



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUIH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

December 20, 2018

---

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Windflower Townhomes Subdivision - Preliminary Review      SUB-05-18-5410  
719 W. 9400 S.      Zone: PUD(12)  
[Community #2, Civic Center]      0.57 Acres, 3 units

---

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

---

PROPERTY CASE HISTORY
There is no case history for this property.

### DESCRIPTION OF REQUEST

The applicant, Mr. Randy Moore, is requesting preliminary subdivision review for a three unit townhome planned unit development (PUD) located at 719 W. 9400 S. The subject property is a 0.57 acre remnant parcel that was left undeveloped when the subdivision to the west was developed in 1990. The property was zoned PUD(12) with the rest of the surrounding properties at that time. The applicant is also requesting approval of the landscape plan and architecture for the proposed townhomes.

The designation of PUD requires that the Planning Commission review and approve the proposed building materials, building design, exterior fencing, landscape (open space) and amenities for the project. The Planning Commission may also require specific setbacks, buffers, building heights, and site arrangements where it is determined to be appropriate.

### BACKGROUND & SITE ANALYSIS

The surrounding land uses include single-family homes zoned PUD(12) to the west and north, with lot sizes ranging from 5,000 to 13,000 square feet. The property to the east is zoned ID and is used for commercial warehousing. The Hidden Creek PUD, which is a townhome development with a density of 10.5 units/acre, is across the street to the south.

The site of the proposed project has several characteristics that make development difficult, which is likely why the property has remained vacant for many years. The property is somewhat triangular in shape and has a steep downward grade moving west, which is likely the result of the Galena Canal historically running adjacent to the western boundary of the property. The grade is greater than a 30% slope along the west part of the property. However the Sensitive Area Overlay zone does not apply to the property because the slope was man-made. Consequently, buildings and retaining walls can be built in all sloped areas and still comply with city standards as long as construction is approved by the City Engineer.

As part of the subdivision, the applicant will be dedicating a portion of his property that is currently in the public right-of-way and will be installing a new five (5) foot sidewalk as required by the Public Works department. The project has nearly 190 feet of frontage along 9400 South, however the road has both vertical and horizontal curves along the frontage of the project, making visibility of oncoming traffic difficult in some locations. Consequently, the Sandy City Engineer and Transportation Engineer have required that only one point of access to the project be granted in order to reduce risk of traffic incidents. The location of this point of access is at the crest of the hill on the eastern part of the property's frontage.

#### **NOTICE**

Notices were mailed to property owners within a 500 foot radius of the subject parcels to inform them of the Planning Commission meeting. Additionally, planning staff held a neighborhood meeting on June 5, 2018 at River Oaks Golf Course in order to discuss the application with residents. There were ten citizens that attended the meeting. There were several issues discussed during the meeting, a summary of which is attached.

#### **SUBDIVISION ANALYSIS**

The purpose of the PUD district is to:

1. *Encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.*
2. *Encourage a more efficient use of land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.*
3. *Encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to give imagination and variety in the physical pattern of development.*

#### Housing product

The applicant is proposing to build three (3) townhome units on a net acreage after dedication of approximately 0.44 acres. This equates to a proposed density of just under 7 units/acre - the zone allows for 12 units/acre. The townhomes are all front-loaded units that share a driveway large enough to allow for parking in front of each unit and space necessary for backing maneuvers that make it possible for cars to drive forward onto 9400 South.

The following analysis is based on the standards found in *Section 15A-20-07 Planned Unit Development District (PUD)* of the Sandy City Development Code.

#### Setbacks and Height

*D(1d): **Lot Requirements.** No specific yard, setback, or lot size requirement shall be imposed in the planned unit development. However, the purpose and objectives of this*

*chapter must be complied with in the final development plan. The Planning Commission may require certain setbacks within all or a portion of the planned unit development.*

The PUD zone does not designate minimum setback requirements, rather the Planning Commission has the authority to dictate setbacks based on the overall site plan. Precedent from recently approved PUDs indicate that a 10' front setback (to porch), 5' side setback, and 20' rear setback are typical. The subdivision to the west, which was approved in 1990 and shares the same zoning designation as the subject property, was approved with a minimum rear setback of 10 feet. The proposed project has ample setback space from the south (32') and east (28') property lines. The setback from the west property line, which is considered the rear yard, is shown as 16.3' from property line to building.

The maximum allowed height of the structure is 35 feet on the front and side elevations. The measurement for the height on the side elevations is taken from the average finished grade to the peak of the roof. The proposed elevations meet the height requirement – the front elevation is 27 feet tall, and each side is 31 feet tall. Because of the sensitive nature of this lot, the applicant will be required to provide a certificate of survey during construction to verify the height of the building.

#### Open Space

*C(2): **Open Space.** Unless otherwise approved by the Planning Commission, common and private open space shall be provided and shall not cover less than 40 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, patios, and recreational areas...*

*D(1c): **Site Calculations.** Specific calculations addressing the percentage of open space (common and private), impervious versus pervious coverage, and site improvements must be submitted with all project applications.*

The site plan shows that 43.3% of the property will be covered with an impervious surface (buildings and hardscape), and that the remaining 56.7% will be reserved for landscaping. All open space would be shared between the residents of the units and maintained commonly.

#### Architecture

*C(5): **Building Materials.** Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High quality exterior materials shall be used including brick, stone, synthetic stucco, prefinished panel, composite materials, or other materials of similar quality, durability, and low maintenance.*

The proposed elevations use a variety of different styles and types of materials for the front façade of the units. Large windows, roof gables, large front porches, corbels, and other details effectively break up the façade and provide visual interest. The rear elevation has no breaks, reliefs, or change in materials – the entirety of the rear façade is stucco material. The applicant has stated that he intends to have the middle unit push forward or backward to help break up the back plane.

#### Parking

Section 15A-20-07-C(4) describes the parking requirements for PUDs, which are based on the size of each unit. In this case, the minimum parking requirement is 2.75 spaces per unit. The

applicant is proposing 2 garage spaces per unit, with room for two guest parking spaces in front of each garages for a total of 4 spaces per unit.

### Landscape Plan

*C(6): **Landscaping in the Public Right-of-Way.** Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least 10 feet in width shall be required along the property line(s). This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission.*

The proposed landscape plans demonstrates compliance with this requirement. The applicant has proposed to plant and maintain five street trees in a landscape area that will function as a nearly 30 foot buffer between 9400 South and the proposed units. The Landscape Plan also shows several existing trees on the property that will be pruned to remove weak or dead branches. The applicant is proposing to preserve these trees based on requests for their preservation from neighboring property owners who feel that the trees will provide them with privacy.

The applicant is proposing a retaining wall along the east side of the shared driveway near the eastern property line. The code requires a ten (10) foot wide landscape buffer between commercial and residential uses, which suggests that the area above and below the retaining wall on the east side will need to be vegetated. Staff also feels that there are opportunities for additional retaining walls in the open space areas of the property that will help to flatten out some areas that will then become more usable to residents. Retaining walls that are not on a property line can be up to 10 feet tall or more with Planning Commission approval. The applicant is proposing to build a retaining wall along the west property line in order to make the rear yard space more usable.

### Fencing

*C(7): **Exterior Fencing.** Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, pre-cast concrete, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required with the width and landscaping specifications as determined by the Planning Commission.*

At the request of the neighbors, the applicant has agreed to install a new three to four (3-4) foot masonry retaining wall and a six (6) foot vinyl fence along the west property line. This retaining wall will help create more usable space on the subject property, help with storm water retention on the site, and provide some privacy to property owners to the west, whose property will be sitting lower than the proposed new units. A retaining wall built on the property line can be up to five (5) feet high with a six (6) foot fence built on top of it, for a total of eleven (11) feet.

### Amenities

*D(2): **Desirable Amenities.** The following are desirable amenities or design options which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual planned unit development project including planned unit development zoning districts, conditional uses in residential districts, and overlay zones:*

- a. *Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.*
- b. *Creations of significant recreation or site amenities, including but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.*

Because of the small scale of the project and the irregularity of the lot, staff does not think that it is necessary for the developer to install additional significant recreation or site amenities, particularly if the applicant is able to create usable open space on site. There have been some discussions regarding the proposed project to join the HOA of the Hidden Creek PUD to the south in order to share the open space and amenities, but the HOA is uninterested in such an arrangement. There is, however, a small city owned playground that is just 550 feet west of the subject property that will be easily accessible to residents living in the proposed project. Because of the scale of the project and the challenges associated with the lot, amenities additional to the open space requirement are likely not necessary.

#### Buffer of Uses

Good urban design accommodates a transition of uses. This is accomplished when commercial and multi-family uses are located along busier thoroughfares and a buffer of less intense uses separate them from traditional single-family neighborhoods. The proposed attached townhome units are an appropriate buffer, in this case, between the commercial use to the east and the single-family development to the west.

#### **CONCERNS**

The applicant has been cooperative when working to address staff and neighbor concerns. Consequently, Mr. Moore has presented several development scenarios for review, with each receiving differing comments from staff. The current proposal has been found to be most amenable to the requirements of the PUD zone and for this reason the applicant is seeking approval from the Planning Commission. As the project is in a PUD zone, the following are some issues that have caused concern among staff members that the Planning Commission may consider:

- 1) Generally, staff recommends a minimum 20 foot setback in the rear yard of any PUD rather than the proposed 16.3 feet. The applicant has stated that he has attempted to move the building further to the east in order to increase the rear setback, but was limited by the amount of space required for reverse movements of cars pulling out of the units. The Planning Commission should consider whether or not the proposed setbacks are justifiable based on the lot shape and size, the grade of the property, and the context of the neighborhood.
- 2) The proposal complies with the minimum 40% open space requirement, although nearly all of the landscaped areas have considerable slopes. The slope of the property brings to question the usability of the open space as an amenity to the project, whether or not it needs to be usable, or if the aesthetic of the landscaping is sufficient to fulfill this requirement.
- 3) The rear elevation and, to a lesser extent, the side elevations lack a diversity of material as well as architectural interest. Pulling the middle unit forward, adding gables, including another material, or breaking up the monotony of the façade would add visual interest to the rear elevation of the building, which will be visible from the neighborhood below.

- 4) The site plan shows a large concrete area for the shared driveway. The orientation of the building and the irregular shape of the lot make this driveway very large. The driveway adds a significant amount of impervious surface to the lot. Because of requirements for vehicle movement, however, this issue is largely unavoidable unless the site is reconfigured. A different design alternative would be to shift the three units to the east, parallel with the east property line, and be accessed off of a shared 24 foot driveway.
- 5) An HOA will need to be established that will manage and maintain the open space and infrastructure associated with this project.
- 6) Although the neighbors to the west of the project requested that the existing trees on site remain in order to give them privacy, staff requests that the applicant work with the city's urban forester to determine if the trees are suitable to remain or if they are an invasive species and should be removed.
- 7) The applicant is planning to include a 3-4 foot masonry retaining wall and six (6) foot vinyl fence along the west property line in order to maximize usable space, retain water, and provide privacy to the neighbors. Staff feels it appropriate to increase the height of the retaining wall to five (5) feet in order to better achieve those purposes. Additionally, the six (6) foot vinyl fence should continue along the north property line to create a uniform buffer between the proposed attached units and the single-family residents to the north and west.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission determine that preliminary review is complete for the **Windflower Subdivision**, located at 719 W. 9400 S. and request that the applicant return for final review of the architecture and landscape plan after working further with city staff based on the following findings and subject to the following conditions:

#### Findings:

1. That townhome units are an appropriate buffer between single-family and commercial land uses.
2. That the applicant has demonstrated ability to comply with the basic standards required to develop the property.

#### 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 the setbacks for the project be those proposed on the site plan: Front (from 9400 S.)– 30 feet; Side (east property line) – 28 feet; Rear (west property line) – 16 feet; north property line – 30 feet, unless modified by the Planning Commission.

4. That the Planning Commission determine the appropriate amount of usable open space for the project.
5. That the architectural elevations and landscape plan be brought back to the Planning Commission for Final Review after working further with staff.
6. That the applicant consider ways to reduce the amount of impervious surface including increase landscaping or modest site reconfiguration.
7. That a private homeowner's association be established to ensure common area and building maintenance for the development. That a note be included on the plat to provide public notice to said HOA and maintenance requirements. That the developer provide a capital reserve study and establish and reserve fund for the HOA.
8. That the applicant work with staff, more specifically the city's urban forester, regarding what existing landscaping should remain or be removed during final review.
9. That the applicant install up to a five (5) foot masonry retaining wall and six (6) foot vinyl fence along the west property line of the project to create usable space and provide privacy to neighboring property owners and that a six (6) foot vinyl fence be installed along the north property line.
10. That a certificate of survey be provided to the Building Department at both the inspection for footing and foundation and at 4-way to verify that the structure will meet the height requirements of the zone (under 35 feet).

Planner:



Mitch Vance  
Planner

Reviewed by:



Brian McCuistion  
Planning Director