



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 15, 2018

To: Planning Commission
From: Community Development Department
Subject: Noel Subdivision - Preliminary Review
328 E. 11000 S.
Crescent, Community #11

SUB-08-18-5470
Zone: R-1-20A
0.93 Acres, 2 Lots

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

PROPERTY CASE HISTORY

There is no case history for this property.

DESCRIPTION OF REQUEST

The applicant, Mr. Brian Noel, is requesting preliminary subdivision review for a two (2) lot subdivision located at 328 E. 11000 S. The subject property is 0.93 acres in size and includes the applicant's existing home located on the south end of the property. The proposed subdivision would create one (1) new lot (Lot 1) and re-establish the boundaries of the lot of the exiting home (Lot 2). Historically, the northern portion of the property (Lot 1) had several accessory structures, all of which were removed in the mid 1990's. Since that time, the land has been used as a side yard and garden area. Additionally, the applicant is requesting that the Planning Commission grant a waiver from the code requirement to install curb, gutter, and sidewalks as part of a subdivision application. This request will be discussed further in detail in the "analysis" section of the report.

BACKGROUND

The subject property consists of two (2) existing parcels that are the same size as the lots that are being proposed. Because no evidence has been found that the two parcels were ever formally subdivided, the property must go through the subdivision process before a home can be built on the northern parcel (proposed Lot 1). The applicant intends to sell the lot to his daughter. The subject property is located in the R-1-20A zone, which is a large-lot residential zone intended for single-family development with rights to keep and raise farm animals. Surrounding land uses include single-family homes on large lots to the north and east.

Crescent Park (zoned Open Space) is adjacent to the west of the subject property, with Crescent View Middle School and the school's seminary building located to the south (Zoned R-1-40A).

NOTICE

Notices were mailed to property owners within a 500 foot radius of the subject parcels to inform them of the Planning Commission meeting. Additionally, planning staff held a neighborhood meeting on September 5, 2018 in order to discuss the application with residents. However, no citizens attended the meeting.

ANALYSIS

The R-1-20A zone is a single-family zone that requires lots to be at least 20,000 square feet in size. The "A" designation provides property owners with rights to have farm animals on their property, to the degree that they maintain compliance with regulations for housing and storing of animals as found in Section 15A-11-03 of the Development Code. The zone is a standard zone in the city, which means that all provisions for setbacks, building height, lot frontage, lot size, etc. are all pre-determined by ordinance and must be adhered to. The proposed plat appears to conform to the standards of the zone. Both lots will be at least 20,000 sq. ft.

Access

The subject property is located on a private lane that is owned commonly between the applicant and his two neighbors on the east side of the lane. The private lane does not currently conform to the standards required by code because it is greater than 150 feet in length and serves to access more than two (2) homes. As part of the subdivision review, the code requires that the private lane be upgraded to the standards for a private street as part of the improvements for a subdivision.

Section 15A-21-11(A) of the Development Code outlines the standards that are required for private streets in Sandy City. Portions of this section that are relevant to the proposal are outlined below:

1. *Approved private streets for access to residential dwelling structures shall have a 27 foot minimum width paved surface (32 foot right-of-way).* The right-of-way as it currently exists is 50' wide, but the private lane ranges from about 18-20 feet in width. As part of the subdivision, the applicant has agreed to improve the right-of-way to provide 27 feet of asphalt in order to meet this standard of a private street.
2. *Private streets shall have appropriate turn-around(s) at the termini of the road as required by the Sandy City Standard Specifications and Details for Municipal Construction.* The applicant has worked with Canyons School District to install a gate at the end of 325 East that connects to the school property. The Fire Marshal has reviewed the proposal and has approved the plans without a fire truck turn-around because this emergency access gate will give emergency vehicles two points of access to 325 East. The gate would be installed as part of the subdivision improvements along with signs prohibiting parking or blocking the gate at any time. An email addressed to the applicant from Leon Wilcox of Canyons School District is attached.

5. *The Director and City Engineer shall have the authority to require a sidewalk (5' minimum) on one or both sides of the private street based upon pedestrian safety.* The applicant has requested that he not be required to install sidewalk along the section of the road that he is improving. Staff is comfortable with this request given that sidewalks are not required for private streets, no sidewalk exists currently as this is a large-lot street with animal rights, and neighboring property owners are opposed to the addition of the sidewalk.
7. *If a private street is approved, a Capital Reserve Study will be required and a reserve fund shall be established for the Home Owners' Association, based on the study, so that the street is continually maintained as designed. Street maintenance, sweeping and snow/trash removal is the responsibility of the Home Owners' Association.* A joint access and maintenance agreement between the applicant and the other property owners that use 325 East (private lane) for access was established in 1991. A similar agreement will be required by staff prior to the recording of the subdivision. This new agreement would need to include the applicant, the two neighbors on the east side of the street and the new property owner buying Lot 1 of the proposed subdivision.

Waiver

Section 15A-21-02 states *"The City Engineer may recommend that curbs, gutters, and sidewalks be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the Sandy City Standard Specifications and Details for Municipal Construction....Unless waived by the Planning Commission upon recommendation from the City Engineer, these improvements will be required."* The applicant is requesting that the Planning Commission grant a waiver for the installation of curb and gutter on the east side of 325 East. The proposed subdivision is on the west side of the street and the applicant is planning on installing curb and gutter on his side of the street. However, according to the applicant, the property owners on the east side of 325 East do not wish to have curb and gutter installed on their side of the street in order to maintain the rural character of the area and for ease of access to their properties. The City Engineer has recommended that the waiver be granted in this case because the applicant is improving the road width required by code and will be installing curb and gutter on the side of the street that will be affected by this subdivision application. A copy of the City Engineer's recommendation is attached.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that preliminary review is complete for the **Noel Subdivision**, located at 328 E. 11000 S. and grant a waiver for the installation of curb and gutter on the east side of 325 East, based on the following findings and subject to the following conditions:

Findings:

1. The widening of the road to the width of the private street and the installation of curb and gutter on the west side of the street is a significant improvement to the infrastructure that currently exists.
2. The City Engineer has recommended granting a waiver in this situation.

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.
3. That an emergency access gate be installed at the end of 325 East along with signage indicating that the gate is for emergency access only and that area on either side of the gate must be kept clear.

Planner:



Mitch Vance
Planner

Reviewed by:



Brian McCuistion
Planning Director

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