring property owners.

**Lots Without Public Frontage – Section 15A-21-21(B1)** of the Sandy City Development Code requires that all residential lots have frontage onto a dedicated and improved public street unless a special exception is granted from the Planning Commission as part of the preliminary review process. This special exception allows for the establishment of lots that front onto private streets or private lanes. Lots 1-4 of the proposed subdivision are only able to gain access from a private street, which requires the approval of a special exception.

### **CONCERNS**

As stated previously, the only access the lots 1-4 is through the use of Winter Pine Cove, which is a private street that is currently owned and maintained by the HOA of North Pine Villas. Owners of proposed lots 1-4 would be using the private street and would need to contribute to its maintenance. Both the applicant and the developer of North Pine Villas have indicated that they are willing to work to ensure that the private street is jointly maintained, but staff has not seen any documentation that shows a shared maintenance agreement or the intent for the proposed subdivision to become part of the North Pine Villas HOA. Additionally, a shared access and maintenance agreement between the future owners of lots 1-4 is needed in order to ensure that the shared private lane remains open for access to all owners.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **grant a special exception** for the use of flag or L-shaped lot configuration and for the establishment of lots without public frontage based on the following findings and subject to the following conditions:

#### Findings

1. That the proposed subdivision is an infill development.
2. That the only access available to the back portion of the subject property is via a private street of an adjoining property.

#### Conditions

1. That the applicant continue to work with staff through the final review process to ensure that all flag lots meet the code requirements and standards.

Staff recommends that the Planning Commission determine that preliminary review is complete for the **Hinton Subdivision** located at 825 East 7800 South, based on the following findings and subject to the following conditions:

#### Findings

1. That the proposed subdivision is an infill development.

2. The configuration of lots in this subdivision is consistent with the master plan for the property that was reviewed as part of the North Pine Villas PUD.

Conditions

1. That the applicant complies with each department’s comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes and ordinances are adhered to during the review, construction, and operations process of this project.
3. That lots 1-4 of the Hinton subdivision either join the Homeowner’s Association of the North Pine Villas PUD or that the applicant record a shared maintenance agreement for Winter Pine Cove with the Homeowner’s Association of the North Pine Villas PUD.
4. That the applicant establish a shared access and maintenance agreement for the private lane between the owners of lots 1-4 of the Hinton Subdivision.
5. That the applicant continues to work with staff during final review to ensure that all lots meet the minimum size requirements of the zone.
6. That the applicant adjust the boundaries of lots 1-4 to divide the ownership of the shared private lane between the four lots.
7. That the building envelopes be shown on the final plat for lots 1-4, but that the location of the front property lines for lots 1-4 may be determined by the Director during building permit review in order to mitigate impact on neighboring property owners.
8. That the shared private lane be signed to prohibit parking so as not to inhibit access and movement of emergency service vehicles.

Planner:



Mitch Vance  
Planner

Reviewed by:



Brian McCuiston  
Planning Director