



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

# MEMORANDUM

July 15, 2021

---

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Mt. Jordan Meadows No. 4 Subdivision (Preliminary Review)  
 Approx. 9270 S. and Benson Way  
 [Community #4 – Historic Sandy]

SUB05102021-006046  
 SPX07072021-006098  
 Zone: R-1-8 & PO  
 2.95 Acres

---

**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area, in addition to posting a sign on the property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
	<i>Sandy 5 Acre Plat</i>
S64-01	<i>Mt. Jordan Meadows No. 1 Subdivision was approved in 1964</i>
S73-19	<i>Mt. Jordan Meadows No. 2 Subdivision was approved in 1973</i>
MISC-07-20-5878	<i>Partial Street Vacation of 9270 S. Approved by Council in 2020.</i>
ZONE-03-21-6014	<i>Zoned .09 acres from PO to R-1-8. Approved by City Council on June 1, 2021.</i>
MISC05112021-006047	<i>Benson Way Partial Street Vacation</i>

## DESCRIPTION OF REQUEST

The applicant, the Sandy City Public Works Department, is requesting preliminary review for a four-lot subdivision. The applicant is requesting the application of the Residential Conservation Overlay (RCO) Zone and is also requesting a special exception to allow non-buildable parcels to be created because they are a necessary byproduct of the eminent domain process that has been implemented in the 9270 S. realignment project.

## BACKGROUND & SITE CONDITIONS

The subject property is approximately 2.95 acres in size and currently contains an existing home on lot 401, which will remain. The property is zoned mostly R-1-8, with a portion of the subdivision (Lot 404, the large triangular parcel mistakenly labeled Lot 403 on the preliminary plat) zoned as PO (Professional Office). The property is bordered by single-family homes in the R-1-8 zone to the east and north, the RC (Regional Commercial) zone to the west, and the SD (JHS) (Miller) zone to the south, which is comprised of the Jordan Commons Complex.

### **NOTICE**

Notices were mailed to property owners within a 500-foot radius of the subject property as per Sandy City Land Development Code requirements, to notify them of the Planning Commission meeting. A physical sign was also placed on the property. The Community Development Director determined no neighborhood meeting was necessary because of the residents' familiarity with this extended project.

### **SUBDIVISION ANALYSIS**

The R-1-8 zone is a standard zone within Sandy City, with a minimum lot size requirement of 8,000 square feet. However, the applicant is requesting the application of the Residential Conservation Overlay (RCO) zone, which allows for smaller lot sizes. It allows lot sizes of 6,500 square feet as long as the average lot size is 7,500 square feet. In order to apply the RCO zone, the development must be within one-half mile of multiple walkable components, as listed in the code citation below:

#### **Sec. 21-13-4. - Walkable Components.**

*A new development implementing the RCO may be located at infill locations where walkable components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open spaces, schools, or churches) are already present or planned. As a guiding principle, walkable components should be within a ten minute (or one-half mile) walking distance.*

The applicant has provided a letter explaining their request for the RCO Zone. Additionally, they have provided a map exhibit showing numerous walkable components within ½ mile of the proposed subdivision. The request and accompanying exhibit are attached to this staff report. The request is to apply to RCO Zone only to Lots 402 and 403, located on the east side of Rimando Way. It would not be applied to lot 404 (the large triangular parcel which is mistakenly labeled lot 403 on the preliminary plat) because it is commercially zoned property. It also would not be applied to Lot 401, because then it would create a nonconformity since the existing home does not meet the criteria for the RCO Zone. For example, it does not have a direct walkway from the front porch to the sidewalk, nor does it have a wide enough front porch, as required by the RCO Zone.

### **STAFF CONCERNS**

Staff's primary concern with the subdivision is that it proposes to create two unbuildable parcel remnants, labeled 'Parcel A' and 'Parcel B'. The Sandy City Land Development Code prohibits creating parcel remnants. However, there is a provision in the newly adopted ordinance regarding eminent domain, which is a tool that was used as part of the 9270 S. realignment project. Below is the relevant section of the ordinance that allows the Planning Commission to

approve a special exception for the creation of nonconforming parcel remnants (in this case ‘Parcel A’ and ‘Parcel B’) as they are a necessary impact of the project’s eminent domain process:

- (a) *Special Exception.* In certain cases, the impacts of an eminent domain proceeding or negotiation may be mitigated, either wholly or in part, through planning commission approval of special exceptions, which may be applied for by the property owner or the condemning authority.
  - (1) Subject to this section, Planning Commission may grant special exceptions for provisions of this title, including but not limited to lot area, lot depth, lot width, setbacks, parking, open space, landscaping, signage, etc.
  - (2) Special exception submittal requirements are as follows (**as applicable**):
    - a. Survey of the affected property.
    - b. A scaled site plan showing proposed modifications with dimensions relative to, but not limited to, the following: building and sign setbacks, number of parking spaces, typical parking space dimensions, landscape buffer width, sign locations, sign area and height.
    - c. A table that compares: (i) pre-condemnation conditions; (ii) post-condemnation conditions without the proposed special exceptions; and (iii) post-condemnation conditions with the proposed special exceptions. At a minimum, the following shall be included: lot area, lot width, lot depth; setbacks; building square footage; percent of open space; sign face area and setback; number and type of signs; number of parking spaces and typical parking space and drive aisle dimensions; and landscape buffer width and percent of interior parking lot landscaping.
- (b) *Special Exception Review Criteria.* The planning commission shall review special exceptions. In granting the special exception, the planning commission shall make findings and reach affirmative conclusions as to the following criteria:
  - (1) Granting the special exception does not adversely affect the health, safety, and welfare of the public.
  - (2) Granting the special exception is the minimum necessary for the reasonable use of land and improvements.
  - (3) Granting the special exception does not have a materially detrimental impact on the rights or enjoyment of property of adjacent property owners.
  - (4) The special exception is the result of a hardship imposed by eminent domain proceedings or negotiations.
  - (5) City staff has provided a recommendation to the planning commission describing whether the proposed changes that would be authorized by the special exception are necessary and appropriate for the changes in the property caused by the eminent domain proceedings or negotiations.
- (c) *Approval Authority.* The planning commission may deny, approve, or approve with conditions any special exception requested pursuant to this section.

Staff views approving the special exception as warranted under this circumstance. Parcel A and Parcel B may still then be consolidated or disposed of properly at a future date.

The final subdivision plat will need to include a cross access to Jordan Commons to the south due to the partial vacation of 9270 S.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission determine that preliminary review is complete and that the special exception request for non-buildable parcel creation be approved for the **Mt. Jordan Meadows No. 4 Subdivision**, located at approximately 9270 S. and Benson Way, based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed subdivision is an infill development.
2. That the proposed lot configuration is an efficient use of the land.
3. That remnant parcels are unavoidable in this circumstance.
4. 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, except as otherwise approved by waivers or special exceptions granted by the Planning Commission.
3. That the Planning Commission approve the application of the Residential Conservation Overlay Zone for lots 402 and 403.
4. That the Planning Commission approve the special exception allowing the applicant to create a Parcel A and Parcel B as part of the proposed subdivision.
5. That residential Lot 401 comply with all requirements of the R-1-8 zone.
6. That residential Lots 402 and 403 comply with all the requirements of the RCO Zone.
7. That the final subdivision plat include a cross access to Jordan Commons to the south.

Planner: \_\_\_\_\_  
Craig Evans, Planner

Reviewed by: \_\_\_\_\_  
Brian McCuiston, Planning Director