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# MEMORANDUM

September 11, 2019

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Cottages on 80<sup>th</sup> – (Preliminary Subdivision Review)      SUB-06-19-5681  
620 E. 8000 S.      SPEX-08-19-5702  
[Community #3 – Sandy Woods]      1 Acre  
10 Units – RM(12)

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

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| PROPERTY CASE HISTORY |   |
|-----------------------|---|
| Case Number           | Case Summary  |
| EE-61                 | Annexed as part of the EE-67 Annexation in March 1967 |

### REQUEST

Mr. Troy Ferran of Ferran Construction has submitted an application for preliminary subdivision review for the property located at 620 East 8000 South. The proposal includes two current lots of record, totalling one (1) acre, and calls for the construction of ten (10) residential units on pad sites, accessed from 615 East via private street. The applicant is additionally seeking **special exceptions** for a private road with pavement width of less than 27', lots without public frontage, and a subdivision with only one point of access.

### BACKGROUND

The subject properties currently front onto 8000 South and are lots of record with single family homes. They were annexed into Sandy City as part of the EE-61 Annexation in March of 1967. The properties were zoned R-3 at the time of annexation. A Rezone was done some time between 1975 and 1996 that resulted in the current RM(12) zone.

The property is surrounded by a number of uses and zones with varying intensities. While the property is bounded on the north and west by the R-1-8 residential district, it contains a variety of uses. Union Middle School is located directly across 8000 South to the north of the subject properties. There is a church to the southwest across 615 East. The remaining R-1-8 uses in the

vicinity are single-family homes. Properties to the east, which border 700 East, are zoned Boulevard Commercial (BC). Those properties to the south and southeast are zoned RM(12), and include a townhome project, as well as some single family homes, that will eventually connect to this proposed project.

This item went before the Planning Commission on August 15, 2019. This item was tabled to allow the Planning Commission to receive further information from Staff regarding the parking requirements.

#### **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 July 9, 2019. Some questions and concerns raised during the meeting. A full report from the meeting is attached to this report.

#### **ANALYSIS**

The applicant is proposing a multifamily residential subdivision that will create ten (10) residential units on approximately one (1) acre utilizing the Residential Multifamily (RM-12) zone. The units will be configured as three (3) twinhomes, a stand-alone home, and a triplex, totalling five (5) buildings in all.

The proposed plat would be done as a PUD plat that would designate different portions of the land area as common (front yard areas, open spaces, and common driveways), limited common (fenced yard, unit walkways, and driveways), and private (building pad area). A set of covenants, conditions, and restrictions will need to be recorded to enforce rules that govern different areas and set up a maintenance plan for all common areas and private streets.

The main accesses to the site will be from public streets 615 East and 8000 South. The other access is by way of a private street (8050 South). This private street has a proposed pavement width of twenty-four feet (24'), which will require a special exception from the Planning Commission. This street width has been approved by the City Engineer to match the existing improvements in the Lindquist Townhome development to the southeast. Three of the units within the subdivision front onto this private street. This will require an additional special exception from the Planning Commission for lots without public frontage.

Parking requirements will be met through attached garages and driveways for the units on the perimeter of the project. Each unit that fronts onto 615 East and 8000 South has a two-car garage to provide parking for tenants and has a twenty foot (20') double driveways to provide adequate unit and guest parking independantly. The interior three units that front onto the private street have a two-car garage, but lack a driveway deep enough to accommodate guest parking. The applicant has revised his proposal and provided three guest parking stalls at the end of the private street. This is in excess of the minimum code requirement of .25 guest parking stalls per unit.

The applicant will be required to dedicate one foot (1') of right-of-way along the east side of 615 East to Sandy City to bring the half-width of the road to the required twenty-six feet (26'). In addition the applicant will be required to construct a five foot (5') sidewalk, five foot (5') parkstrip, and two-and-a-half foot (2.5') curb and gutter along the east side of 615 East.

On the north side of the project, along 8000 South, the applicant will be required to dedicate 29.4' of right-of-way to Sandy City to bring 8000 South to the width required by the City Engineer. The applicant will also be required to construct right-of-way improvements, to include five foot (5') sidewalk, five foot (5') parkstrip, and two-and-a-half foot (2.5') curb and gutter on the south side of 8000 South. These improvements must match those already constructed two (2) properties over to the east.

Building setbacks in the RM Zone call for the Community Development Director to determine which lines are considered as front, side, and rear property lines. Because it is a corner lot, there are two front property lines, determined to be the frontages along 8000 South and 615 East, with the rear to be the south property line and the side to be the east property line. The code requires a front setback of twenty feet (20') and rear setback of fifteen feet (15'). Side setbacks are required to be at least eight feet (8') from the east side property line, and the south rear setback is fifteen feet (15') to the property line.

The applicant has submitted architectural designs for the proposed project. There are four (4) different floor plans offered across the five buildings on the site. The twinhomes and stand alone home, which are two stories tall, have 3-bedrooms and 2.5-bathrooms and contain roughly 2,500 square feet above grade including the 2-car garage. The three story units are only two (2) bedroom homes.

A landscaping plan has been submitted, showing the planting of a variety of shrubs and trees as required by code. The plan will need to be updated to reflect the updated site plan that shows the increased off-street parking.

### **SPECIAL EXCEPTIONS**

**15A-21-10(D) Streets** of the Sandy City Development Code requires at least two points of ingress/egress for each subdivision, PUD, of multi-family project. The requirement may be waived upon granting of a special exception by the Planning Commission, and with recommendation from the City Engineer and Fire Marshal, and 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.

Response to 1: The private street will only access three lots, well under the thirty-lot threshold.

Response to 2: The City Engineer and Fire Marshal have made a positive recommendation for this access.

Response to 3: The subdivision meets two criteria as required, section *a*, is met with the proposed hammerhead turnaround which meets development standards. It also meets *c* as a stub street, which is a street, built with the future intention of connecting to another street and creating a thru street.

**15A-21-21(B1) - Lots Without Public Frontage** 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 6, 7, and 8 of the proposed subdivision front onto a private street, which requires the approval of a Special Exception.

**15A-21-11(A1) - Private Streets Pavement Width of Less Than 27'** Sandy City Development Code requires all private streets to have a minimum pavement width of 27'. This requirement may be modified with a recommendation from the City Engineer and Fire Marshal. The pavement width as proposed is twenty-four feet (24').

This pavement width roughly matches that of 650 East, within the Lindquist Townhomes to the southeast, which is proposed to eventually connect to this development. The City Engineer and Fire Marshal have forwarded positive recommendations for this exception.

## CONCERNS

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

1. Staff recommends that the developer establish a private association to administer the maintenance of all amenities/open space/landscaping improvements, walkways and driveway areas. A road maintenance fund, which is required by the Public Works Department, shall be established as part of the CC&R's. A copy of the CC&R's shall be given to staff prior to final site plan approval or recordation of the plat. The Deputy City Attorney will also review and approve this document prior to final approval.
2. Staff is concerned with emergency access via the private street. This street, if approved by Planning Commission at 24' as shown, will need to be marked "No Parking" as required by code and kept completely clear of obstructions at all times. The applicant

- will need to make sure proper checks are in place to ensure this happens, as it is a life-safety issue. The applicant will need to call out “no parking” signs on the final site plan.
3. Staff is concerned with trash pickup, specifically the trash enclosure. The location has not been shown on the site plan as submitted. The enclosure will need to be properly screened and be accessible for the garbage truck at all times. The applicant will need to show this on final submission. Alternatively, the development may utilize private can collection.
  4. Staff is concerned with area connectivity and master planning. This development is being built with a private street and stubbed at the southeast corner in hope of connect it to Lindquist Townhomes to the southeast. Right now, this creates a dead end street with no future plans for development of properties to the east. The applicant has however provided a street master plan showing future connectivity of roads.
  5. Staff is concerned with the footprint of the buildings. The floorplan for the triplex shows a staircase with landing on the rear. This staircase and landing appears to encroach upon the setback area, however it is not clear based upon the submitted floorplans. The applicant must work with staff to ensure all building improvements are limited to the actual pad lot and does not encroach upon common areas. The applicant must work with staff to ensure all buildings fit within the envelope and all site improvements are confined to private common area (e.g. fenced rear yard areas).
  6. The plat and the CCR’s need to ensure a reciprocal access is provided to the property east of the subdivision to ensure this private road can be extended and connected to 650 East when future development in the area occurs.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **grant a special exception** for a subdivision with only one point of access, three lots without frontage on a public road, and a private street with a pavement width of less than 27’ based upon the following findings:

1. That the proposed subdivision is a redevelopment of previously-developed property.
2. That the proposed configuration is an efficient use of the land.
3. The City Engineer and Fire Marshal, as well as other reviewing departments, have recommended approval of this particular layout.
4. That the exceptions as requested will aid in the future connectivity of roads in the immediate area and matches preceding development improvements.

Staff recommends that the Planning Commission determine that the preliminary subdivision review is complete for the **Cottages on 80<sup>th</sup> Subdivision**, located at 620 E. 8000 S., subject to the following conditions:

#### Conditions:

1. That the applicant complies with each department’s comments and redlines throughout the preliminary and final review process and that all issues be resolved before final site plan approval.

2. That all City provisions, codes and ordinances are adhered to during the review, construction and operations process of this building.
3. That the developer submit CC&Rs covering private street access and maintenance, snow removal, trash removal, and common area stewardship.
4. All structures and improvements for individual homes are to be restricted to the pad site, including but not limited to pop-outs, chimneys, porches, patios, decks, stairways, etc., and may not be built in public common area.
5. That the private street be signed "no parking" and displayed in accordance with applicable laws so as not to inhibit access by emergency vehicles.
6. That during all construction activities, the applicant coordinate with Public Works to ensure there is minimal impact to traffic on 615 East and 8000 South.
7. That the private attached garages be used for the storage of vehicles only to ensure there is adequate off-street parking.
7. That 8050 South (the private road) be stubbed and allowed to connect to 650 East when and if the land to the east is redeveloped. The plat and the CCR's contain language to ensure a reciprocal access is provided to said property to allow this future road network.

Planner:



Mike Wilcox  
Zoning Administrator

Reviewed by:



Brian McCuistion  
Planning Director