

**6. Pepperwood Creek Phase 5 - Re-Application for an expired approval of an 8 lot single-family subdivision**  
**10741 South Hiddenwood Drive** **SUB-9-16-5141**

The applicant, Skylar Tolbert, requested that the Planning Commission determine the preliminary review is complete for an eight (8) lot single-family subdivision located on 4.45 acres. The property is also inside the Sensitive Area Overlay as defined by the Sensitive Area Overlay Map, and is required to adhere to all provisions of this overlay zone. All provisions of the base zone will be adhered too through the review and approval process.

The proposed subdivision is part of a 7-phase master planned PUD on land between Wasatch Boulevard and Dimple Dell Road at about 10800 South. The master plan includes twinhomes, estate lots and pad lot units. All other phases of this master planned community have been approved and constructed. Phase 5 was approved in 2007. All bonds have been reimbursed and improvements have been installed, including all utility laterals, curb, gutter and sidewalk and a private drive with a hammerhead. The subdivision plat, however, was never recorded and therefore all of the previous approvals granted for this phase have subsequently expired. As all the improvements have been installed, the developer plans to develop this site exactly as it was previously approved.

**Findings:**

1. This project does not negatively impact the health, safety and welfare of the residents of Sandy City; and
2. This project represents a reapplication for a subdivision that was previously approved by the Planning Commission and City Staff and is identical to the previously approved subdivision with minor exceptions that may be required in order to bring improvements up to current City standards; and
3. This project is consistent with the approved master plan for the Pepperwood Creek project; and
4. There have been no impacts discovered through the review process that cannot be mitigated.

**Staff Recommendation:**

Staff recommends that the Planning Commission determine the Preliminary Subdivision review is complete for the Pepperwood Creek Phase 5 Subdivision located at 10741 South Dimple Dell Road, subject to the following conditions:

1. That the applicant 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.

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3. That homes be limited in height to 35 feet measured from the averaged finished grade of the home to the midpoint of the roof.
4. That each home minimally have a large 60 square foot covered porch.
5. That garages be de-emphasized by being setback from the living area (including front porches) of the home by at least ten (10) feet.
6. That each home utilize high quality materials for the exterior treatment of homes which minimally shall include the use of earth toned brick or stone materials on 30% of the elevation of each home.
7. That homes be placed in a manner that minimizes the removal of the scrub oak on each property. Where it must be removed to accommodate a house, areas with the least mature vegetation should be prioritized for home locations over areas with more mature vegetation.
8. That only natural looking earth tones be used for fencing material between properties and that fencing be placed in a way that minimizes the removal of existing vegetation.
9. That setbacks for homes in this subdivision be as follows and as dictated by the Sensitive Area Overlay zone:
  - a. Front – 20 feet
  - b. Front(corner) – 20 feet
  - c. Side – 10 feet
  - d. Rear – 25 feet

Brian McCuiston presented this item to the Planning Commission. He commented that a property owner that lives adjacent to the subdivision came into the office today and expressed concern about grading issues and building height. He commented on condition number 3 where it discusses that the homes be limited in height to 35 feet measured from the average finished grade of the homes to the mid-point of the roof. He commented that they used to measure home height that way, but in 2005 the Code was changed to be measured to the peak of the roof. To be consistent, he recommends that condition number 3 be eliminated or changed to peak.

Skyler Tolbert, 978 East Wood Oak Lane, Sandy, representative of Ivory Development, applicant, stated that they are seeking reapproval for this, as mentioned. He indicated that he has read the staff report and does not have any questions.

Commissioner Scott Sabey asked if there was infill or engineered lifts going on any of the lots.

Mr. Tolbert responded no.

Commissioner Nancy Day asked about the property owner who called regarding the grading issue and wanted to verify that the water would be kept on their property.

Mr. Tolbert responded that as they turn in individual permits, they will work with staff and will follow City Ordinance.

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Commissioner Joe Baker confirmed with Mr. Tolbert that he was comfortable with the change in the measurement of the 35 maximum height.

Chairman Jared Clayton opened this item to public comment and there was none.

**Monica Collard moved that the Planning Commission determine that preliminary subdivision review is complete for the Pepperwood Creek Phase 5 Subdivision, located at 10741 South Dimple Dell Road, subject to the nine conditions outlined in the staff report, with a change to condition number 3, that homes be limited to a height of 35 feet measured from the average finished grade of the home to the peak of the roof.**

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

**7. Aspen Funeral Home**  
**CUP to install and operate a retort (crematorium) in the ID Zone**  
**459 W. Universal Cir. [Community #2 – Civic Center] CUP-9-16-5136**

Mark Chidester, for Aspen Funeral Home, requested a Conditional Use Permit for allow for the installation and operation of a retort (crematorium). The property is located at 459 W. Universal Cir. The property is 1.42 acres and is zoned ID.

The funeral home has been located at 459 W. Universal Cir. for over 6 years. The retort will be new, clean burning, and energy efficient. The efficiency of the retort will be such that there is no smoke or odor emitted from the stack. The retort will be used for the cremation of human remains.

In addition, emissions for the retort are regulated by the Utah State Division of Environmental Quality. The applicant will be required to obtain the necessary permits and licenses from the State of Utah.

Wade Sanner presented this item to the Planning Commission. He stated that Richard Conto, the manager of the Parkway Manufactured Housing Community, sent him a letter and raised a number of objections, including the potential emissions, as well as noticing to the property owners. His concern may have been regarding that we notice the property owners and some of the people in the manufactured housing community are renters, not owners of the property.

Mark Chidester, 459 W. Universal Circle, Sandy, applicant, stated that he has had a chance to read the staff report and does not have any questions. He responded that visually, there are no emissions. He explained that it is a two-phase burn system where fluids and smoke drop down into a lower chamber where they are burned off. At that time, there may be heat waves if the sun