



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

# MEMORANDUM

June 17, 2021

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Pioneer Crossing Subdivision (Reconsideration of Condition of Approval Number 16)  
143 E. Pioneer Ave. (8530 South)  
[Community #3 – Sandy Woods]

MISC06042021-6064  
Zone: R-1-7.5(HS)  
1.22 Acres

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
SUB-8-12-2484	Five- lot single family home subdivision.
CUP-8-12-2509	Approval for lots without public frontage.

## DESCRIPTION OF REQUEST

The applicant, Kyle Borton, is requesting the reconsideration of Condition of Approval number 16 that was approved during the Subdivision review by the Planning Commission on August 30, 2012. (See Exhibit #1- Application Materials)

## BACKGROUND

The Pioneer Crossing Subdivision is located at approximately 135 E. Pioneer Avenue. The property is currently zoned R-1-7.5(HS) as are all properties immediately surrounding it. The property is adjacent to the TRAX train right-of-way and just north of the Sandy Station Park and Porter Rockwell Trail. This property is located within the Tier 1 Area of the Historic Sandy Master Plan.

During the Planning Commission meeting held August 30, 2012, the Commission found the preliminary subdivision review to be complete and it was approved with 17 conditions (See Exhibit #2 – Pioneer Crossing Minutes). The condition of approval in question is condition 16 which states:

“That the front yard areas remain fenceless to preserve an open neighborhood feel. The developer shall install a 6-foot solid opaque fence along the west and north boundary of the subdivision. If fencing in the side and rear yards of the homes is desired, that it be a 6-foot solid opaque fencing. That fencing along the east of the development (along the public trail and railroad lines) be limited to a 6’ non-opaque fence (i.e. black vinyl coated chain-link) with the option to use various vegetation to create a sense of privacy and noise attenuation.”

The applicant lives at 143 E. Pioneer Ave which abuts the Porter Rockwell trail and TRAX railroad lines. The property’s location within the subdivision requires that the fencing be 6’ and non-opaque per condition 16 of the approved subdivision plat. The applicant is requesting reconsideration of condition 16 in order to construct opaque fencing along his east property line to increase privacy and mitigate noise.

### **NOTICE**

Notices were mailed to property owners within a 500 foot radius of the subject parcels as per Sandy City Land Development Code requirements, to notify them of the Planning Commission meeting.

### **ANALYSIS**

Sandy City Land Development Code does not have a specific requirement for fencing types along trails or adjacent to railroads. The Development Code does however provide Sandy City with the right to require fencing on subdivisions abutting railroads. Section 21-21-18 states “*The developer/subdivider may be required to install a six-foot non-climbable fence or its equivalent along all open ditches, canals, waterways, open reservoirs or other bodies of water, railroad rights-of-way, and other such features of a potentially hazardous nature, on or contiguous to the property being subdivided as determined by the Planning Commission.*”

The approval of the original condition was based on staff concerns surrounding safety along the Portal Rockwell Trail expansion. An open style fencing was recommended by staff to ensure natural observation and increase safety.

### **Porter Rockwell Trail Expansion**

Adjacent to the Pioneer Crossing Subdivision is a future expansion of the Porter Rockwell Trail. This trail will serve a number of residents across Sandy City as well as provide access to multiple UTA TRAX stations.

There are two recent subdivisions abutting the Pioneer Crossing Subdivision which are Princeton Terrace (2020) and The Bungalows in Historic Sandy (2015). Between the three subdivisions this will provide approximately 216 people (3.05 average person household per 2019 American Community Survey) pedestrian access to the Porter Rockwell Trail which would be approximately ½ mile from the Historic Sandy Station and ¾ mile from the Midvale Station. This distance is a little further than the average person is willing to walk (1/4 to ½ mile statistically but well within a reasonable distance for bike commuters and also a reasonable distance for those willing to walk a little further.

Sandy City projects that more than just adjacent residents will utilize the trail, but they are the most directly impacted by the trail expansion.

**Comparable Subdivisions - Bungalows in Historic Sandy/Princeton Terrace (See Exhibit #3 – Comparable Subdivisions)**

The Bungalows in Historic Sandy is a .87 acre, four lot, single family home subdivision that is directly north of the Pioneer Crossing subdivision. This subdivision was approved in May of 2015. For this project staff expressed no concerns regarding the fencing of the project along the TRAX line. (See Exhibit 4- *The Bungalows in Historic Sandy Minutes*)

The Princeton Terrace Subdivision is a 5.13 acre plot that is directly north of the Bungalows in Historic Sandy and also adjacent to the TRAX line. Princeton Terrace was approved in May of 2020 and is currently under construction. This development will be a 63-unit development comprised of 58 townhomes and 5 single family dwellings. In this project staff expressed concerns that the applicant was not proposing any change to the existing fencing. Because of the concern expressed by staff the Planning Commission created condition number 8 which reads as follows:

*“A six foot (6’) tall fence (type to be agreed upon by staff and the applicant) shall be constructed along the west side of the public trail.”*

In this case the existing six foot (6’) tall chain link fence was left as is and no opaque fencing has been installed along the trail line. (See Exhibit 5 – *Princeton Terrace Minutes*)

**CONCERNS**

This reconsideration of conditions of approval was reviewed by Parks and Police. Both departments felt that the original condition of approval was put in place based on CPTED principles to monitor the trail. Police was expressly concerned with the construction of Princeton Terrace as it would dramatically increase the number of people within close proximity to the trail and felt that CPTED principles needed to be followed to keep those on the trail safe.

Planning staff is concerned that with the allowance for the change in Condition of Approval number 16 will set a precedent for other subdivisions along the TRAX line resulting in a reduced visibility along trails.

**STAFF RECOMMENDATION**

Staff recommends denial of the request for the reconsideration of Condition 16 of the Pioneer Crossing Subdivision, based upon the following findings:

**FINDINGS:**

1. The chain-link fence (either black vinyl coated or non-coated) is consistent from 9000 S. to the north boundary line of Sandy City.
2. The developer of this subdivision did want to install a taller opaque fence at the time of the subdivision review, however, the condition remained to keep it an open style fence.
3. That the Parks and Recreation and Police Departments have expressed concern over solid fencing along this are in order to allow for natural surveillance on the Porter Rockwell Trail.

Planner:

Reviewed by:

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Claire Hague  
Planner

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Brian McCuiston  
Planning Director

**Exhibit #1- Application Materials**

To whom it may concern:

My name is Kyle Borton. My family and I

are trying to install a new opaque 8' fence along the east side of our property. We feel that this fence is necessary to ensure our family's privacy and security. It has come to our attention that Sandy City plans to add to the Porter Rockwell Trail. The section of land to be developed is directly connected to the back of our yard and is approximately 16 feet from our bedrooms. Our back yard is very small, as narrow as 12' in places. We would like to be able to block the view into our children's rooms. We are also concerned that not being able to install an opaque and solid fence creates an undue liability to our selves and potentially to Sandy City as well. Our concern is that with the added foot traffic from the addition of the trail to this previously undeveloped land will attract undue attention. We are planing to add a small and temporary pool in our back yard. With the fence being chain link it is 1<sup>st</sup> easy to see into our yard and second, it would be easy for a child to climb over and access our pool. We also have a dog, although the chain link is sufficient for keeping our dog in the yard it will not stop children from putting their arms through the fence opening, putting them into harms way. It would make sense to prevent any harmful situations from developing rather than dealing with the consequences later. I have been told that the fence needs to be chain link so that the trail is visible however it would be impossible for anyone other than our family to see the trail from the west side where our house is built. It runs almost the complete length of our property from north to south. The fence being chain link only allows for viability into our home and adds no value to the trail.

Thank you for your consideration.

-Kyle Borton

**Exhibit #2- Pioneer Crossing Minutes**

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**Regular Session**

THOSE PRESENT: Dave Colling, Alan Matheson, Scott Sabey, Nancy Day, Joe Baker, Members; Cheri Burdick, Kris Coleman-Nicholl, Alternate Members; Steve Fairbanks, City Council; Kathy Jeffery, Deputy City Attorney; Gil Avellar, Planning Director; Mike Gladbach, City Engineer; Dan Medina, Assistant Director of Parks and Recreation; Ray Lindenburg, Senior Planner; Mike Wilcox, Senior Planner; Amy Pelton, Planning Secretary

THOSE EXCUSED: Monica Collard

1. **Welcome/Pledge of Allegiance/Introductions**
  
2. **Pioneer Crossing Subdivision – Traditional Neighborhood Development (TND)** **SUB-8-12-2484**  
**135 E. Pioneer Avenue (8530 South) [Sandy Woods, Community #3] CUP-8-12-2509**

Mr. Frank LeBaron, of JLF Investments, requested preliminary review of a proposed single family residential subdivision that will create five (5) lots on approximately 1.22 acres. The applicant is also seeking conditional use approval to have two (2) lots without public frontage and utilize the TND Overlay Zone for this development.

The subject property is located at 135 E. Pioneer Avenue. The property is currently zoned R-1-7.5(HS) as are all properties immediately surrounding it. The property is adjacent to the TRAX train right-of-way and just north of the Sandy Station Park and Porter Rockwell Trail. This property is located within the Tier 1 Area of the Historic Sandy Master Plan.

There are several homes along Pioneer Avenue to the West and South of this property that are listed on the National Register of Historic Places. A home was recently demolished on the site at 135 E. Pioneer Avenue. It was the home of Sandy's first Mayor, Arthur J. Cushing. It was built sometime between 1868-1875. This home was located nearby to several homes that are on the National Register and was listed as a contributing building to the Sandy Historic District, which is on the National Register of Historic Places. Due to the condition of the home and several modifications over the years it became disqualified as a contributing building.

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



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1. Staff is concerned with the fencing proposal along the TRAX and Trail corridor. This item will need to be worked out with Staff through Final Review.

Staff recommends that the Planning Commission approve a Conditional Use Permit for lots without public frontage and the application of the TND Overlay Zone for the proposed Pioneer Crossing Subdivision. Staff also recommends that the Planning Commission determine that preliminary review is complete for the Pioneer Crossing Subdivision, located at approximately 135 East Pioneer Avenue, and be subject to the following conditions:

1. That public street improvements be carried out in accordance with plans and profiles stamped and approved by the Sandy City Public Works Department, and specifically:
  - a. The developer is required to install asphalt, curb and gutter, parkstrip, and sidewalk per the requirements of the Sandy City Public Works Department, specifically:
    1. That Pioneer Avenue be further improved to replace the curb and gutter, add an 8' parkstrip, and 5' sidewalk.
  - b. That appropriate measures be taken by the developer/builder to insure minimal problems with mud tracking and blowing soil/sand during construction.
  - c. That any relocation of utilities required by City Ordinance be the responsibility of the developer.
  - d. That a permit be obtained from the Salt Lake County Surveyor's Office prior to installation of survey monuments. All survey monuments installed shall be in accordance with the approved permit.
2. That any relocation of utilities required by City Ordinance be the responsibility of the developer.
3. That any required utility easements for this site be dedicated with the plat in accordance with the department review requirements.
4. That a permit be obtained from the Salt Lake County Surveyor's Office prior to installation of survey monuments.
5. That compliance be made with the Sandy City Water Policy; i.e., water rights, extensions, connections and fire protection.
6. That each lot comply with all requirements of the TND Overlay Zone as applicable under the R-1-7.5(HS) zone. That they also comply with the requirements of the Tier 1 Area of the Historic Sandy Master Plan.
7. That compliance be made with all department review letters.
8. That the subdivision name be approved by Salt Lake County.
9. That a private owners association and/or private agreements be created and recorded with the Salt Lake County Recorder's Office, to provide easements, maintenance and administration responsibilities for the shared driveway area between the owners of Lots 3 & 4. A notification of such agreements shall be disclosed on the plat.

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10. That all required street dedications, easements, current utility and/or drainage easements be shown on the plat.
11. The applicants work with staff on final architectural elevations before the subdivision is granted final approval. Any new or varied architectural elevations must be approved by staff before building permits can be issued. These elevations must comply with all requirements listed in sections 15A-12-06 and 15A-12-13 and the requirements of the Tier 1 Area of the Historic Sandy Master Plan. That each home incorporate the following architectural requirements:
  - a. Front elevation materials shall be predominantly brick/stone (minimum of front wainscoting (varied) and varying styles of cement fiberboard. Stucco shall only be used as an accent material.
  - b. Roofs shall use architectural grade asphalt shingles and have a minimum 5/12 roof pitch.
  - c. All sides of the building shall have equal design considerations. The side and rear elevations shall be predominantly masonry (e.g. cement fiberboard, brick, or stone) and may utilize stucco accents. Each home shall utilize varying styles of cement fiberboard and have a minimum of two materials or styles.
  - d. Covered porches, de-emphasized garages, front walks which provide direct connection to public sidewalks from the porch, and window treatments be provided for each home (cement fiber board or brick window frames, shutters, dormers, etc.)
12. That the same home plan elevations and exterior building materials not be used on adjacent lots.
13. That landscaping be provided by the developer for the front yards and along street frontages of each lot (including street trees). This plan must also comply with the Development Code Section 15A-12-08, which requires a variety of deciduous trees, evergreens, shrubs, and perennials. A minimum of one evergreen tree (6'-8' tall) will be required for each home to allow for a green winterscape. The applicant will be required to work with staff on a final landscape plan. These improvements will be bonded for prior to issuance of building permit.
14. Street trees (2" caliper) are to be provided along all street frontages placed at thirty (30) feet on center. Actual location of street trees may vary due to location of street lights, driveways, utility boxes, sight triangles, etc. A minimum of two (2) street trees per street frontage is required. Trees must be placed within the parkstrips that are at least eight (8) feet wide. In areas of the subdivision that are less than eight (8) feet or don't have a parkstrip, they will be required to be placed four (4) feet behind the sidewalk or private driveway.
15. That the applicants work with staff to preserve the existing trees based on the recommendations of Sandy's Urban Forester and other department recommendations.

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- Trees that are deemed “preservable”, the applicant is to work with staff to locate the homes and driveways to reduce negative impact to those trees.
16. That the front yard areas remain fenceless to preserve an open neighborhood feel. The developer shall install a 6 foot solid opaque fence along the west and north boundary of the subdivision. If fencing in the side and rear yards of the homes is desired, that it be a 6 foot solid opaque fencing. That fencing along the east side of the development (along the public trail and railroad lines) be limited to a 6’ non-opaque fence (i.e. black vinyl coated chain-link) with the option to use various vegetation to create a sense of privacy and noise attenuation.
  17. That the applicants dedicate 16’ of land or a 16’ easement to the city for the extension of the Porter Rockwell Trail along the eastern boundary of the subject property.

Mike Wilcox presented this item to the Planning Commission.

Mr. Wilcox reported that at the neighborhood meeting there were concerns regarding the home that was torn down.

Mr. Wilcox reported that the property owners tonight have recently acquired that property and tried to do some repairs to it, but found that it was economically infeasible to maintain that property. Therefore, it was torn down to make way for this subdivision.

Commissioner Joe Baker asked Mr. Wilcox to clarify the scaling of the elevations, because as he has calculated them, the house would be only 32 feet in width. He stated that if the front elevation, for example, is 8 ½ inches, then it’s 1 to 4, which is only 32 feet wide for a house with a 3 car garage.

Mike Wilcox responded that he believes that the scale on the plans he has, is for a full size 24 x 36 inch sheet, so the scale does not read correctly if it is printed out on a smaller sheet.

Commissioner Baker stated that he is really missing dimensions, how wide and how big the house is.

Mr. Wilcox responded that what Commissioner Baker is looking at is basically half that scale, so it is 1/8 scale instead of 1/4 scale. So it doubles the sizing of what he is measuring. He stated that the preliminary landscape plan shows the dimension of the entire subdivision, the footprints of those proposed homes and how they will be situated on the lots.

Commissioner Baker asked Mr. Wilcox to review what the setbacks are on the 2 homes along the front.

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Mr. Wilcox responded that there can be a total of 10 feet between the 2 homes and 5 feet along the side property line. He reported that that is a standard setback that has been established for all TND's.

Commissioner Scott Sabey stated that number 6 of the staff recommendation, indicates that each lot complies with all requirements of the TND. Commissioner Sabey indicated that the back 2 lots cannot, under the diagrams, match all of the requirements. He stated that it should only by lots 1 and 2 that should be required to meet all of the TND requirements, or sidewalks are going to have to be put in on the driveway all the way down to the public sidewalk. So he believes that number 6 has to be changed.

Mr. Wilcox responded that they have approved flag lots in the past, specifically Allegra Vista, where Henry Walker finished a couple of models across that main road and they were actually behind the main road on a cul-de-sac. He stated that cul-de-sac's are discouraged with a TND as are flag lots, but there is a precedent where they have been allowed because there was no other reasonable way to develop the property without utilizing those methods.

Mr. Wilcox has requested that the applicant would like to use the TND overlay setback for all 4 lots, He stated that if the Planning Commission feels that the TND should be limited to the front 2 lots that is up to them to determine. He stated that the staff recommendation is that they be approved for all lots.

Commissioner Sabey stated if that is the case then doesn't the Planning Commission need to add an exception that they do not need to put the sidewalk in on the driveway for lots 3 and 4. He indicated that as it is now, all requirements have to be met on all 4 of the lots, which means that there would have to be a sidewalk put on that driveway for both lots 3 and 4, which is not in the plan.

Mike Wilcox stated that in order to invoke the TND overlay, those lots would need to be approved under the TND or possibly grant a waiver of the requirement for the sidewalk. He clarified that these lots are currently zoned as R-1-7.5(HS) which allow for setbacks as close as 20 feet to the street or on a flaglot to where we determine that is the front property line. He indicated that in this case, the shared property line in between those 2 homes is considered the front, the way that they are configured. He stated that those comes could be placed as close as 20 feet to that property line under the existing zone. He reported that under the TND, they could come as close as 15 feet to the living area and porches can encroach closer than that – approximately 10 feet.

Gil Avellar stated that the ordinance gives the Planning Commission some flexibility on this and he read the ordinance to them.

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Alisha Davis, 4333 West Percola Lane, Riverton, stated she is the Realtor for the applicant. Frank Lebaron, 13019 South Woodridge Oak Circle, Draper, stated that is the owner of GLF Investments. He indicated that he has reviewed the staff report and that his only questions are regarding the Porter Rockwell Trail, which looks like they needed a 16 foot and originally they thought it was 10. He indicated that they would like to put up a higher buffer wall.

Mike Wilcox responded regarding the buffer, that the City would prefer to have a 6 foot black vinyl chain link on either side between the Trax and the between the trail and the side yards. He stated that they could use landscaping for creating a natural buffer between those two in order to create privacy, but still allow for viewing into that area from the homes onto the trail.

Frank Lebaron responded that that will work.

Commissioner Cheri Burdick asked the applicant if he is currently the owner of the property.

Mr. Lebaron responded that he does.

Acting Chairman Dave Colling opened this item to public comment.

Dorothy Cavaneth, 123 Pioneer Avenue, Sandy, stated that she does not understand how 2 lots will fit in the front of the property. She does not know how they will fit 2 lots in that space. She also stated that she does not understand the TND and public frontage issues. She is curious if that means that she will have sidewalks and front yards. She also indicated that she doesn't have any objection to construction at that location, but she would like to see 3 lots on that property rather than 4 lots. In addition, she stated that she would like to have a 4 to 6 foot fence put up between her property and the new subdivision.

Mike Wilcox responded regarding the 2 lots in front, he reported that lot 1 is 7,545 square feet and the minimum for the R-1-7.5 of the existing zone is 7,500. He reported that lot 2 is 7,481 square feet. He stated that both lots are 60 feet in width, although lot 1 is slightly wider and they are approximately 124 feet in depth. He indicated that they are very close to the size of lots that would be allowed in the existing zoning, without the TND. The only difference is the lot width, which allows the width the go down to 50 feet. He stated that regarding the fencing, the City is recommending that the developer put up a fence to be placed along the west, north and east property lines. He reported that the fencing requirements are in condition number 16 and there is a request that the front yards remain fenceless to preserve the open neighborhood feel. He stated that on the west and north, the fence will be solid opaque and on the eastern boundary, the 6 foot black vinyl chain link along the trail and the Trax property line. He indicated that if there are

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issues with existing fencing, they can work with the adjacent neighbor so that there is not a double fence along there or they could put a fence solely on their property line to replace that.

Acting Chairman Dave Colling closed this item to public comment.

Commissioner Joe Baker reported that he has concerns about the application of the TND Zone when it is only to the benefit of the developer. He stated that the TND Zone is designed to create a neighborhood development and bring people together in a walkable neighborhood. He believes that in this situation, it is being applied to a property where the only benefactor is the developer who is being permitted to put 2 houses on a lot instead of 1. He believes the benefits that should accrue to the residents include walkability. He doesn't believe that there is any place to walk in this development except from the house to the street. He stated that there is no neighborhood involvement considered here at all and he believes that the walkability issue extends to the 2 lots in the back, where there only access is down a lane out to the main road. He indicated that he is very uncomfortable with the TND application to this property. He also stated that the trail right of way 16 feet of the length of the property that is going to be fenced on both sides, with no access to anyone and he does not know who is going to maintain that. He does not believe that is an amenity or open space. He would like it to be considered putting a sidewalk from the end of the drive road across the top of lot numbers 4 and 5 back over to the trail and back out to the road, so that there is at least a circular path going around there, where people can walk and children can ride their bicycles without going out onto the main road.

Commissioner Scott Sabey responded that he believes that the trail is for everyone, is specifically walkable, it ties to the public sidewalk immediately adjacent to this ground. He stated that the request is that the developer donate/deed to the City part of the ground for the benefit of the trail. He reported that the public sidewalk on that street ties directly into the trail.

Commissioner Joe Baker responded that it will not be developed. He stated that it should be developed now and when the time comes, it be extended. He believes that it can be done now because it will be deeded, either in a deed or in a right of way the City will have access to it and can put a trail down where the trail will go eventually anyway.

Commissioner Scott Sabey responded that that only happens if the City comes to an agreement with the developer and if the developer's ability is taken away to develop the property and make a profit on it, why would he give the land away or agree to anything going to the City to allow that trail to go through. The City would then have to go through an imminent domain action to acquire it.

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Commissioner Joe Baker stated that he believes that the developer should comply to the zone or they comply to the TND. He stated that he would not like to apply a TND solely for the benefit of a developer as it should be for the benefit for the homeowners as well.

Commissioner Scott Sabey indicated he believes that every time a development is done it is for the benefit of the developer at the time the development is done, with the long range benefit for the community. In this instance, he indicated that the long range benefit is the trail, putting in a fence around it, improving undeveloped land, etc. He believes that the back 2 lots qualify under the existing code and they do not need to go under the TND. He believes the front 2 lots are within 1 or 2 feet of meeting the current code. He stated that they are not making a drastic change, but he would make an exception to condition number 6.

Gil Avellar clarified what the code says regarding open space and read the pertinent code section to the Planning Commission.

**Scott Sabey moved that the Planning Commission approve the Conditional Use Permit for the lots and the application of the TND Overlay Zone for the proposed Pioneer Crossing Subdivision, subject to the 17 conditions set by staff, with a modification to condition number 6 as follows:**

- 6. That each lot comply with all requirements of the TND Overlay Zone as applicable under the R-1-7.5(HS) zone, with the exception of removing the requirement that lots 3 and 4 have a sidewalk from each front porch to the public sidewalk, and that they also comply with the requirements of the Tier 1 Area of the Historic Sandy Master Plan.**

Nancy Day seconded the motion. The vote was as follows: Scott Sabey, yes; Nancy Day, yes; Kris Coleman-Nicholl, yes; Alan Matheson, yes; Joe Baker, no; Cheri Burdick, yes; Dave Colling, yes. The vote was 6 to 1 in favor of the motion.

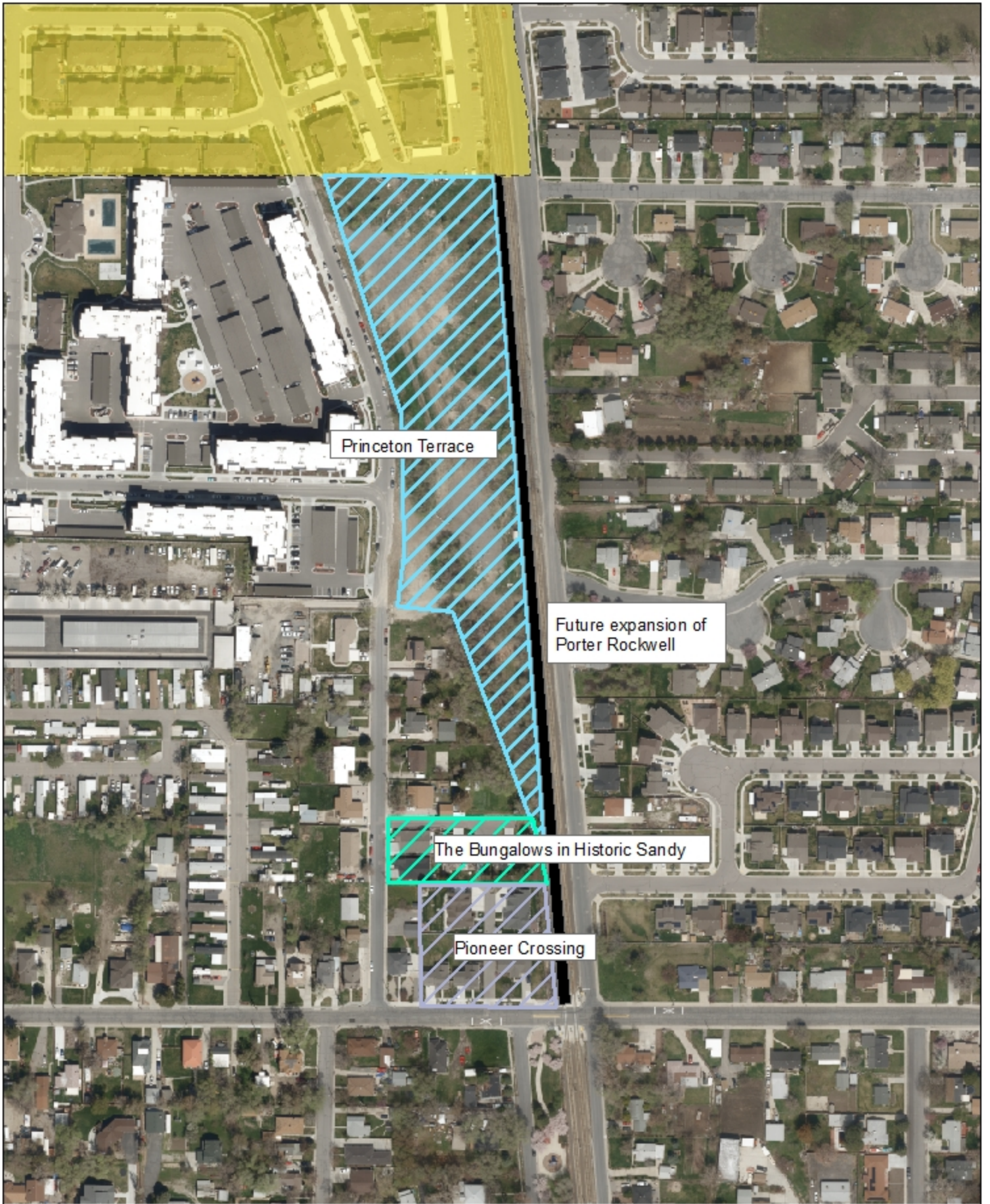
- 3. WP Holdings (Conditional Use – Outdoor Storage)  
179 East Main Street [Historic Sandy, Community #4]  
(Continued from August 16, 2012)**

**CUP-8-12-2485**

Brett Winberg, on behalf of WP Holdings, LLC, requested a Conditional Use Permit to operate a medium industrial business on a property located at 179 East Main Street in the HBD (Historic Business District) Zone District. The property in question was recently rezoned from the MU (Mixed Use) District to HBD to allow for this use. With this use, the applicant wishes to use an

**Exhibit #3- Comparable Subdivisions**



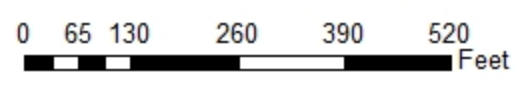


Princeton Terrace

Future expansion of Porter Rockwell

The Bungalows in Historic Sandy

Pioneer Crossing



**Exhibit #4- The Bungalows in Historic Sandy Minutes**

**4. Bungalow in Historic Sandy, proposed 4-lot subdivision  
8475 South 115 East [Community #3 – Sandy Woods] **SUB-3-15-4234****

The applicant, Ty Vranes of VP Homes requested preliminary subdivision approval for a four lot single family subdivision. The subdivision will remove the existing home on the property. Two lots will be facing 115 East and two lots will be located in the back portion of the property. The applicant is also requesting the RCO (Residential Conservation Overlay) which would apply to the all lots fronting a public street.

The existing home on the property has a vague history. Sandy City has no official records of its construction, previous owners, or general history. We know it was likely built sometime before 1950, however, the home has been remodeled several times resulting in the current home having little resemblance to the original home. A site visit was made by Staff and the applicant where it was determined that little to no historic value existed inside or outside of the home to warrant its preservation.

The proposed project is bordered on all sides by the R-1-7.5(HS) zone. To the east of the proposed subdivision is the UTA Lite Rail line. To the south is the Pioneer Crossing Subdivision which is a 5-lot TND subdivision. The property is relatively flat with a small grade change going from the high point on the east to a low point on the western end. Several mature trees exist on the property. Many of these trees will be preserved where they don't conflict with a proposed home.

Planning Staff has the following concern regarding the proposed request:

1. The building materials and articulation are important to the integrity of the RCO, if the overlay is approved. Each home should be distinguishable from the next and have its own unique look. This doesn't mean the same building plans cannot be used, but that through building materials and articulations, each home will look different than the next. The same home plans should not be used on adjacent lots. The Planning Commission should carefully review the building elevations attached to this report in determining how to best accomplish this aesthetic.

Staff recommends that the Planning Commission determine that preliminary review is complete for the Bungalows in Historic Sandy Subdivision, located at approximately 8475 South 115 East, subject to the following conditions:

1. That the applicant complies with each department's comments and redlines throughout the Final Subdivision review process and that all issues be resolved before final approval is given.
2. That the Planning Commission grants the use of the Residential Conservation Overlay Zone subject to the applicant meeting all requirements associated with that overlay.

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3. That all City provisions, codes and ordinances are adhered to including all provisions specific to the Residential Conservation Overlay.
4. That no two adjacent homes under the overlay regulations have the same building elevation and that each home be articulated with different colors, architectural features and building materials, when compared to the adjacent home.
5. That the following architectural elements be used in all homes that face public streets:
  - a. That a four foot brick wainscot extend around the front and sides of the home and that the brick be used as an accent material for other features of the home.
  - b. That any garage door facing a public street be enhanced with a carriage house type design with gridded windows at the top of the door.
  - c. That grids minimally be added to front and visible side windows.

Andrew King presented this item to the Planning Commission. He discussed the setbacks with Commissioner Joe Baker.

Ty Vraines, 13708 Buckeye View Way, Riverton, stated that he has read the staff report and does not have any questions.

Commissioner Joe Baker commented that the RCO zone requires certain features on the front of the houses facing a public street. He asked if the homes in the back will have with the same historic look.

Ty Vraines responded that they will comply with everything necessary including architectural standards.

Acting Chairman Nancy Day opened this item to public comment.

Jerry Anderson, lives 2 doors north of this project. He stated that he has seen maps of this project and he had questions regarding ingress and egress and water control.

Mr. King stated that the two lots will be accessed traditionally. The two lots in the back will have a shared driveway for access.

Wendy Osborne, 12168 South 1780 West, Riverton, stated that she represents the property owner to the north of this project. She stated that the owner is aware of this project and is in favor of it. She stated that she will be listing his home and he believes this will increase his property value.

Acting Chairman Nancy Day closed this item to public comment.

**Joe Baker moved that the Planning Commission determine that preliminary review is complete for the Bungalows in Historic Sandy Subdivision, located at approximately 8475 South 115 East, subject to the 5 conditions outlined in the staff report.**

Scott Sabey seconded the motion. The vote was as follows: Joe Baker, yes; Scott Sabey, yes; Ron Mortimer, yes; Gayle Willardson, yes; Jared Clayton, yes; Nancy Day, yes. The vote was unanimous in favor.

**5. Albion Village Way Partial Street Vacation**  
**Approx. 110 W. Albion Village Way [Civic Center, Community #2] MISC-3-15-4239**

Mr. Kenny P. Nichols, Architect, of Think Architecture, representing Worker's Compensation Fund, property owner, requested Sandy City to consider vacating a second portion of Albion Village Way, located at approximately 110 West Albion Village Way (Approximately 9750 South State Street) to allow the re-alignment and re-dedication of the western portion of Albion Village Way, in a future subdivision amendment action. Albion Village Way was originally dedicated as a public street through a subdivision plat, the Albion Subdivision, which was recorded in December, 2010. The current street alignment was fixed by that plat, connecting the stub end of Albion Village Way, as developed in the residential condominium project to the west and the partial intersection located on State Street. However, this portion of Albion Village Way has never been physically constructed. This action is requested to accommodate the necessary southern shift in the Albion Village Way right of way alignment, as reflected in the approved site plan for the Towne Ridge Parkway Mixed Use Project master development plan. Albion Village Way will still eventually connect between its current stub ended location to the west in the Albion Village residential development and State Street to the east. Existing zoning on both sides of the subject street is Central Business District, CBD. Existing zoning to the west of this portion of Albion Village Way is Mixed Use (MU).

Staff recommends that the Planning Commission recommend to the City Council that the partial Street Vacation of the western portion of Albion Village Way be approved as requested, based upon the following findings and subject to the following conditions of approval:

Findings:

1. The applicant, WCF owns approximately 95% of the property abutting this portion of the street being requested for vacation. The HOA owns approximately 5% of the property abutting this portion of the street being requested for vacation, and has consented to the vacation and realignment.
2. That good cause exists for the requested vacation action, in that it will allow a better street alignment that will accommodate the enlarged site for the Towne Ridge Parkway Mixed Use Project, as previously approved.
3. That there is neither material injury to either the public interest or any person by the requested vacation. The street will still be connected and the majority of the street has not been constructed, so there will be little material loss of existing street infrastructure.
4. The realigned street will work better for the applicant, HOA and the public in the proposed replacement configuration.

**Exhibit #5 – Princeton Terrace Minutes**

7. [SPR-07-19-5](#) Princeton Terrace - Mixed Use Development - Mix Use Zone (MU)  
[689 2nd](#) (Preliminary Site Plan Review)  
8377 S. 115 E.  
[Community #3 - Sandy Woods]

**Attachments:** [Staff Report.pdf](#)  
[Vicinity Map.pdf](#)  
[8.7.19 Neighborhood Meeting Summary.pdf](#)  
[PC - Plan Submittal Complete.pdf](#)  
[Architectural Site Plan.pdf](#)  
[Civil Site Plan.pdf](#)  
[Grading Plan.pdf](#)  
[Color Elev Type A.pdf](#)  
[TOWNHOME TYPE A.pdf](#)  
[TOWNHOME TYPE B.pdf](#)  
[Landscape Plan.pdf](#)  
[Landscape - Tree Overall.pdf](#)  
[Landscape - Shrub Overall.pdf](#)  
[Landscape - Shrub Detail - A.pdf](#)  
[Landscape - Shrub Detail - B.pdf](#)  
[Landscape - Shrub Detail - C.pdf](#)  
[Site Detail 4-24-20.pdf](#)  
[Conceptual PC Review Set.pdf](#)

Mike Wilcox presented this item to the Planning Commission

Mike Wilcox read in public comment emails into the record.

Carrie Howlett wanted a fence along the north side separating East Town Village from this proposed development.

Michael Christopherson read in public comment emails into the record.

Gerry Tully further presented this item to the Planning Commission.

Mike Wilcox explained staff concerns.

Gerry Tully addressed staff concerns.

Jamie Tsandes asked why the existing trees would be wiped out.

Gerry Tully explained that he wants to go through with an arborist and see what trees can be saved.

Michael Christopherson opened this item to public comment.

Lori Robison is concerned about traffic and lack of parking.

David Haralson in favor of the item and would like to see a Porter Rockwell extension completed with the development.

Rodolfo Maligon is concerned because the existing fence (behind single-family homes on 115 E.) is mostly fallen apart, missing, and mostly open and has concerns about safety. The impact of the development requires a new fence to mitigate impact of safety and security.

Mindy Ballenger wanted clarification that the East Town Village HOA and clubhouse would not be shared with new the development and has concerns about parking and lack of enforcement.

Michael Christopherson closed this item into public comment.

Mike Wilcox responded to public comments about parking and the proposed extension to the trail and crime prevention.

Michael Christopherson asked for clarification that the HOA and clubhouse are separate from the East Town Village.

Mike Wilcox explained a little of the history with the development and clarified that they are not part of the East Town Village HOA.

Jamie Tsandes suggested that a chain-link or open style fence along the west side of the proposed trail.

Dave Bromley agreed with leaving the existing fence on the east and a chain linked fence would provide the most security along the west property lines near the proposed public trail.

Daniel Schoenfeld agreed with leaving the fence alongside the east properties.

Jeff Lovell agreed with the applicant that a solid fence would attract graffiti along the trax and along the trail.

Monica Collard was ok with the proposed conditions but didn't want to see it back for Final and asked about condition eight and nine.

Daniel Schoenfeld said that he thought it would be okay to approve that they work out the amenities with staff and come back for the final architecture.

Dave Bromley agreed with Mike Wilcox comments and would like to see more varied colors in the development. Dave would like to see it back for Final Review but is open to letting staff and applicant work it out as well.

Michael Christopherson clarified architecture differences and feels that if the developer and staff cannot agree then they come back for a final approval.

Jamie Tsandes asked for clarification between condition between eight and nine.

Michael Christopherson clarified the conditions.



A motion was made by Dave Bromley, seconded by Jeff Lovell that the Planning Commission find that the preliminary site plan review is complete for the proposed Princeton Terrace Mixed Use Site Plan, located at approximately 8377 South 115 East, based upon the first six conditions and condition 7 be modified as follows:

7. That the architectural plans for all three (3) building types be required to be approved by staff before Final Approval. If resolution between staff and the applicant is not achieved, then the applicant may return to the Planning Commission for Final Approval.

And include an additional condition as follows:

8. A six foot (6') tall fence (type to be agreed upon by staff and the applicant) shall be constructed along the west side of the public trail.

**Yes:** 7 - Dave Bromley  
Monica Collard  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell  
Cameron Duncan  
Daniel Schoenfeld

**Absent:** 1 - Ron Mortimer

8. [SUB-10-19-5](#) Princeton Terrace Subdivision (Preliminary Review)  
[740](#) 8377 S. 115 E.  
[Community #3 - Sandy Woods]

**Attachments:** [Staff Report.pdf](#)  
[Vicinity Map.pdf](#)  
[8.7.19 Neighborhood Meeting Summary.pdf](#)  
[Preliminary Plat.pdf](#)

Mike Wilcox presented this item to the Planning Commission.

Gerry Tully further presented this item to the Planning Commission.

Michael Christopherson opened this item to public comment.

Rodolfo Maligon has asked if they can put in slats on the chain linked fence to provide privacy to their homes and would like to see the trees remain.

Michael Christopherson closed this item to public comment.

Dave Bromley asked about condition number eight.

Mike Wilcox clarified condition eight.

**A motion was made by Monica Collard, seconded by Dave Bromley that the Planning Commission find that the preliminary subdivision review is complete for the proposed Princeton Terrace Subdivision, located at approximately 8377 South 115 East, based upon the eight conditions outlined in the staff report.**

**Yes:** 7 - Dave Bromley  
Monica Collard  
Jamie Tsandes  
Michael Christopherson  
Jeff Lovell  
Cameron Duncan  
Daniel Schoenfeld

**Absent:** 1 - Ron Mortimer

## Administrative Business

1. [20-134](#) PC Meeting Minutes for 03.05.2020

**Attachments:** [PC Minutes 03.05.2020 \(DRAFT\)](#)

**This item was tabled.**

2. [20-137](#) PC Test Meeting Minutes 04.02.2020

**Attachments:** [TEST PC Minutes 04.02.2020 \(DRAFT\)](#)

**This item was tabled.**

3. [20-138](#) PC Test Meeting Minutes for 04.16.2020

**Attachments:** [TEST PC Minutes 04.16.2020 \(DRAFT\)](#)

**This item was tabled.**

4. Sandy City Development Report  
5. Director's Report

## Adjournment

**A unanimous vote was taken to adjourn.**

### Meeting Procedure

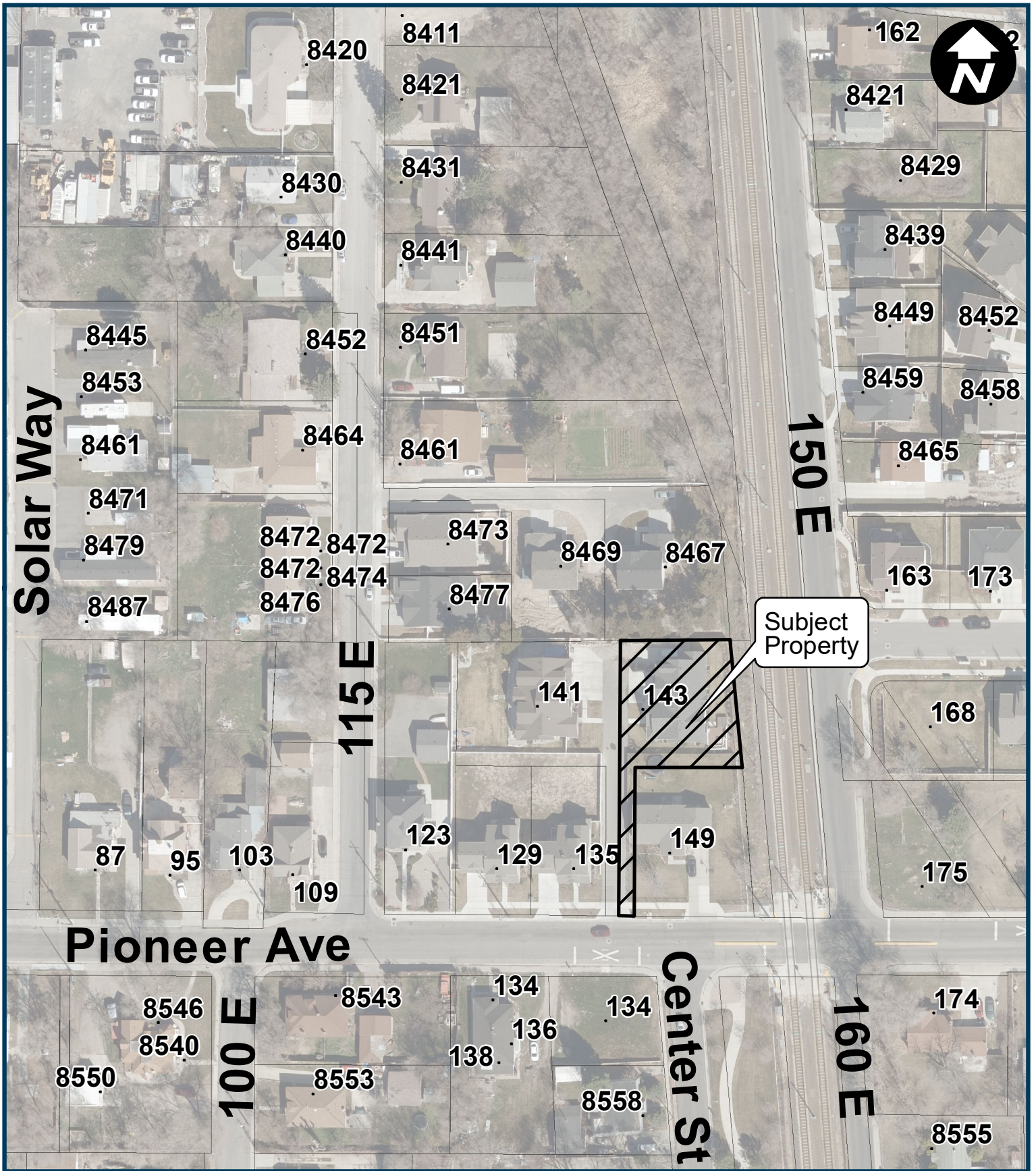
1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256.

**Exhibit #6 – Vicinity Map**



**MISC-06-04-6064**  
**Subdivision Appeal**  
**143 E. Pioneer Avenue**

