

Tom Dolan  
Mayor

Byron Jorgenson  
Chief Administrative Officer

Michael G. Coulam  
Director

**MEMORANDUM**

February 7, 2017

**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Windcroft on Highland Rezone [CN to R-1-6] ZONE-01-17-5185  
 2111 East Oak Drive 1.82 Acres  
 [Lone Peak, Community #27]

**HEARING NOTICE:** *This item has been noticed to property owners within 300 feet of the subject area and in the newspaper.*

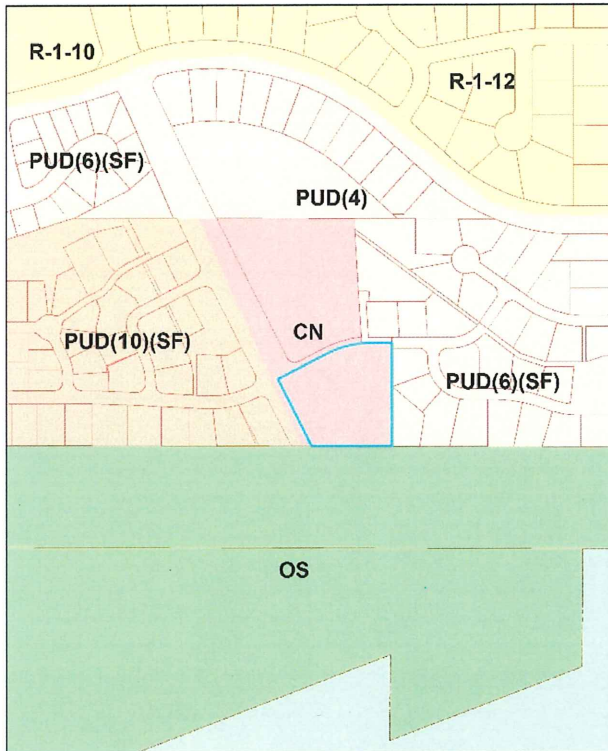
PROPERTY CASE HISTORY	
Case Number	Case Summary
ZONE-10-16-5144	This was a previous request by Garbett Homes for a PUD(4) zone. The intention was to make this project part of the surrounding PUD subdivisions and join their HOA thereby giving them access to the amenities and open space already provided therein. It was scheduled for a public hearing with the Planning Commission on November 3, 2016. Prior to the hearing, we received a request to table/continue the item until the December 15, 2016 meeting. This request was to allow the applicant more time to negotiate and discuss adding this area to the existing HOA. Prior to the December 15 <sup>th</sup> meeting, we received word from the applicant that they would be withdrawing their request after not being able to come to an agreement with the HOA.

**REQUEST**

Mr. Richard Welch of Garbett Homes, is requesting to rezone approximately 1.82 acres from the CN “Neighborhood Commercial District” to the R-1-6 “Single Family Residential District”. The subject property is located at approximately 2111 East Oak Drive. The resulting application of zoning would allow for a proposed 7 lot single family subdivision (see attached concept plan). Mr. Welch has prepared a letter requesting the zone change (see attached).

## NOTICE

Notices were mailed to property owners within a 300-foot radius of the subject parcel as per Sandy City Land Development Code requirements. Additionally, the applicant held a Community Meeting on October 20, 2016. A full report of the comments and issues voiced at the meeting is attached to this staff report. This meeting was for both the rezoning request as well as the proposed concept plan of the development.



**Zoning Map**

## BACKGROUND

The subject property is bordered by single family homes to the east (zoned PUD(6)(SF)) and west (zoned PUD(10)(SF)). The property to the north is a church (zoned CN). A golf course is located to the south of the property (zoned OS). (see zoning map below)

## ANALYSIS

The existing zone is Neighborhood Commercial (CN). The City has received similar zoning requests to rezone from commercial to residential use. These properties have been similarly situated with undeveloped commercially zoned property along a busy collector road. Most of the requests have been to do single-family attached housing, but this request is for detached single-family homes at a lesser density than has been approved

recently. The impacts from the proposed use would be less than those of uses allowed in the CN zone. The surrounding properties are PUD subdivisions, but are built at similar densities (see the attached density exhibit).

It was previously proposed that this development would be incorporated into the surrounding PUD development's Hidden Oaks HOA and share in their amenities. However, this arrangement was not agreed to by the parties. Because of this, the PUD zone is not a good fit for the property. It would be very difficult to comply with the PUD ordinance amenity and open space requirements with a parcel of this size. Staff had previously discussed using the R-1-6 zone as an alternative and develop under those standards instead. Whether the PUD zone or the R-1-6 zone is applied to the property, the resulting subdivision proposal of the applicant is the same.

The requested change is in compliance with the City's General Plan. Staff believes that the resulting zone change would be compatible with the surrounding area. The following Goals and Policies are examples of how this rezoning is in compliance with the City's General Plan:

**Chapter II – Goals and Policies – Housing - Subdivisions**

*Goal 2.0 – Discourage Sprawl and excessive consumption of land*

*Goal 4.0 – Provide housing for people in all life stages and incomes*

The following Goals and Policies from the adopted Housing Element, are examples of how this rezoning may fulfill the overall objective of the General Plan:

*1 – Goals – Quality Growth*

*Goal 1.4 – Ensure a range of housing options to accommodate an aging population and growth trends*

The proposed rezoning would help allow an infill development that would bring new residential development to the area that is otherwise built-out and provide housing that is similar in character and density as those developments that surround it.

**STAFF RECOMMENDATION**

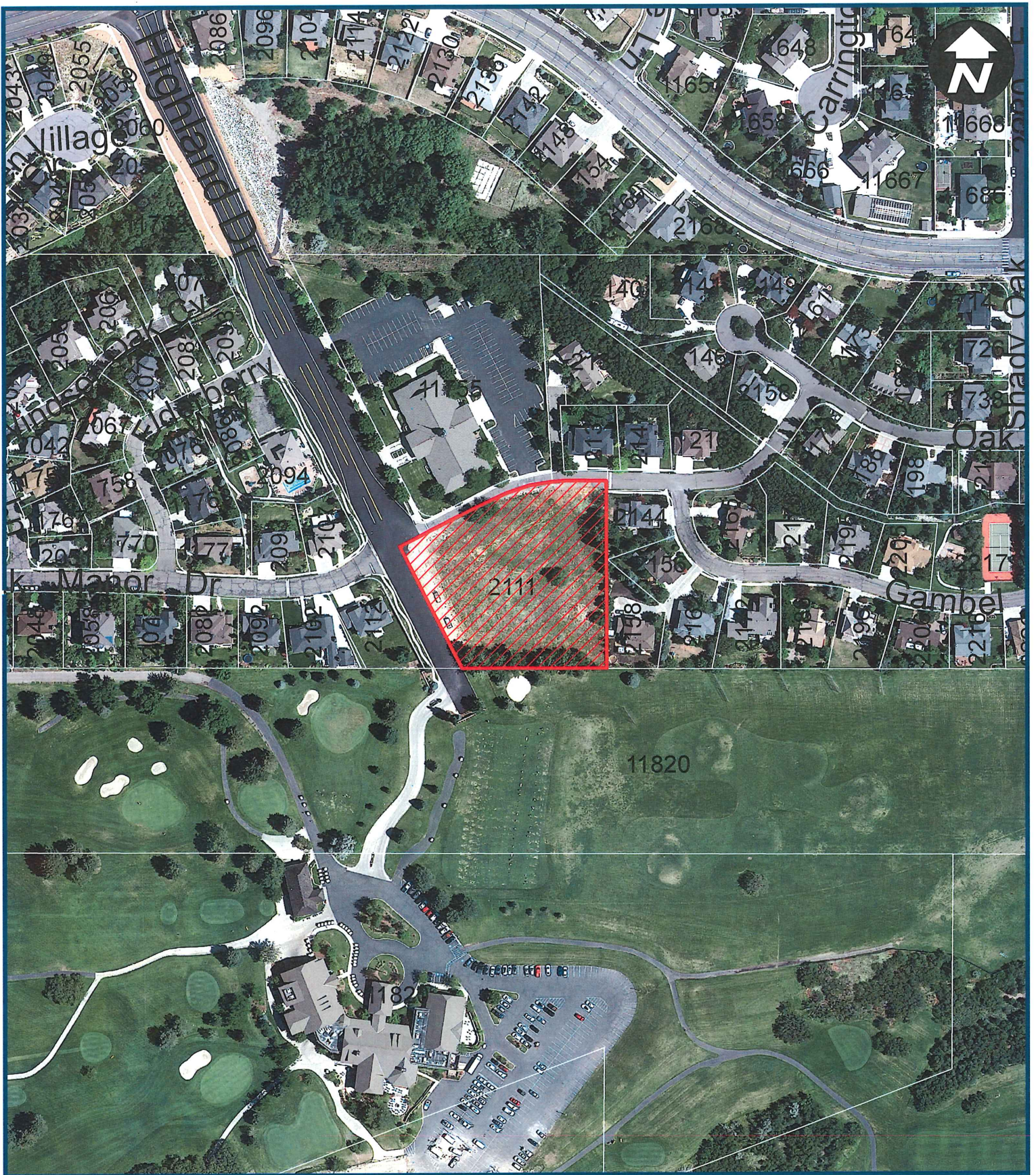
Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 2111 East Oak Drive, from the CN “Neighborhood Commercial District” to the R-1-6 “Single Family Residential District” based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.
2. That the proposed rezoning will have no unmitigated negative impacts on the surrounding properties or the area as a whole.

Planner:

Reviewed by:

Mike Wilcox  
Long Range Planning Manager



**ZONE-01-17-5185 :: Windcroft on Highland #2  
2111 E. Oak Manor Dr.**



PRODUCED BY MIKE WILCOX  
THE COMMUNITY DEVELOPMENT DEPARTMENT



273 N. East Capitol Street  
Salt Lake City, UT 84103

Phone: 801.456.2430  
Fax: 801.456.2431

January 18, 2017

**Mike Wilcox**  
Sandy City, Long Range Planning Manager  
Community Development Dept.  
10000 Centennial Parkway  
Sandy, Utah 84070

**RE: Application for Zone Change 2111 East Oak Drive**

Dear Mike:

Attached is our application requesting a zone change:

Address	APN#	Acreage	Current Zoning	Requested Zone Change
2111 E. Oak Drive	28-22-351-016	1.82	CN	R-1-6

This parcel has lingered as an undeveloped weed patch for decades, perhaps in part because of the uncertainty of the construction of Highland Drive as a major street adjacent to the parcel. All of the other properties surrounding the subject parcel has long since been developed making the subject parcel an infill property.

The property is surrounded by a church, the Hidden Oaks PUD and the Hidden Valley Country Club. Our request is to change the zone for the parcel to R-1-6 to accommodate a 7-lot subdivision. We believe that the highest and best use of the south parcel is not commercial, but rather residential that matches the residential uses surrounding the property.

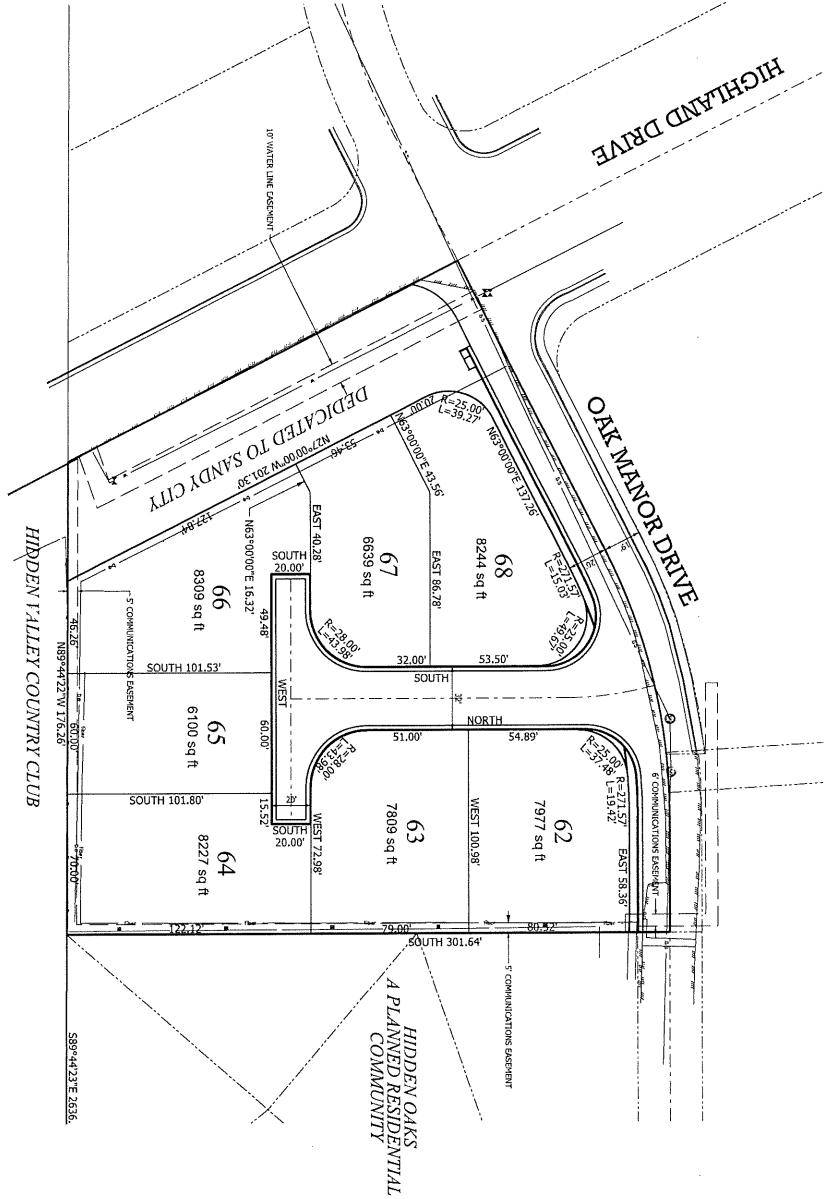
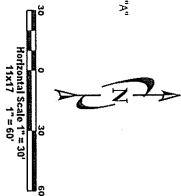
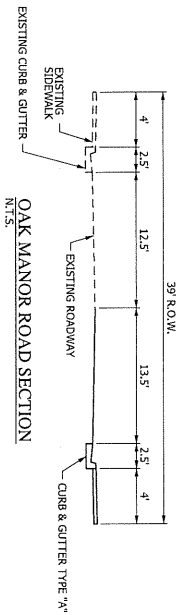
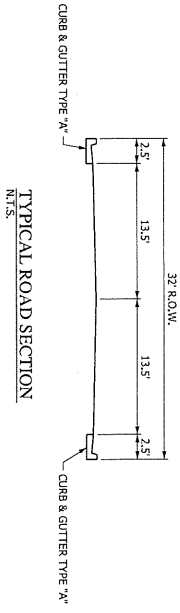
Our proposed 7-lot subdivision has lots that are a minimum of 6,000 sq. ft. but average more than 7,600 sq. ft. This size lot will accommodate nice size homes (ranging from 3,600 sq. ft. to 4,800 sq. ft.) with 3-car garages. These homes will integrate well with the neighborhoods surrounding the site.

We held a community meeting with the neighborhood residents. We have also met 3 times with the Hidden Oaks HOA Board with the goal of having our 7 new lots become a part of the HOA. We have not been able to reach an agreement with the HOA Board regarding the terms for admittance to the HOA that are acceptable to both sides. In addition, admittance will require a vote of two-thirds of the Hidden Oaks HOA members; which is unlikely to succeed.

We respectfully request that the City Council grant our request to change the zoning on this parcel without the requirement to become part of the Hidden Oaks HOA.

Best Regards,

Richard Welch, VP



CP2



WINDCROFT ON HIGHLAND  
CONCEPT PLAN  
SANDY, UTAH

REV. NO.	REVISION DESCRIPTION	DATE

DRAWN:	DATE:
DESIGN:	
CHECKED:	
SURVEILED:	

FORM NO. GAR023  
11/2010  
© 2010



Home Type 2



Home Type 3

Home Type 4

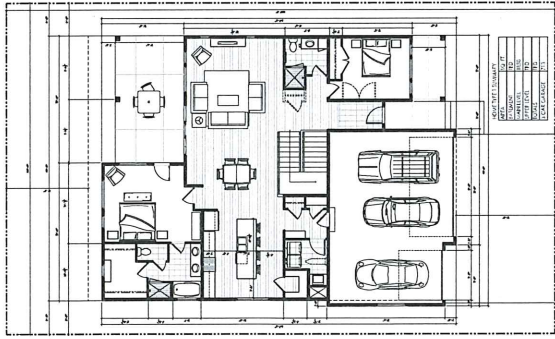
# WASATCH AND HIGHLAND

Sandy, Utah

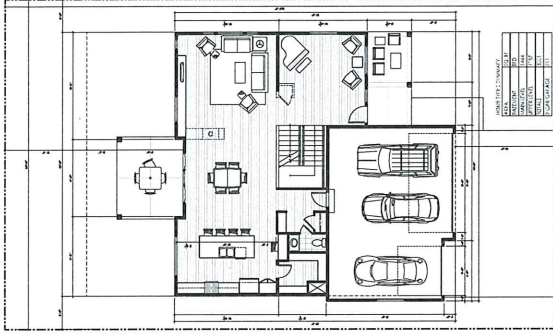
**Garbett**  
green within reach  
2016.07.05

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION.

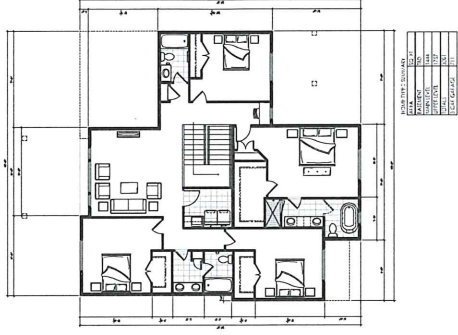




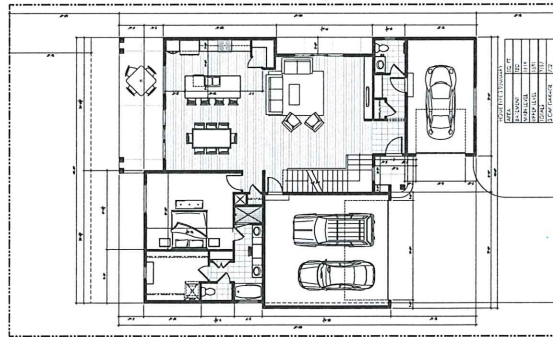
**Home Type 1**  
Finished Sq. Ft. =  
1,880 - 3,600



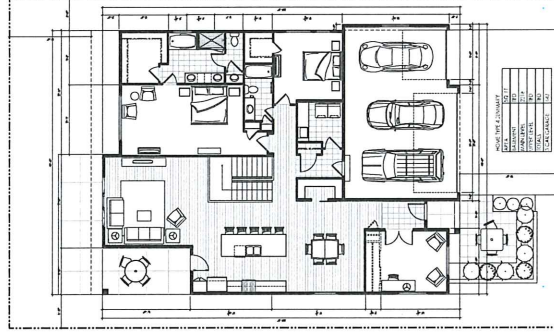
**Home Type 2**  
Finished Sq. Ft. =  
3,201 - 4,600



**Home Type 3**  
Finished Sq. Ft. =  
3,197 - 4,747



**Home Type 4**  
Finished Sq. Ft. =  
2,218 - 4,330





**Michael Wilcox - Fwd: Fw: Meeting**

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**From:** Andrew King  
**To:** Michael Wilcox  
**Date:** 10/24/2016 11:48 AM  
**Subject:** Fwd: Fw: Meeting

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Andrew King, AICP, LEED GA  
Sandy City, Senior Planner  
Community Development Dept.  
10000 Centennial Parkway | Sandy, Utah 84070  
Office: [801.568.7256](tel:801.568.7256) | Desk: [801.568.7262](tel:801.568.7262)  
Email: [aking@sandy.utah.gov](mailto:aking@sandy.utah.gov) | [www.sandy.utah.gov](http://www.sandy.utah.gov)

>>> HOWARD R FISHER <hrvfisher@msn.com> 10/24/2016 10:58 AM >>>  
Andrew,

Below is a link to the video record of the Community Meeting held on 20 Oct concerning the Garbett Homes Project.

Unfortunately the audio is weak during the first part.

Summary of comments:

Parcel A/B: Comments on the A/B parcel included questions about water right-of-way zones along Wasatch Blvd., density of units with only about 12 feet between homes and worry about construction noise, dust and duration of construction .

Parcel C: Comments include the small size of the lots/units and the "T" configuration of the street raising the possibility of problems with snow removal and drainage.

There were also questions about the effect on both parcels if/when Highland Drive is completed through the area.

Scott Bond will pass the list of attendees to you today.

Regards,

Howard R. Fisher  
Manager, Little Valley Group, LLC  
11657 Carrington Ct  
Sandy, Utah 84092

+001 (801) 553-7292 office  
+001 (801) 403-5393 mobile  
+001 (801) 553-7292 fax

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**From:** Gary Merrill <gmerrill@outlook.com>

**Sent:** Sunday, October 23, 2016 12:15 PM

**To:** hrvkfisher@msn.com; Gary Merrill

**Subject:** Meeting

Here is the OneDrive link for the meeting video

<https://1drv.ms/v/s!Atsap1YWxPVJjRgdF3f57LRNuSF8>

Thanks  
Gary

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**Michael Wilcox - Re: Notice of Public Meeting ( 2111 East Oak Drive )**

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**From:** Michael Wilcox  
**To:** Kurt.Kohler@SKF.com  
**Date:** 2/6/2017 2:52 PM  
**Subject:** Re: Notice of Public Meeting ( 2111 East Oak Drive )  
**Attachments:** Think Updated renderings and floor plans 7 5 2016.pdf; Proterra Windcroft 10 72016.pdf

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Mr. Kohler,

I've attached some additional information that the applicant provided us that may help address your concern or at least shed some more light on the issue you've brought up. One attachment shows the proposed floor plans and elevations of the homes they intend to build and the other is the proposed concept subdivision plan. Please note that the minimums and maximums home square footages that the code specifies does not include basement or garage areas. Those areas are not counted in the min/max. I'm not sure if the information you provided reflects those areas or not, but wanted you to compare apple to apples. The square footages of the proposed lots do not include the roads.

Let me know if you have further questions.

Mike Wilcox  
 Long Range Planning Manager  
 CDBG Program Administrator  
 Phone [\(801\) 568-7261](tel:8015687261)  
 Fax [\(801\) 568-7278](tel:8015687278)  
[mwilcox@sandy.utah.gov](mailto:mwilcox@sandy.utah.gov)



>>> <Kurt.Kohler@SKF.com> 2/6/2017 1:33 PM >>>

Mr Wilcox

Thank you. I think our concern would be how small these homes could be. The neighbor hoods to the east and west average 3500 to 5000 sq ft. It seems like this may devalue our homes. We will see if we can get some homeowners to attend and push for a plan which could allow for bigger homes.

**Kurt Kohler**

Territory Manager (Engineer)

SKF Industrial Market  
 2186 Gambel Oak Dr  
 Sandy, UT 84092

Tel: [\(801\) 545-9003](tel:8015459003)

Fax: [\(801\) 880-9610](tel:8018809610)

[kurt.kohler@skf.com](mailto:kurt.kohler@skf.com)

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The Power of Knowledge Engineering



From: MWilcox@SANDY.UTAH.GOV  
 To: Kurt.Kohler@SKF.com,  
 Date: 02/06/2017 01:18 PM  
 Subject: Re: Notice of Public Meeting ( 2111 East Oak Drive )

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Mr. Kohler,

As the notice indicates, this is a public hearing where the Planning Commission will take public comment on the requested zone change. It will be held on February 16th at 6:15 PM.

What is being discussed is the request of the rezone to change it from the Neighborhood Commercial zone to the R-1-6 Zone. They are not reviewing a subdivision proposal or details of the proposed development at this time. That will happen at a future meeting with the Planning Commission if the rezone request is approved by the City Council. Comments or questions relating to the subdivision will be addressed at the appropriate time when the subdivision goes before the Planning Commission. There will be a public hearing at that time for comments or questions relating to the specific subdivision development plan of the property.

Some of the questions you have asked relate to the development of the proposed subdivision and are not related to the issue of the rezoning, but I will try to answer as best I can with the information that has been provided up to this point (answers in blue).

1) Will Oak Drive be widened? This road is very difficult for two cars to pass on currently.

With any development proposal of this property (commercial or residential) there will be some required road dedication and improvements. The exact requirements of such will be determined during the site plan or subdivision review stage. It's been conceptually discussed with city staff to dedicate and improve the street frontage along Oak Drive to full a width residential street (27' asphalt), with dedication only of the Highland Dr corridor. Again, this will be determined at a later date and not during this rezone application review.

2) I'm hoping this will be the same zoning as we have here at 2186 Gambel Oak drive. Is that the case? The property is currently zoned CN (Neighborhood Commercial). It is not the same zone as your area. The request is to change this zone to the R-1-6 zone. The density is restricted by lot size, and not a density per acre calculation. This zone allows single family development of lots containing a minimum of 6,000 sq. ft. Your zone is a PUD(6) which allows residential lots of various sizes (no set min/max by ordinance) but restricts density with an overall maximum density of 6 units per acre (existing lots in this subdivision

range from 5,000 sq ft to 12,900 sq ft). The concept plan shows proposed lots, resulting in a density of approximately 3.8 units an acre (proposed lots range in size from 6,000 sq ft to 8,300 sq ft). So while the zoning districts are different, they will result in similar outcomes. The details of the proposal will be further refined through the subdivision review and is subject to change within the requirements of the zoning district. The above information is only based off of the concept plan submitted with the rezone application.

3) Will the developer have to have common areas green space or other amenities further elevating the value of the surrounding homes?

The R-1-6 zone does not require common amenities or common area. This development is not proposed to be part of the existing HOA and would not have access to the neighborhood amenities.

4) Will there be two entrances or one, onto what roads?

This is a question related to their subdivision review and not their rezone request. The concept plan they have submitted reflects a private lane accessed from Oak Drive.

5) Will the roads in the development be maintained by the city or will they be private?

The half-width portion of Oak Drive in front of the LDS Church is dedicated as a city street. The proposed improvements along Oak Drive would also be dedicated and maintained by the City. The internal street is proposed to be a private lane and maintained by these 7 lot owners.

6) What will be the minimum square ft of these homes. Will it be comparable to the homes both east and west of this?

The R-1-6 zone has a standard minimum size of 800 sq for a single level (1,350 for a two-story) and maximum of 2,800 for a single level (3,500 for a two story). These square footages are for living areas only and do not include garage space. Each home would be required to have a minimum 400 sq. ft 2-car garage. These are set limits of the development code and can't be adjusted by staff or the Planning Commission.

7) Does R-1-6 mean 6 homes on the 1.86 acres or around .25 acre lots (if you consider a road must be put in)?

See answer to question #2

8) Will a fence be erected between the new development and the HOA on the west side?

I don't have any information on this as it is a question for subdivision review.

9) Will street lights be installed in this development?

I don't have any information on this as it is a question for subdivision review.

10) Will this be an HOA ? Can we take a look at their CC&Rs? Our CC&R have restriction on campers and restrictions on noise that we enforce above and beyond Sandy restrictions, these adds value to our community.

I don't have any information on these specifics as it is a question for subdivision review.

There will be a need for an HOA to maintain common areas like the proposed private road. But we won't have any information on this until the final review stage of the subdivision review. The only thing we will be reviewing regarding CC&Rs is to ensure there is a mechanism for maintenance of common area items (i.e. private road, fencing, etc.).

Mike Wilcox

Long Range Planning Manager

CDBG Program Administrator

Phone [\(801\) 568-7261](tel:8015687261)

Fax [\(801\) 568-7278](tel:8015687278)  
[mwilcox@sandy.utah.gov](mailto:mwilcox@sandy.utah.gov)



>>> <Kurt.Kohler@SKF.com> 2/6/2017 7:41 AM >>>

Mr Mike Wilcox

Is this a public meeting? If so what time will it be at on February 16th?

A few questions / comments you might help keep me understand and I will dissimilate this to my neighbors as well.

- 1) Will Oak Drive be widened? This road is very difficult for two cars to pass on currently.
- 2) I'm hoping this will be the same zoning as we have here at 2186 Gambel Oak drive. Is that the case?
- 3) Will the developer have to have common areas green space or other ammonites further elevating the value of the surrounding homes?
- 4) Will their be two entrances or one, onto what roads?
- 5) Will the roads in the development be maintained by the city or will they be private?
- 6) What will be the minimum square ft of these homes. Will it be comparable to the homes both east and west of this?
- 7) Does R-1-6 mean 6 homes on the 1.86 acres or around .25 acre lots (if you consider a road must be put in)?
- 8) Will a fence be erected between the new development and the HOA on the west side?
- 9) Will street lights be installed in this development?
- 10) Will this be an HOA ? Can we take a look at their CC&Rs? Our CC&R have restriction on campers and restrictions on noise that we enforce above and beyond Sandy restrictions, these adds value to our community.

Thank you.  
Kurt Kohler