



# SANDY CITY COMMUNITY DEVELOPMENT

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## Staff Report Memorandum November 16, 2023

To: Planning Commission  
From: Community Development Department  
Subject: Woodhaven Estates –  
Preliminary Subdivision and Site Plan Review  
7613 S. 300 E.  
(Community #3, Sandy Woods)

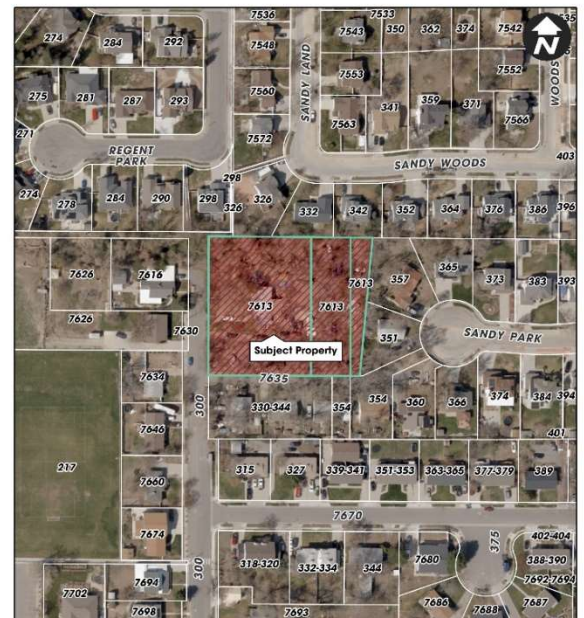
SUB01182023-006471  
SPR01102023-006464  
SPX110820023-006652  
PUD (12)  
2.03 Acres

**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, at public locations, and a sign posted on site.

### Request

The applicant and property owner, Brandon Fry, is requesting preliminary Subdivision and Site Plan for the property located at approximately 7613 S. 300 E. The proposal consists of the creation of 24 units and the dedication of a public street through the property. Based upon the applicant’s submittal, three special exceptions will also be required for the current design which include the following: providing two points of ingress/egress, reductions to the minimum required road profile by eliminating parkstrips and sidewalks, and the creation of lots which do not front onto a public street. Please reference the applicant’s letter (Exhibit A) and application materials (Exhibit B).

The property is zoned Planned Unit Development (PUD) which 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. The Planning Commission reviews developments within the PUD zone to ensure the site plan follows the purpose and design objectives outlined in the ordinance. Additionally, the proposed Subdivision and Special Exceptions require Planning Commission review.



SUB01182023-006471  
Woodhaven Estates Subdivision  
7613 S 300 E  
Sandy City, UT  
Community Development Department

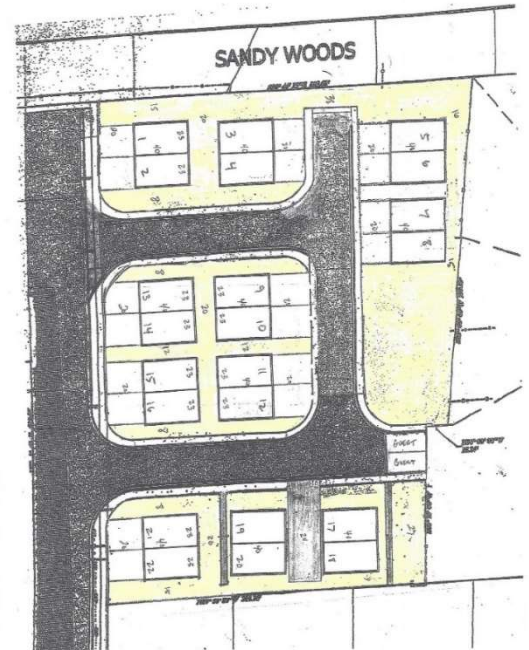
<b>Property Case History</b>	
<b>Case Number</b>	<b>Case Summary</b>
A #92-6	Smith-Brubaker Annexation – 27.63 Acres
REZ06302022-006356	Rezone from R-2-8 to PUD (12)

## **Background**

The subject properties are currently comprised of five parcels located on the boundary of Sandy City and Midvale City, the boundary being along the North, West and South sides. These properties, along with those to the east and north were annexed into the city in 1992. There is currently one single-family home and three duplexes on-site. The City Council approved a rezone of the property in 2022 from the R-2-8 Zone to PUD (12) Zone based upon the applicant's concept plan which proposed 22 units. The plan has since been increased to 24 units.

The zoning designation (and existing land use) of the surrounding properties are as follows:

- North: SD(R-1-7) Zone (single-family residential)
- East: SD(R-1-7) Zone (single-family residential)
- South: Midvale City (duplex residential)
- West: Midvale City (single-family residential)



## **Public Notice and Outreach**

This item was noticed to all property owners within 500 feet of the proposal. Staff held a virtual neighborhood meeting via Zoom on November 9, 2023. Only a few neighboring property owners attended. They were mostly seeking information on what exactly was proposed. No concerns were noted. There was a previous neighborhood meeting held on July 28, 2022. A summary of comments made during the meeting is listed below:

- Access to two properties east of the subject property.
- Potential for a boundary adjustment.
- Emergency services have to access these homes through Midvale City.
- Maximum height allowed for proposed homes.
- Environmental studies that will be done with the project.

## **Analysis**

### **Planned Unit Development Review**

The purpose of a PUD is to provide flexibility of design that would not be possible through the typical application of zoning regulations. It encourages the efficient use of land to preserve open space while providing a means to create variety in the physical pattern of development. PUD developments are held to high standards of design and layout. This district allows for smaller setbacks and clustered housing in exchange for meaningful open space, quality architectural design, and community amenities.

The design objectives for a Planned Unit Developments are:

1. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and

- development amenities.
2. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
  3. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
  4. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
  5. Open space and recreation areas should be the focal point for the overall design of the development.

The Planning Commission has flexibility in requiring specific setbacks, lowered density, and height limitations to ensure these design objectives are met. Review of building and roofing materials, building design, and configuration of open space are important design review items to be considered. The applicant has provided elevations of the proposed buildings and materials as well as a site plan and landscaping plan (Exhibit “B”).

The applicant has shown the overall site area to be 2.18 acres and is proposing to develop 24 units, which is the maximum allowed by the zone for this size of area. However, that area includes portions of 300 East that has already been dedicated through improvement and use for several decades. The PUD zone density does apply to the gross acreage of a development but would not include existing roadways that have already been developed, improved, and dedicated as those would no longer be part of the developable parcels. This appears to drop the overall acreage of the development below 2 acres which would mean that the highest number of units allowed would be 23 under the PUD(12) designation. Further investigation and survey review will be required to determine the amount of gross land area that is not part of the existing roadways.

#### **Site Plan Review**

The proposed development is for 24 residential units consisting of duplexes and fourplexes along a U-shaped public street. The units are placed in a manner that allows for an appropriate layout that respects the existing land uses. The applicant has setback the units to be similar to the surrounding zones, with similar massing and scale. Where dissimilar uses are proposed, an increased setback that doubles the minimum setback of the adjacent zone has been accomplished. The buildings are proposed to be set very close to the internal public street, being setback as close as three feet.

All units include a 2-car garage with some units having a full driveway for guest parking. Eighteen of the twenty-four units are not provided with a full driveway depth and will have shared guest parking to provide the site with sufficient off-street parking for a total of 11 stalls. Most units front the public street with a front facing garage, while others are side or rear loaded units. This does provide for a variety of layout and building design while using essentially the same unit.

Open space is an important aspect of PUDs as it is used both for recreation and aesthetics in a higher density development. The PUD zone requires a minimum of 40% open space. This is calculated based on a combination of common (which is open to everyone in the subdivision) or limited common (which is not privately owned land but is limited to select users). Examples of limited common area can include patios or small backyards. The proposed project has precisely 40% of the land area being used as open space. A landscape plan has been provided and generally meets city requirements. The plans include a vinyl fence around the perimeter of the development. Open space that has been provided is primarily setback areas and one centrally located space which is the open rear yard areas of the middle units. Additional amenities may be required by the Planning Commission based on the size, scale, impacts, and nature of the development. This could mean that additional open space area above the 40% minimum or developing other amenities such as sport courts, playgrounds, etc.

The buildings materials proposed by the applicant contain a combination of brick and various types of cement fiberboard. They have pitched roofs with asphalt shingles. The design contains multiple cantilevered elements that break up the façade

on certain elevations. While not dimensioned on the plans, the buildings will need to be under 35' to the peak of the roof to the average finished grade.

### **Subdivision**

The proposed subdivision plat would create private ownership of each of the units, with limited common areas for private driveways, and common areas for all other open space areas. It would also formally dedicate to the public the existing 300 East Street, while also expanding the improvements and dedication to a full 60' width that matches the existing road profile. It would also dedicate the U shaped street that runs through the development at a width of 38'. A set of covenants, conditions, and restrictions have not yet been provided, but will need to be established to provide a means to manage the areas of common maintenance amongst the various owners.

### **Special Exceptions**

The current proposal requires the approval of 3 Special Exceptions. The **first** is for not having two points of ingress/egress that are more than half the length of the diagonal dimension of the property. The **second** is for the dedication of a public street that does not meet the city's road profile standards for width, sidewalk, and parkstrip. The **third** special exception is the creation of lots that do not front onto a public street.

The access to the site is limited to 300 East, which is a public street in Midvale. It has no existing or planned connection to other neighboring properties in Sandy. As a result, the proposal does have two points of ingress/egress; however, they are not dimensionally separated at a distance required under the code. Based upon the fact that the development connects to the same street, it technically only has a single point of access.

The applicant is proposing the elimination of sidewalks on one side of the street and parkstrips on both sides. The proposal is for the creation of a 38 foot public street which includes a 6 foot adjacent sidewalk, 2-1/2 feet of curb and gutter on either side, and 27 feet of asphalt.

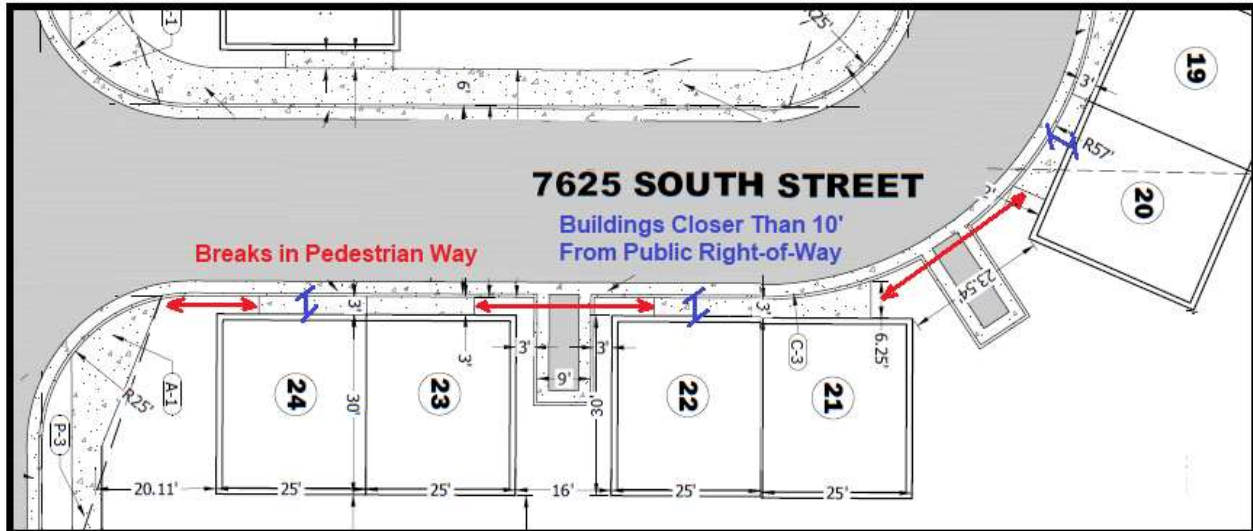
The development layout shows that only a few of the proposed units will not directly front or access a public street. An alternative design that uses a private pedestrian street and a couple of allies will provide access to these units.

### **Staff Concerns**

**PUD Design Objectives.** Staff has concerns that the current proposal does not comply with the objectives of the PUD zone. While the minimum percentage of open space is provided, it is not designed in a manner that makes these areas the focal point of design, it is mostly made up of setback areas, nor does it provide for any programed amenity spaces. No continuous pathways have been provided as the proposed public street disrupts pedestrian circulation with not enough infrastructure to support safe pedestrian circulation.

**Setbacks.** While the Planning Commission has broad authority to establish appropriate setbacks (especially those internal to the development), there are certain standards that the code requires. Buildings within a PUD are required to be at least 10 feet from a public street. This space is to be reserved for street trees and landscaping features. Many of the residential structures proposed do not meet this requirement, with front doors 3 feet from the public right-of-way.

**Unit Footprints.** Staff is also concerned that the preliminary plat and site plan does not appear to include cantilevered portions of homes that must be included in the footprint of the private lots. As no dimensioned building plans have been provided, it is unclear how far these projections extend. Currently, the plan shows the face of several structures three feet from the street for many units. While staff supports the varied look of these buildings by having cantilevered elements, those do apply to building setbacks.



**Amenities.** No specific amenities are proposed by the applicant, while meeting the minimum area requirements of 40%. Staff would suggest the creation of some usable open space amenity for the residents to enjoy, such as a playground, sports court, picnic table with gazebo, etc. The selection of an amenity should match the target demographic for the occupants of these units.

**Building Design.** The plans lack articulation on the sides and rear elevations with very little fenestration of doors and windows. Additional windows to the end units and the rear elevations would greatly improve the design. Covered front porch entrances would also improve the design of the front elevation and making the units more pedestrian friendly. Internal garages also need to be designed to have at least a 20' x 20' internal area to ensure they can accommodate two vehicles.

**Road Design and Pedestrian Paths.** The applicant is seeking multiple exceptions and waivers for the proposed internal road design. The omission of sidewalks on one side and both parkstrips along the proposed street is not necessary to efficiently develop the property, nor does it further the objectives of the PUD. There are other design options available that would not require these omissions and would make the project more amenable to pedestrians. The applicant is seeking too many exceptions for road design which are in direct conflict with the purposes of the PUD Zone.

**Existing Private Easement .** There is an existing private road that services the existing homes on the subject property and 2 lots in the adjacent subdivision. While the existing homes in the development will be demolished, the homes outside of the development will remain. The applicant proposes to eliminate this access. To do so, those adjacent lot owners will need to agree to the vacation of this easement and have access improvements made to Sandy Park Circle including removal of existing non-conforming fencing, creation of drive approaches and driveways.

## Staff Recommendation

### **Motion #1, Special Exceptions**

Staff recommends that the Planning Commission determine the requested special exceptions described in the staff report for Woodhaven Estates Subdivision and Site Plan located at 7613 S. 300 E. are approved based upon the following findings:

### Findings:

1. That the proposed configuration is an efficient use of the land.

2. That thirty or few lots/units are accessed from the single ingress/egress.
3. That the Director and City Engineer have recommended approval of the single access design that provides the necessary emergency access, and the reduced width and improvements along the internal public streets.
4. The lots without public street frontage have been provided alternative designs including a private pedestrian street and alley that will provide sufficient access.

**Motion #2, Site Plan Review**

Staff recommends that the Planning Commission determine that the preliminary site plan review for Woodhaven Estates located at 7613 S. 300 E. is substantially complete based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed configuration is an efficient use of the land.
2. That the proposed development can be adjusted to comply with the requirements of the Planned Unit Development zone.
3. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

**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 development can be approved.
2. That the existing private easement that provides access to lots 8, 9, 10 of the Sandy Woods Subdivision be vacated. Said lots shall be provided with driveways and drive approaches onto Sandy Park Circle as agreed to by the individual lot owners. The existing 6 foot fence along the circle shall also be removed to allow for this access and conform with front yard requirements. These proposed offsite improvements shall be shown and made part of the final site plan set.
3. That all city provisions, codes, and ordinances are adhered to during the review, construction, and operations process of this project.
4. All pad site areas be revised to accurately reflect all cantilevers, chimneys, porches, patios, decks, etc.
5. That the applicant works with staff to amend the architecture for the townhomes to address the concerns discussed in this report. If any significant change to materials or design, be required to come back to the Planning Commission for approval.
6. That the applicant works with staff to amend the layout and configuration of the development to better align and comply with the purpose, design objectives, and setback requirements of the Planned Unit Development code. If there is a significant change in layout and configuration of the development that it be required to come back to the Planning Commission for approval.
7. That the Planning Commission determine an appropriate amenity package for the application.

**Motion #3, Subdivision Review**

Staff recommends that the Planning Commission determine that preliminary subdivision review for Woodhaven Estates located at 7613 S. 300 E. is substantially complete based on the following findings and subject to the following conditions:

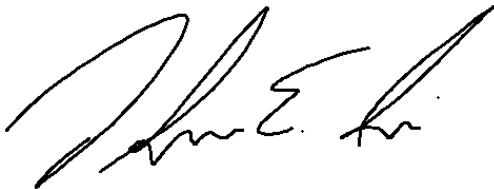
**Findings:**

1. That the proposed development complies with the requirements of the Planned Unit Development zone and the subdivision code.
2. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

**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 existing private easement that provides access to lots 8, 9, 10 of the Sandy Woods Subdivision be vacated.
4. That a Home Owners Association for the subdivision be established. A set of CC&R's be recorded with the plat to regulate and ensure maintenance of all common areas. Said documents shall include language that requires use of garages be such that two vehicles be able to be parked at all times and that garages will not be used for any long term storage. That the subdivision CC&R's include language that limits parking on all surface stalls to residents and their guests and that stalls shall not be used for any long term parking of vehicles (more than 5 consecutive days).
5. All structures and improvements for individual homes are to be restricted to the platted pad site, including but not limited to pop-outs, chimneys, porches, patios, decks, stairways, etc., and may not be built in the common areas.
6. That the setbacks for the subdivision be determined by the Planning Commission and that these setbacks be recorded as a note on the plat.
7. That the existing structures on the lots be demolished prior to recording of the subdivision plat.

Planner:



Thomas Irvin  
Senior Planner

File Name: S:\USERS\PLN\STAFFRPT\2023\SUB01182023-006471 WOODHAVEN SUBDIVISION REVIEW\WOODHAVEN PLANNING COMMISSION\WOODHAVEN SUB AND SITE PLAN STAFF REPORT.DOCX

## Exhibit "A"

**Letter of Intent**

6/28/2022

Sandy Planning Department

RE: 7613 S 300 E, 330-354 E 7635 S

To Whom it May Concern,

My company, Fry Construction and Development LLC, is proposing a rezone within Sandy City. The project located at 7613 S 300 E, 330-354 E 7635 S. The project includes 2.18 acres and is currently zoned R-2-8.

The proposed zone change is to accomplish a PUD Zone which will allow for a more efficient use of land to assist in addressing the need of more affordable middle income housing in Sandy City. The flexibility will create a quality living environment with a friendly neighborhood building design. I am requesting a PUD 12 zone on 2.18 acres with the intent to create 24 new twin homes with a community gathering experience. Each unit is to be capable of being individually owned and governed by a homeowners association. I am looking to accomplish units that include 2 & 3 bedrooms with 2 & 3 bathrooms along with 1 & 2 car garages. The development will include the minimum 40% open space with the required amenities for this small scale development.

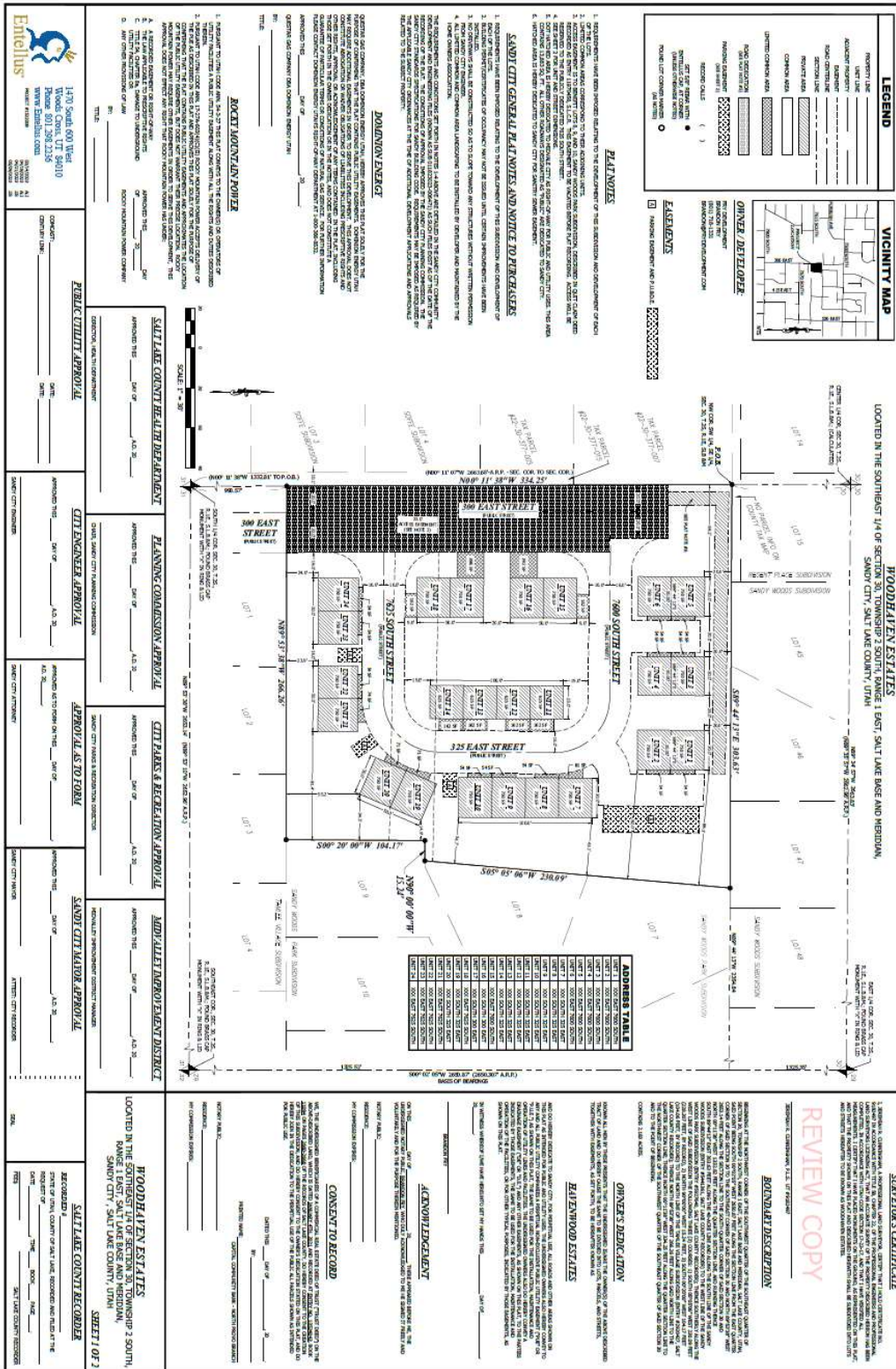
Sincerely,  
Brandon Fry

Developer Information:  
Brandon Fry  
Fry Construction and Development LLC  
PO Box 17848  
Salt Lake City, UT 84117  
[brandon@frydevelopment.com](mailto:brandon@frydevelopment.com)  
801-718-1331

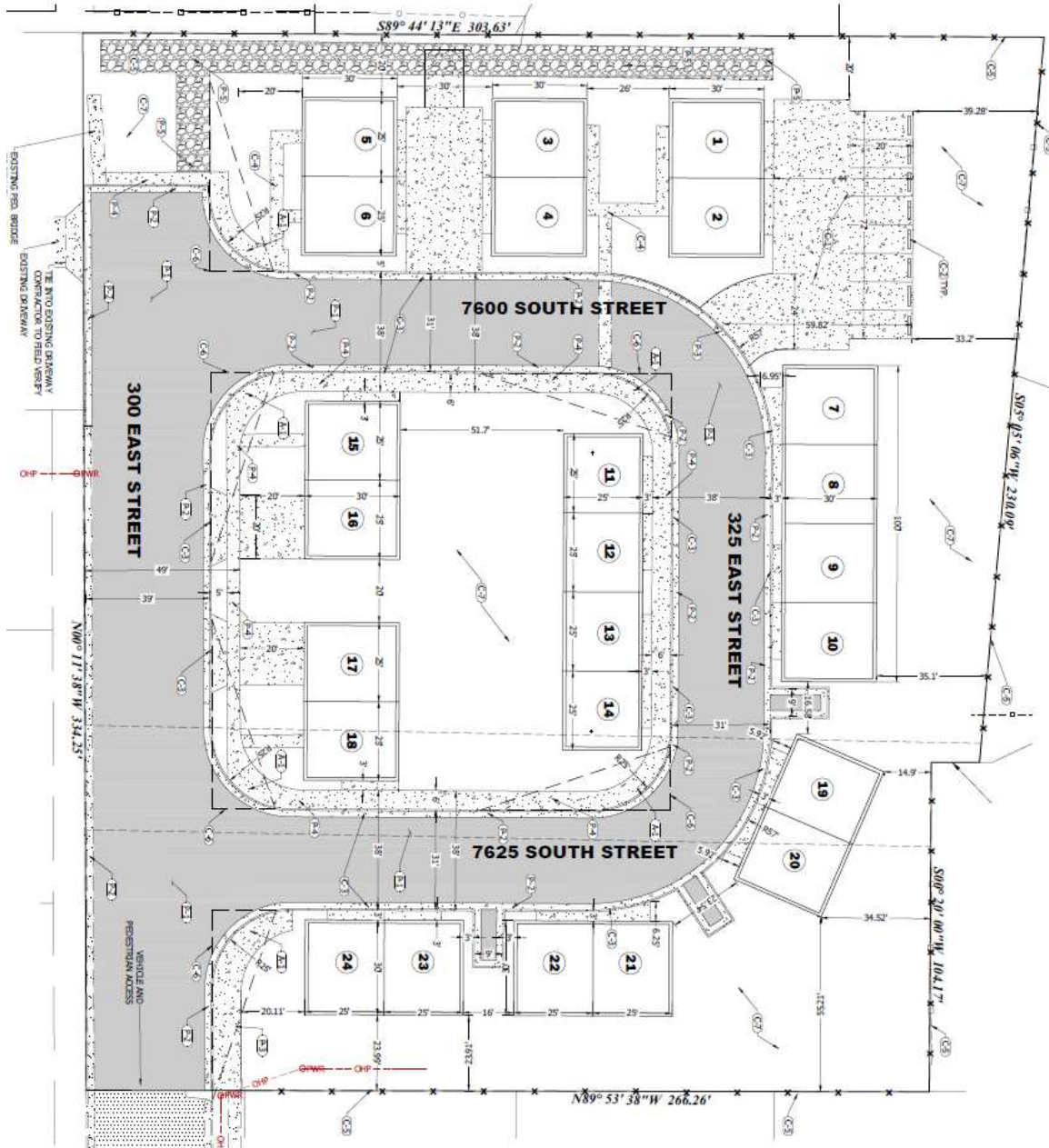


Exhibit "B"

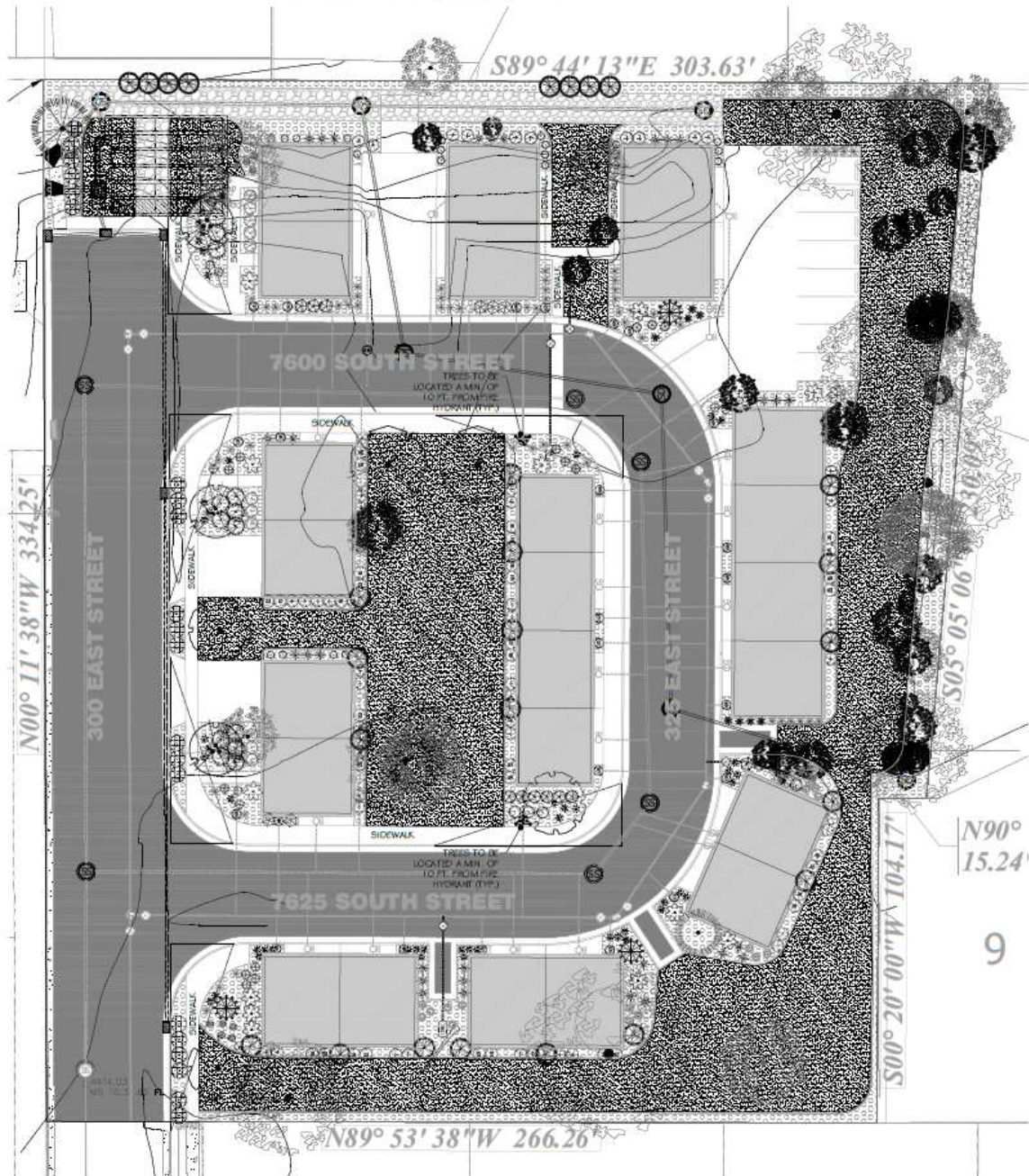
Preliminary Plat



### Site Plan



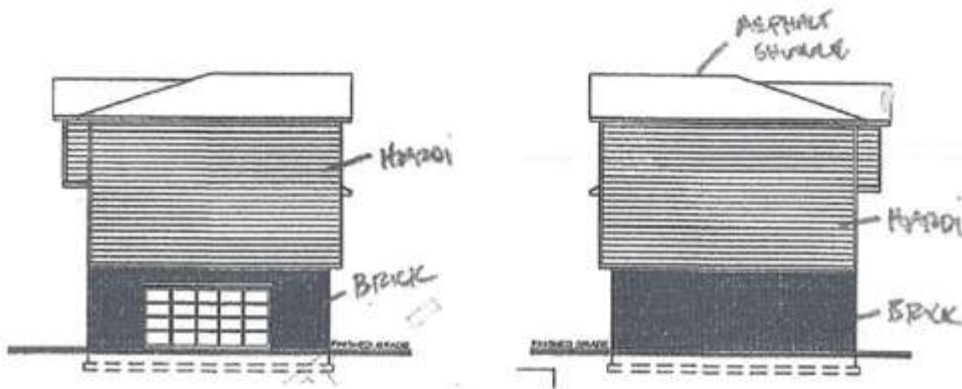
# Landscaping Plan



### Units 1, 2, 3, 4, 5, 6



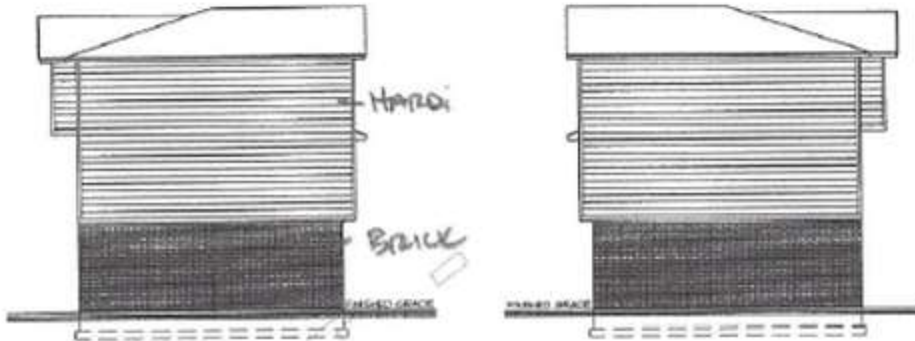
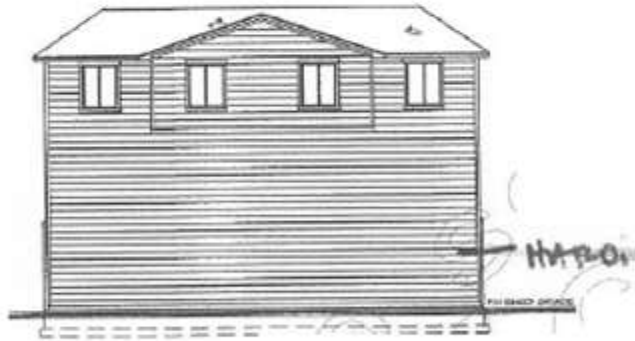
FRONT ELEVATION  
SCALE 1/4" = 1'-0"



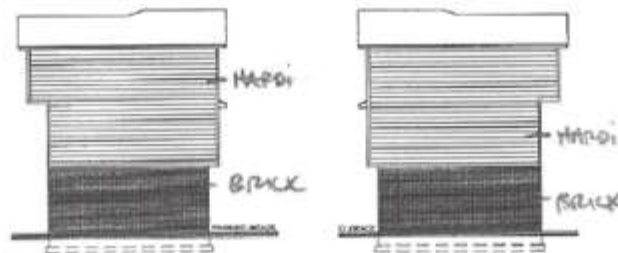
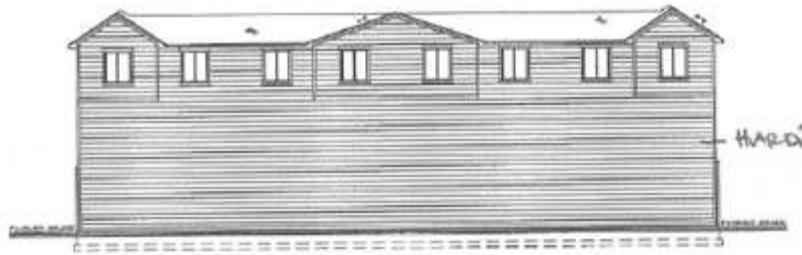
# Units 19-20, 21-22, 23-24



**FRONT ELEVATION**  
SCALE 1/4" = 1'-0"



# Units 7-10 and 11-14



# Units 15, 16, 17, 18



FRONT ELEVATION  
SCALE 1/4"

