



# Community Development Department

Tom Dolan  
Mayor

Scott J. Bond  
Chief Administrative Officer

James L. Sorensen  
Director

## MEMORANDUM

Sept. 21, 2017

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**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** SD(The Gardens) Zoning District Repeal – Amending CODE-08-17-5292  
 Title 15A Chapter 19, Special Development Districts,  
 Land Development Code, Revised Ordinances of  
 Sandy City, 2008

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

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CASE HISTORY	
Case Number	Case Summary
CA#00-P	In 2000 the City Council approved Ordinance #00-33, creating a special development district zone (SD) called the SD(The Gardens) Zone.

### REQUEST

City Staff, at the request of the City Council, generated a rezone application (ZONE-08-17-5291), which is being processed concurrently with the subject code amendment application. The rezone application requests a change of zone of an entire zone area of approximately 6.61 acres from the Special Development District –Professional Office “The Gardens” (SD(The Gardens)) Zone to the Open Space District (OS) Zone. The zone area includes two parcels, 1651 E. Dimple Dell Road (4.63 acres) and 1651 E. Badger Cove (1.19 acres), and a portion of the adjacent right of way (Dimple Dell Road). Both parcels are owned by Sandy City. The zone area is the only property in the City zoned SD(The Gardens) and it is unlikely that the Zone would be relevant to other property in the City, therefore Staff is proposing a code amendment to repeal the SD(The Gardens) Zone upon approval of the subject rezone application.

### BACKGROUND

The SD(The Gardens) Zone only applies to one zone area. The property zoned SD(The Gardens) was annexed into the City in 2000. At the time, a reception center (The Gardens

Gathering Place) was being proposed, and a site plan application was submitted. A special development district zone (SD(The Gardens)) was created specifically for the project and a rezone of the property to the SD(The Gardens) Zone was approved. The project was never built. The property subsequently became owned by Sandy City, and a road was built through the property that provides access to parcels to the east of the subject property. The City Council has requested that Staff process a rezone of the zone area.

### ANALYSIS

As the Zone was specifically created for a specific project on the subject property, it is not likely that the Zone would be relevant to a future project on other property. Staff proposes that, if the rezone is approved, the SD(The Gardens) Zone be repealed.

### STAFF RECOMMENDATION


Staff recommends that the Planning Commission forward a positive recommendation to approve a code amendment, contingent on the approval by the City Council of a rezone of the only zone area zoned SD(The Gardens), to repeal Section 15A-19-15 of the Development Code of Sandy City 2008 (Exhibit "A") based on the following findings:

1. That there will be no property zoned SD(The Gardens) in the City.
2. That the SD(The Gardens) Zone will not likely be relevant in the future to other properties in the City.

Planner:

  
Jake Warner  
Long Range Planning Manager

Reviewed by:

  
Brian McCuiston  
Planning Director

## Exhibit “A”

### 15A-19-15 SD(The Gardens) – 1650 E. Dimple Dell Road

#### Repealed

- A. ~~**Purpose**~~ The Special Development District – Professional Office “The Gardens” (SD(The Gardens)) zone is established to provide an area for a reception center, professional and business offices, non-retail services (except as they may relate to weddings or similar reception activities), and other similar uses. Developments adjacent to residential or open space areas shall have a residential look to enhance compatibility with the natural environment. Developments adjacent to commercial zones shall act to buffer less dense residential development or open space districts.
- B. ~~**Uses Allowed.**~~ For those land uses not listed, the use shall not be permitted.
1. ~~**Permitted Uses.**~~
    - a. ~~Ancillary Commercial as part of a mixed use building~~
    - b. ~~Bed and Breakfast Facility~~
    - c. ~~Social or Reception Center~~
  2. ~~**Conditional Uses.**~~
    - a. ~~Ancillary Commercial as a stand alone use~~
    - b. ~~Bed and Breakfast Inn (motel)~~
    - e. ~~Business and Financial Services~~
    - d. ~~Day Care, Group~~
    - e. ~~Medical and Health Care Offices~~
    - f. ~~Public Services~~
    - g. ~~Public Utility Station~~
    - h. ~~Recreation Center~~
    - i. ~~Recreation, Outdoor~~
    - j. ~~Religious or Cultural Activity~~
    - k. ~~Restaurant~~
    - l. ~~School, Private or Quasi Public~~
- C. ~~**Development Standards**~~ The following standards are to be considered as applying specifically to development in the SD( The Gardens) zone in addition to general standards provided in the Commercial/Industrial Development Standards Chapter.
1. ~~**Planning Commission Review.**~~ Review of all site plans in the SD(The Gardens) Zone is required by the Planning Commission according to the standards outlines in the Site Plan Review Chapter.
  2. ~~**Building Setbacks.**~~
    - a. ~~Front Yard.~~ All buildings shall be setback at least 30 feet from all front property lines.

b. ~~Side Yard.~~

- ~~(1) Uses may be developed conjointly at the side yards with shared party walls.~~
- ~~(2) If buildings are not joined, there shall be at least a 10-foot setback from each side.~~
- ~~(3) Where non-residential districts abut residential uses or districts (excepting recognizable holding-zones for future commercial development), non-residential buildings shall be set back at least 30 feet from the property line and the side yard shall be developed and landscaped as described in the Commercial/Industrial Development Standards Chapter.~~

e. ~~Rear Yard.~~

- ~~(1) There shall be at least a 30-foot rear setback.~~
- ~~(2) Where buildings or uses abut a residential district (excepting recognizable holding-zones for future commercial development), buildings shall be set back at least 30 feet from the rear property line and the rear yard shall be developed and landscaped as described in the Commercial/Industrial Development Standards Chapter.~~

~~3. Building Height. At the minimum setback line, building height shall not exceed twenty [20] feet, as measured from average grade to mid-point of the roof. Upon special approval of the Planning Commission, actual building height may exceed the height limitation if required building setbacks (front, side, and rear) are increased by a ratio of one [1] foot of height for every two [2] feet of additional setback. The height may be increased up to a maximum of forty-five [45] feet at the mid-point of the roof line. If special approval is requested, the Planning Commission shall require compliance with all five [5] of the following items during their review:~~

- ~~a. Open Space. The increase in height creates additional usable open space that would otherwise not be available if additional height is not granted.~~
- ~~b. Landscaping. Additional landscape elements (either hardscape or greenscape) soften the appearance of the building and provide additional buffer areas adjacent to a residential district.~~
- ~~c. Aesthetics. The proposed building design and architecture are distinctive, unique and compatible with the immediate surroundings (both man-made and natural).~~
- ~~d. Impact on Residential Areas. The proposed building height provides for a lessened impact on adjacent residential districts (i.e., varied building setback, unique roof line, residential appearance, etc).~~
- ~~e. Gathering Place/Plaza. The increased height creates a unique people place that will create local interest. Such places might include a fountain, a pedestrian plaza,~~

~~picnic area, usable landscaping, etc.~~

4. ~~Ancillary Retail Commercial Uses at the following ratio:~~

a. ~~No more than 50% of a Mixed-use building.~~

b. ~~No more than 10% of a primary use for a stand-alone project.~~

5. ~~Residential Compatibility. Developments adjacent to residential districts shall have a residential look to enhance compatibility with the adjacent neighborhood. This is especially true in this area, due to the proximity of Dimple Dell Park to the property. All new buildings shall be constructed with an "old world" look, utilizing materials such as brick, stone and limited stucco. The color of the stucco shall be of muted earth tones, compatible with the natural surrounding environment. Clear or colored glass shall not comprise more than seventy five percent [75%] of any one wall.~~

~~The roofing material shall be of an "old world" architectural design and appearance, and shall utilize a combination of tiles and asphalt shingles with a heavy shingle appearance. NO WOOD SHINGLES OR OTHER COMBUSTIBLE MATERIAL IS PERMITTED AS A ROOFING MATERIAL. The minimum slope of visible roof sections as seen from ground elevation within twenty five feet [25'] of the facility shall be in excess of 6:12 slope. Flat roofs, or slightly sloped roofs may be incorporated into the design if they are behind the sloping tile/shingle roof facade.~~

6. ~~Landscaping. The landscaping of this area must be a combination of the naturally surrounding vegetation and traditional landscape plants and hardscape materials that will enhance the ambiance of the development. All areas within ten feet [10'] of the Dimple Dell Regional Park boundary shall retain where possible all existing healthy trees. Other similar native species may be planted within this buffer area to enhance the natural barrier between the Regional Park and all development which may occur on this property.~~

7. ~~Fencing. A non-opaque fence up to seven feet [7] in height may be installed between the development and the Dimple Dell Regional Park.~~