



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

May 9, 2018

To: Planning Commission
From: Community Development Department
Subject: Firefly Forest Subdivision (Prelim Review & Special Exception Requests) - 1 New Lot
3392 E. Deer Hollow Circle
The Dell, Community #29

SUB-02-18-5360
SPEX-05-18-5406
5.5 Acres
R-1-40A, SAO Zone

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
ANEX-09-12-2542	The Lone Springs Annexation added approximately 32.17 acres with 21 parcels of mostly developed land into Sandy City and given the R-1-40A Zone District on 12/14/2012.
ANEX-07-12-2459	The Payzant Annexation added approximately 5 acres with three parcels of vacant land into Sandy City and given the R-1-40A Zone District on 10/26/2012.

REQUEST

The applicants, Lance & Robyn Platt, are requesting preliminary subdivision and Sensitive Area Overlay review for a proposed four (4) lot subdivision. The subject property is 5.5 acres in size and consists of three (3) existing lots and two (2) parcels. The proposed subdivision would create one new 2.04 acre lot (Lot 1), where the Platt's would build a new home, out of two parcels that have not been created with a subdivision plat and are not yet considered buildable. It would amend the lot boundaries of three (3) existing homes (Lots 2-4). Lot 2 is included in the plat because the southern half of this lot was never legally split through a subdivision and is being incorporated into Lot 1. Lots 3 and 4 are included in the plat because the applicant is acquiring land from these lots to create a flag lot stem (private lane) out to Dimple Dell Circle.

BACKGROUND

The subject property is made up of four (4) parcels that the previous owners of the properties created by deed through Salt Lake County and one that was legally subdivided in the County (Lot 3). Two of the parcels were granted building permits in the County in the mid 1980's (Lot 2) and early 1990's (Lot 4) before they were annexed into Sandy City. To date, staff has not received evidence that the other two lots (that make up Lot 1) were legally created. Staff has not allowed additional building permits on these parcels unless they were approved through a subdivision process. Going through the subdivision process will clarify property boundaries for these parties and create a new lot that is legal for residential construction.

All of the development in this area has been under the code requirements of Salt Lake County. Since this area has been annexed, there have been two (2) new homes built. Those homes were on legally defined and buildable properties and were only required to make improvements that met minimum fire code standards because they were already legally created lots.

The subject property is located within an area referred to as the Sensitive Area Overlay (SAO) Zone. The purpose of the SAO is to provide standards, guidelines, and criteria that will minimize environmental hazards and protect the natural scenic character of sensitive areas within Sandy City. This applies to areas located adjacent to faults, flood plain, watershed, or other potential problems such as significant concerns with 30% or greater slope areas. Based upon the project location and past development history in this area, the subject location is located in an area with 30% or greater slope constraints and faults. Studies have found that no other geologic concerns are applicable to this proposal.

The subject property is zoned R-1-40A and is surrounded by the same zoning district to the north, west and east. There is undeveloped land zoned PUD(1.62) to the south. There are existing single-family homes to the north, west, and east of the property.

NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. The applicant also held a neighborhood meeting on March 6, 2018. This was well attended and several questions and concerns were raised during the meeting. A full report from the meeting is attached to this report.

ANALYSIS

The R-1-40A zone is a single-family zone that requires lots to be at least 40,000 square feet in size. The "A" designation provides property owners with rights to have large animals on their property, to the degree that they maintain compliance with regulations for housing and storing of animals as found in Section 15A-11-03 of the Development Code. The zone is a standard zone in the city, which means that all provisions for setbacks, building height, lot frontage, lot size, etc. are all pre-determined by ordinance and must be adhered to. The proposed plat conforms to these standards of the zone. Lots 1 and 2 are proposed to be designated as flag lots and have access from Deer Hollow Circle. Flag lots are a permitted use in the SAO zone (15A-21-22).

The subject property lies within Sandy City's Sensitive Area Overlay (SAO), which means that the subdivision and any structure built on the proposed lots would need to conform to the

provisions of the Overlay in addition the underlying zone. Many of these studies and determinations have not been required yet as part of the review, specifically 30% slope areas, vegetation, and fault zones have not been fully reviewed by the City Engineer. These would be further studied during final review and would require that the item be brought back to the Planning Commission should it proceed further in the review process. All of the lots appear to meet the minimum usable area of 5,000 square feet as required by the SAO. The buildable areas for each lot will need to be shown on the final plat and ensure they comply with required setbacks, which include setback from property lines and required setback distances from areas of greater than 30% slope and fault lines.

There are other issues with the proposed subdivision that need to be determined before staff felt it necessary for the applicant to conduct those further studies. Those issues are a series of waivers and special exception requests. If those requests are approved at this preliminary stage, then the other issues regarding the SAO zone can be further addressed during final review with staff and the Planning Commission.

Access:

The applicant's proposal would improve the access to the existing home on Lot 2, by widening it out to our Private Lane minimum width of 20' of asphalt and create a formalized flag lot stem back to Lots 1 and 2. This improvement would extend to Lot 2's existing north property line. An extension of this lane is proposed to turn east to the planned home site of Lot 1, where a fire turn-around is proposed in the middle of the lot. The other existing homes will continue to access their lots through the private street, Deer Hollow Circle. The applicant is proposing no further improvements to Deer Hollow Circle, which is a single access private road that currently serves twelve (12) homes and has varying pavements widths, no curb & gutter, and no sidewalks. Beginning at Wasatch Boulevard, the length of Deer Hollow Circle is approximately 1400 feet and is over 900 feet to the proposed flag lot stem. There are several homes in this area that have private lanes that extend out from Deer Hollow Circle.

The neighboring lots 3 and 4 have consented to being included in the plat and having their lots modified to allow lots 1 and 2 to own their flag stem that connects to Deer Hollow Circle. As part of this, they are also proposing to vacate the fifty-foot (50') private road easement that has affected their properties along this flag stem.

These proposed improvements as shown in the application do not meet all of the minimum requirements of the Sandy City Land Development Code. The standards call for any new development on a private street to be further improved to meet our current standards, which includes: subdivisions design with two points of access; private lane improvements of twenty-seven feet (27') of asphalt, curb and gutter, and potentially sidewalk improvements; maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone; maximum lengths of 150 feet for private lanes; and requirements that all lots have public frontage.

Waivers and Special Exceptions:

The proposal falls short on meeting these development code requirements. As such, the applicants are seeking several waivers and special exceptions from the requirements stated above.

The applicant is not proposing any curb, gutter, or sidewalk to be installed in connection with the proposed development. The Planning Commission may waive the requirement for curb and gutter and sidewalk with a recommendation from the City Engineer and after evaluating the following criteria (see section 15A-21-02 and 15A-21-10(N)):

1. The number of homes within the subdivision.
2. The length of a cul-de-sac.
3. The precedence of adjoining improvements.
4. The configuration of lots.
5. Where the only other alternative is a private road design.

The applicant is not proposing to widen or further improve Deer Hollow Circle. The Planning Commission may grant a special exception to allow less than a 27-foot pavement width, after considering a recommendation from the City Engineer and Fire Marshal after considering the following conditions (see section 15A-21-11(A)(1)):

- (a). Existing site conditions, topography, and improvements, etc.;
- (b). Fire access and water availability;
- (c). Number of lots based on zoning;
- (d). Lot dimensions including frontage;
- (e). Flood control and storm drain; and
- (f). Public utilities.

The development code also requires two points of ingress/egress for a subdivision (see section 15A-21-10(D)). The applicant is not proposing to provide a looped road to achieve this standard nor provide a stub street that would eventually create a second point of access to the area. The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances:

1. 30 or fewer lots are accessed from the single ingress/egress; and
2. The City Engineer and Fire Marshal have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to a single point of ingress/egress; and
3. The proposed development project has one or more of the following, as determined and recommended for approval or denial by the City Engineer and Fire Marshal to the Planning Commission:
 - a. One or more cul-de-sac(s), hammerhead(s), or other approved turn-around(s) approved by the Fire Marshal and City Engineer, that comply with all development standards herein.
 - b. An emergency access (a point of ingress/egress that provides access for emergency vehicles to respond to a building, or facility, in the event the main access is compromised. The design of this access must meet the International Fire Code).
 - c. The future extension of a stub street that will provide additional access, including a temporary turn-around.
 - d. All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official.

The applicant is proposing to add an additional home to an existing single access road, Deer Hollow Circle, that currently exceeds the maximum length allowed in the code. The length of a cul-de-sac or single access road may be extended beyond the 600 feet length maximum with approval of a special exception by the Planning Commission (see section 15A-15-04(B)(7)(b)). This decision must be based upon the geographical constraints of the site or if public safety will be improved above existing conditions and after reviewing a recommendation from the City Engineer and Fire Marshal.

The applicant is proposing to comply with the private lane width standards for the flag lot stem and access to the proposed building area of Lot 1. However, those improvements would exceed the maximum length dictated in the code. The Planning Commission may grant a special exception to exceed the length of a private lane beyond 150 feet, after recommendation from the Director, City Engineer, and Fire Marshal. These individuals will consider the following conditions when making a recommendation to the Planning Commission for approval of a longer private lane (see section 15A-21-11(B)(5)):

- (a). Proximity of buildable space;
- (b). Appropriate turn-around;
- (c). Slopes;
- (d). Fire hydrants; and
- (e). Service delivery

As these lots will be accessed from an existing private street and create a new flag lot, they will not have frontage onto a public street. This also requires a special exception from the Planning Commission (see section 15A-21-21(B)).

The City Engineer & Fire Marshal have provided their recommendations to the Planning Commission on each of these items (see attached).

CONCERNS

Staff has the following concerns regarding this proposal as submitted by the applicant:

1. City Engineer and Fire Marshal Recommendations. The City Engineer and Fire Marshal have made diverging recommendations. The City Engineer does not support the proposed special exceptions and waivers as proposed by the applicant. His stance is based on not having sufficiently designed and sized infrastructure improvements for additional densification to an area that has deficient improvements to adequately service the area and does not meet current codes and standards for new development. The Fire Marshal does support the requests, as they will provide improved access that bring the improvement up to Utah State Fire Code standards and helps improve access and ability to service both the existing homes in the area and the new development. Community Development Staff agrees that there may be some good that would come from the proposal, but the potential for negative outcomes outweigh the good.
2. Precedent. Staff is concerned with the number of special exceptions and waivers being requested for this subdivision and the potential impact this decision will have on similarly situated properties. While each situation and application has its own unique set of circumstances (which is why we have special exceptions from the typical standards to adapt to those circumstances), this case *is* similar to other areas that have been annexed from Salt Lake County and other properties east of Wasatch Boulevard in

the SAO zone. There are standards established in the development code for the protection of the health, safety and welfare of the public. Deviations or special exceptions should not create situations that will create problems in promoting the health, safety and welfare. We are concerned that we are making a less than ideal situation worse by not requiring full improvements as required by city code.

3. Clarification of Property Lines. The plat and the proposed private lane improvements for the flag lot stem are not aligned. The improvements need to be within the lot lines or the lot lines should adjust to the improvements.
4. Private Road Easements. The plat reflects a vacation of private road easement that was created through previous subdivision plats. There should also be a dedication of a private road easement along the north property line of Lot 4 to ensure there is sufficient access for Deer Hollow Circle to extend to the east.
5. Additional SAO Studies. Additional studies for vegetation, fault studies, and determinations of 30% slopes still needs to be completed prior to final approval. This may include other studies as determined necessary by the City Engineer.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that the special exception requests be **denied** for the **Firefly Forest Subdivision**, located at 3392 E. Deer Hollow Circle, based on the following findings:

1. The City Engineer does not recommend approving the special exceptions or waivers that have been requested from the City Development Code requirements.
2. The criteria to approve the Special Exceptions as required in the code have not been met.

Staff recommends that the Planning Commission determine that the preliminary subdivision and Sensitive Area Overlay zone reviews area **are not** complete for the **Firefly Forest Subdivision**, located at 3392 E. Deer Hollow Circle, and that the waiver request be **denied** based on the following findings:

1. That the proposed subdivision does not meet city code requirements for private road design, two-points of ingress/egress, exceeds maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone, exceeds maximum length of 150 feet for private lanes; and requirements that all lots have public frontage.
2. The City Engineer does not recommend approving the waivers that have been requested from the City Development Code requirements.
3. The criteria to approve the waivers as required in the code have not been met.
4. All requirements and studies required for the Sensitive Area Overlay Zone have not been met or completed.

If the Planning Commission *disagrees* with staff and would like to *approve* the proposed subdivision and one or all of the waivers or special exceptions that have been requested, the following is some recommended language:

That the Planning Commission determines that the preliminary subdivision and Sensitive Area Overlay zone reviews area **are complete** for the **Firefly Forest Subdivision**, located at 3392 E.

Deer Hollow Circle, and that the waivers and special exception requests be approved based on the following findings and subject to the following conditions:

Findings:

1. *(You'll need to provide findings for each of the special exceptions that you would like to approve)*

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 all residential lots comply will all requirements of the R-1-40A zone and Sensitive Area Overlay zone.
4. That dwelling structures be prohibited from any area that is equal to or in excess of a 30% slope. The location of a dwelling structure shall be within an average of 20 feet (no point being closer than 10 feet) of a continuous hillside slope of 30% or greater.
5. That any area equal to or in excess of a 30% slope be indicated (crosshatched) on the final plat, and that perspective builders and homeowners be apprised of the restrictive nature of the hillside lots.
6. That the existing slope ratio be unaltered and that grading and landscaping of any of the hillside areas have approval of the Sandy City Engineering Division in accordance with the Sensitive Area Overlay Zone prior to building permits being issued.
7. That grading, home placement, and vegetation plans be submitted and approved for all lots prior to issuance of a building permit. The grading plan shall include a driveway plan and profile to assure conforming driveway slope. Any down sloping driveway will require approval by the City Engineer.
8. That structures comply with the Urban Wildland Interface requirements. This means that all homes and accessory structure be constructed of materials approved with a minimum of a one hour rated fire resistive construction on the exterior side or constructed with approved noncombustible materials. This will be determined on a case-by-case basis at building permit review. Also, that an approved noncombustible or fire treated roof covering be utilized for each home.
9. That homes be placed in a manner that minimizes the removal of vegetation on each property. Where it must be removed to accommodate a house, areas with the least

mature vegetation should be prioritized for home locations over areas with more mature vegetation.

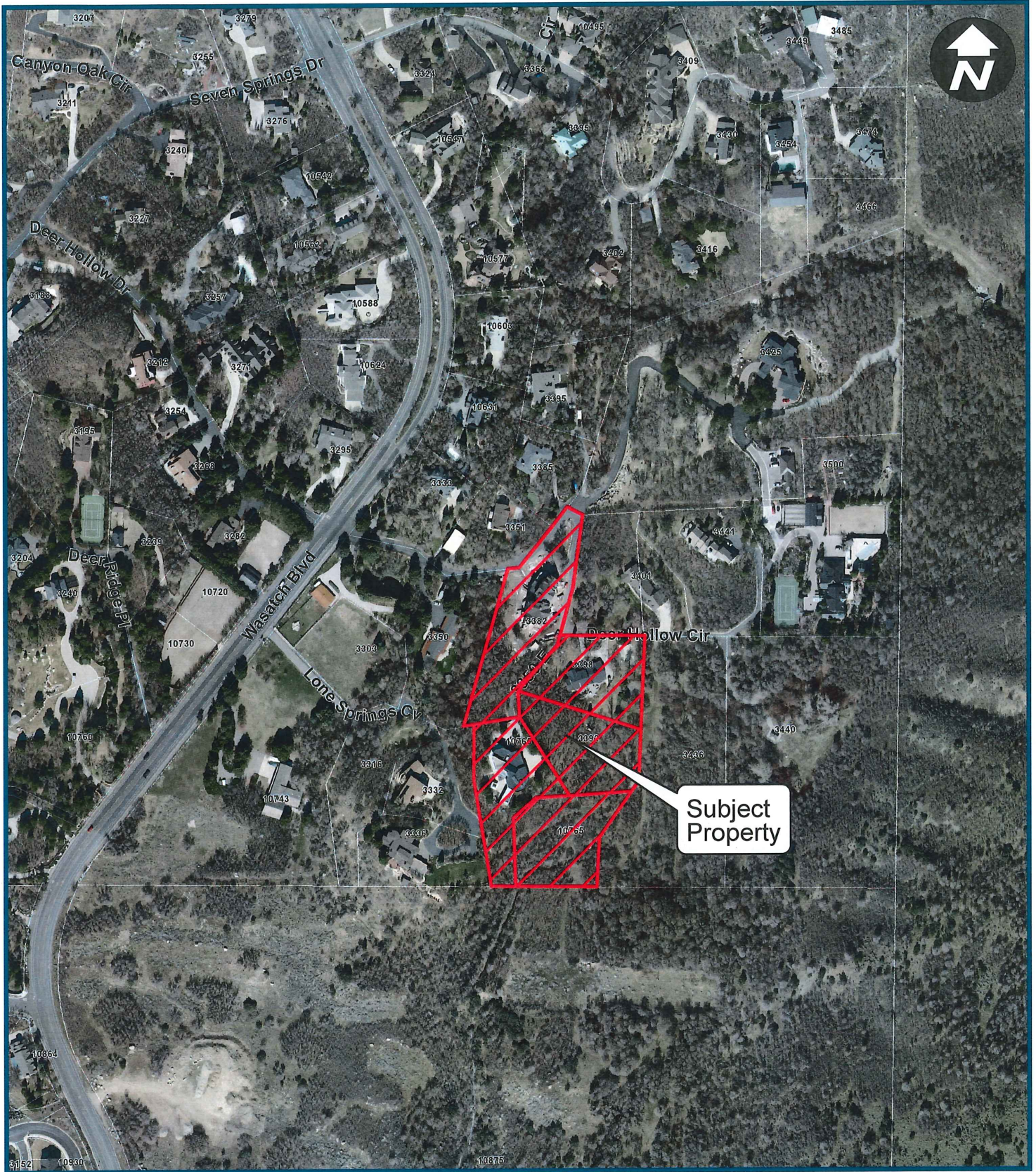
10. That compliance be made with the Sandy City Water Policy, e.g., water line extensions, connections, water rights, and fire protection.
11. That a shared maintenance and access agreement for Lots 1 and 2 be recorded with the plat for the shared private lane.
12. That the private lane be installed as part of the subdivision improvements and be bonded as part of the subdivision improvements, and that the engineering and configuration of the driveway be reviewed and approved by the City Engineer.
13. That the subdivision be brought back to the Planning Commission for Final Subdivision review once the additional Sensitive Area Overlay studies as required by the City Engineer and the Land Development Code.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator

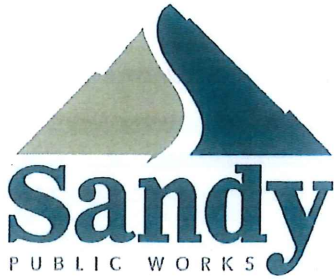


Subject Property



SUB-02-18-5360
Firefly Forest Subdivision
3392 E. Deer Hollow Circle

PRODUCED BY OLIVIA CVETKO
THE COMMUNITY DEVELOPMENT DEPARTMENT




DEPARTMENT OF PUBLIC WORKS

Tom Dolan
Mayor

Scott Bond
Chief Administrative Officer

Michael Gladbach, P.E.
Director

SPECIAL EXCEPTION NON-RECOMMENDATIONS

DATE: May 10, 2018
TO: Mike Wilcox, Zoning Administrator
FROM: Ryan C. Kump, P.E., City Engineer 
SUBJECT: **Project Name:** Firefly Forest Subdivision
Plan Case Number: SUB-02-18-5360 & SPEX-05-18-5406
Project Address: 3392 E Dimple Dell Circle

Firefly Forest is a unique project within the Deer Hollow neighborhood. A single-family residence is proposed on two existing parcels that were not legally subdivided through Sandy City. The parcels have existed many years with the current legal descriptions after being recorded directly through Salt Lake County, prior to annexation within Sandy City.

The applicant would like to build a single home on the two parcels, and in the process subdivide and clean up the parcel lines in the area. Were this an existing legal building lot, the proposal could proceed as shown. Since a subdivision is necessary, many important additional requirements are needed for the project.

In an effort to ensure any additional densification of the city occurs with adequately designed and sized infrastructure, it is the Engineering Division's recommendation that the subdivision **not proceed without addressing the following ordinance requirements**. These include:

- Curb, gutter, sidewalk (15A-21-02) (15A-21-10(N))
- 27' of asphalt width (15A-21-11(A)(1))
- 2 points of access requirement ((15A-21-10(D)) or length of cul-de-sac 600' in SAO (15A-15-04(B)(7)(b))
- 150' long private lane (15A-21-11(B)(5))

If the private road is improved from Wasatch Blvd to the subdivision with 27' of asphalt with 5' curb and gutter, along with a stub connection provided to the south or connected to Lone Springs Cove, then a recommendation to waive sidewalk and exceptions to the maximum lengths could be provided.



SANDY CITY FIRE DEPARTMENT

BRUCE CLINE
FIRE CHIEF

KURT BRADBURN
MAYOR

MATTHEW HUSH
CHIEF ADMINISTRATIVE OFFICER

May 10, 2018

Sandy City Planning Commission
10000 South Centennial Parkway
Sandy City, Utah 84070

Re: Letter of Recommendation for Firefly Forest Sub

Dear Commission Members,

As per Sandy City development code, I am writing a letter of recommendation, for your review, concerning Firefly Forest Subdivision.

Currently the applicants for this subdivision have submitted for review and approval, site and utility plans to the fire department. After my review, I have found the plans to be compliant with all current Utah State Fire Code, concerning access and water supply.

I would like to give a positive recommendation to the waivers that are being applied for from the applicant in regards to access and improvements as the applicant has shown that they will take the appropriate steps to mitigate any concerns with fire department response. The applicants have improved the area for fire response by adding an additional hydrant that will service two lots, provided for 20 feet of road access to their property and others, and provided for two fire department turn-a-rounds. They have also provided for their safety and any delay in fire operations by making the decision to sprinkler their home for early response fire suppression, when it was not a requirement to do so.

If approved I would ask that the applicant meet with the Fire Marshal to review the actual location of the additional hydrant, as well as, the requirements for wildland urban interface, as they will be building in the wildland urban interface area.

I thank you for your time and consideration in this matter. If you have any further questions, please contact me.

Sincerely,

Robert K. DeKorver Jr
Fire Marshal
Sandy City Fire
0-801-568-2945
rdekorver@sandy.utah.gov



SANDY CITY COMMUNITY DEVELOPMENT

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Community #29 Meeting Summary

Date: Wednesday, 3/13/18

Location: Alta Canyon Sports Center

Community #/Name: 29, The Dell

Community Coordinator: Aaron Erickson

Project Name: Lance Platt Subdivision

Number of Attendees: 15

Applicants: Lance and Robyn Platt

Number of Invitees: 21 Properties

Length of Meeting: 90 minutes

Notice Radius: 500 ft.

Project Description: Applicant's intent is to build 1 new home on 2 parcels. They want to propose two different options, a flag lot or private road to meet lot frontage requirements. They only want to widen the private lane that leads to the Gou's home from 12 ft. to 20 ft. Instead of widening the road all the way to Wasatch.

Community Comments:

1. Positive: N/A
2. Concerns:
 - Widening of the road – 2012 City Council meeting, it was promised not to widen the roads at the time of the annexation. No curbs, no street lights, no changes.
 - In the minutes of the City Council meeting – Steve Smith promised that. They only annexed into the city under that promise.
 - If the road is widened how will this be expanded?
 - Number of trees being taken down
 - Widening the road will take out some trees on the Olsen's lot
 - Fire protection states that you have to wipe out 50 ft. of trees, unless you build exterior of home with certain fire-rated materials.
 - Neighboring residents are worried about total number of trees that will be taken out.
 - Proximity to neighboring homes
 - Storm drainage
 - They will have storm ponds
 - Water flow and pressure
 - Due to some changes with a new tank they have met code without having to loop.
 - Private property rights of the Olsen's Pearce's and Gou's
 - The Gou's will have to give consent for the subdivision



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- The Olsen's and Pearce's will have to give consent to widen the road
- Fire Protection
 - Applicant will be meeting fire code requirements
 - They will have to have a T or Y-turn around
- Can they build on the southern lot?
 - The applicants stated that due to the slope of the land – the City will not allow them to do this on portions where there is 30% or greater slope.
- Fault/Earthquake
 - Applicants completed a study – dug 140 ft. long, 7 ft. deep to verify it is okay to build there.

Community #29, The Dell Meeting

Name	Address	Phone/Email
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