



SANDY CITY COMMUNITY DEVELOPMENT

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MEMORANDUM

January 17, 2019

To: Planning Commission
From: Community Development Department
Subject: VanDyke Quick Sandy Subdivision – Preliminary Review
Approx. 360 E. 8620 S.
[Community #4 – Historic Sandy]

SUB-08-18-5475
SPEX-01-19-5594
Zone: R-1-7.5(HS)
1.42 Acres, 7 Lots

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

DESCRIPTION OF REQUEST

The applicants, Mr. Anthony VanDyke and Mr. Carey Quick, are requesting preliminary subdivision review and Special Exception approval for a seven (7) lot single-family subdivision located in Historic Sandy. The 1.42 acres subject property is proposed to be divided to create five (5) new single-family lots and establish new lot boundaries for two (2) existing homes. The existing homes would be accessed via 8680 South, while the new lots would be accessed via 8620 South. All of the proposed lots meet the minimum size and frontage requirements of the R-1-7.5(HS) zone and will not be using the Historic Sandy Development Overlay.

Because this is an infill development, the applicant is also requesting that the Planning Commission grant a Special Exception for the use of “flag” or “L-shaped” lots as well as the establishment of lots without public frontage. In the proposed configuration, Lots 2 and 5 of the subdivision are flag lots.

BACKGROUND

The subject property is located in Tier 3 of the Historic Sandy Neighborhood, which consists of larger homes on larger lots that reflect more of a suburban development pattern than what is seen in other parts of Historic Sandy. Homes built in Tier 3 are not required to have strictly historically-compatible forms, but must be sensitive in how they blend with historical and non-historical homes in the area. Surrounding land uses are single-family homes, most of which were built within the last ten years. The subject property is located in an area of historically deep lots that have gradually started redeveloping. A master plan for the area that was created by staff is attached. This conceptual master plan identifies one possible layout based on current zoning for the further development of a number of long, deep lots that continue to the east of the subject property.

NOTICE

Notices were mailed to property owners within a 500 foot radius of the subject parcels to notify them of the Planning Commission meeting. The applicant held a neighborhood meeting on January 3, 2019, which was attended only by the owners of the subject property. A summary of the discussion at the meeting is attached. The proposal was also submitted to the Historic Committee for their review on January 9, 2019. Members of the Committee had no concerns with the proposed subdivision.

ANALYSIS

The R-1-7.5(HS) zone allows for single-family housing on lots with a minimum size of 7,500 square feet. The proposed lots are able to meet all the requirements and standards of the zone including lot size and frontage minimums. Conformance to setbacks, building heights, and architectural requirements for the Historic District will be part of the building permit process for any new structure. The existing homes on the subject property are able to meet the required setbacks of the zone as measured from the proposed property lines.

The street improvements along 8680 South are already installed and no additional improvements nor dedication was required by the City Engineer. As part of the subdivision, the applicants will be dedicating 20.5 feet of land along the north border to finish the south half of 8620 South. As part of the subdivision improvements, the applicants will be required to bond for and install an eight (8) foot parkstrip and a five (5) foot sidewalk along 8260 South per the street profile requirements of the Historic District.

Special Exceptions

Flag Lots - Section 15A-21-22 of the Sandy City Development Code allows flag or L-shaped lots to be used if approved as a special exception by the Planning Commission. The purpose of a flag lot is to encourage the more efficient use of land, particularly for infill developments. The code lists several criteria to be used by the Planning Commission when determining whether or not to approve the use of flag lots. The criteria that likely require the most consideration from the Planning Commission are as follows:

- B. *The staff portion of said lot shall front on and be contiguous to a dedicated public street or private street. The minimum width of the staff portion of a flag lot shall be 20 feet and the maximum length shall be 150 feet unless otherwise approved by the Planning Commission after considering a recommendation of the Fire Marshal.*
- D. *The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts, unless otherwise determined by staff on a case by case basis.*
- F. *The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.*
- H. *No more than two flag lots can be served by the staff portion.*
- I. *The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision unless otherwise approved by the Planning Commission. The Planning Commission may allow more than 20 percent if the subdivision is an infill development and the lot configuration is the most efficient use of land.*
- J. *The approved building envelope shall be illustrated upon the final plat.*

Response to B: The staff portion of Lots 2 and 5 fronts onto 8620 South, is 20 feet wide, and 108 feet long, which meets this requirement. Because the staff is less than 150 feet long, an emergency vehicle turnaround is not required.

Response to D: The intent of this requirement is to mitigate the impact of a flag lot on adjacent property owners. By requiring that houses on flag lots face the nearest street that provides frontage, the houses become oriented the same direction as other homes along that street. By doing so, side and rear setbacks are matched with adjacent property owners, resulting in a reduced impact. The applicants are requesting that homes built on Lots 2 and 5 be allowed to face each other, meaning that a house on Lot 2 would face east and a house on Lot 5 would face west. Staff feels that such a request is justifiable in this case because of the odd configuration of Lot 5, which suggests that a house facing west would result in the most efficient use of the lot. It would follow that a house on Lot 2 would then also be turned to face the house on Lot 5 to avoid a front setback adjacent to a side setback. If the applicants' request to have the homes be turned to face each other was granted, the greatest impact would be on the property owners directly to the south of Lots 2 and 5 whose rear yards would be adjacent to a side yard of a neighboring lot rather than another rear yard. Two of the three property owners to the south of these lots are part of this subdivision and are requesting that the houses be turned.

Response to F: Criteria F listed above requires that all flag lots meet the minimum size requirements for the zone independent of the square footage used by the staff portion of the flag. In this case, that would mean that each lot would need to have a minimum of 7,500 square feet without including the square footage of the staff that is part of each lot. The plat shows the size of Lots 2 and 5 both including and not including the staff portion of the lots, although the terms "net" and "gross" should be reversed to reflect their actual meaning. The flag portion of Lot 2 is 8,463 square feet and the flag portion of Lot 5 is 9,732 square feet. The proposal complies with the size requirements of the zone.

Response to H: The proposed subdivision has two flag lots accessed from 8620 South, which meets this requirement.

Response to I: Flag lots make up 29% percent of the subdivision as it is currently proposed, which is above the 20 percent maximum listed in Criteria I. However, the Planning Commission may allow for more than 20 percent if the project is an infill development and flag lot configuration is the most efficient use of land.

Response to J: The applicant will be required to show building envelopes for all flag lots on the final plat prior to approval.

Lots Without Public Frontage – Section 15A-21-21(B1) of the 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 2 and 5 of the proposed subdivision have access via the stem of the flag lots, which functions as a private lane and requires the approval of a Special Exception.

CONCERNS

The private lane that will serve to access Lots 2 and 5 will be owned in part by the eventual owners of each lot. The developer will need to record a shared access and maintenance agreement between the owners of the two lots in order to ensure continued use of the lane by both parties. The private lane serves as emergency response access and, therefore, needs to be kept clear at all times. Consequently, parking on the private lane is prohibited and signage dictating such should be installed by the applicant as part of the development of the site.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **grant a special exception** for the use of flag or L-shaped lot configuration and for the establishment of lots without public frontage based on the following findings and subject to the following condition:

Findings

1. That the proposed subdivision is an infill development.
2. That the proposed configuration is an efficient use of the land.

Conditions

1. That the applicants continue to work with staff through the final review process to ensure that all flag lots meet the code requirements and standards.

Staff recommends that the Planning Commission determine that preliminary review is complete for the **VanDyke Quick Sandy Subdivision** located at approximately 360 East 8620 South, subject to the following conditions:

Conditions

1. That the applicants 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.
3. That the applicants establish a shared access and maintenance agreement for the private lane between the owners of Lots 2 and 5 of the VanDyke Quick Sandy Subdivision.
4. That the applicant continues to work with staff during final review to ensure that all lots meet the minimum size requirements of the zone.
5. That the building envelopes be shown on the final plat for lots 2 and 5.
6. That the shared private lane be signed to prohibit parking so as not to inhibit access and movement of emergency service vehicles.
7. That the applicants dedicate twenty and a half (20.5) feet of their property along 8620 South to Sandy City and that all improvements be installed according to the requirements of Sandy City Public Works.

Planner:



Mitch Vance
Planner

Reviewed by:



Brian McCuiston
Planning Director