

## **CRABTREE SUBDIVISION SPECIAL EXCEPTION LETTER**

To whom it may concern:

To subdivide the proposed subdivision as requested, city code requires that some Special Exceptions are to be required prior to approval of this subdivision. It is the belief of the applicant that Special Exception Conditions are met as stated in the summary below:

### **CODE**

Special Exception #1 – Sandy City Code 21-21-21(b)(1)

(b) Except as may be otherwise provided in this title, all lots shall have the required frontage upon a dedicated and improved street. Exceptions may include the following:

1. Residential building lots that do not have frontage upon a public street shall obtain a special exception from the Planning Commission as part of the preliminary review process.

### **APPLICANT RESPONSE**

*In May of 2022, the Home Owners Association had a meeting at which a new operating agreement was created. Schedule A of this agreement, and included herein Exhibit A, lists these proposed lots, as well as all homeowners that are a part of the Hidden Pine Homeowners, LLC. Crabtree Lot #1(existing home) and Crabtree Lot #2 (future home) are a part of the current operating agreement. The HOA permitted the inclusion of these proposed lots. As a part of the inclusion, these lots are to participate in the current manner of trash pickup, road maintenance, mail delivery, and utility usage. The inclusion of these lots as a part of the HOA also include the ability for the proposed lots to front and have access via the private lane.*

### **CODE**

Special Exception #2 – Sandy City Code 21-21-10(n)

(n) Curbs, gutters, parkstrips, and sidewalks shall be required on all existing and proposed public and private street frontage of any lot within a subdivision or legal buildable parcel in conformance with the Standard Specifications. The Planning Commission may grant a special exception to waive any of these improvements, after considering a

recommendation from the Director and City Engineer. They shall consider and evaluate the following criteria:

1. The number of homes within the subdivision;
2. The length of a cul-de-sac;
3. The precedence of adjoining improvements;
4. The configuration of lots;
5. Where the only other alternative is a private road design;
6. Flood control and storm drainage;
7. Pedestrian safety and walkable element demands;
8. The proposal equitably balances the needs of the public and presents the most efficient use of land;
9. The potential negative impacts created by the waiver(s); and
10. The cumulative effect of all the waivers and any other exceptions requested for the development.

### **APPLICANT RESPONSE**

*The existing private road (Hidden Pine Lane), services 10 lots – 11 with this proposed subdivision. According to previous discussions of this neighborhood, 11 homes is considered low volume of both cars and pedestrians. This was discussed at large in a previous Planning Commission meeting held on 12/6/2018 ([here](#)) in regards to the Granite Glen Subdivision. The conditions set forth in that Planning Commission meeting are the same as what is being proposed in this response. At the Planning Commission for the Granite Glenn Subdivision, this vacant lot was specifically added in the discussion and the applicant feels that due to that inclusive discussion that the results of that planning commission are worth revisiting as a part of this discussion. The aim of the sidewalk is to provide safety for the community. The sidewalk that would be installed as a part of this subdivision would only extend the length of the proposed 2 lots and 'dead-end' at the property line. That would mean that pedestrians would either have to cross the road without the use of a cross walk, or walk within the road boundaries (existing conditions) to get to this new sidewalk. Is the safety of the remaining 9 lots being addressed via the addition this new sidewalk? It is the belief of the applicant that the answer is no. Though not a deciding factor, it should also be mentioned that the community/affecting lots have*

*previously verbalized that they do not want the sidewalks and prefer the existing conditions to be matched accordingly.*

## **CODE**

### **Special Exception #2 – Sandy City Code 21-21-10(d)**

(d) At least two points of ingress/egress shall be provided for each subdivision, PUD, or multifamily project. They shall be located at a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property area to be served, measured in a straight line between accesses.

1. *Special Exception.* The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the Director and City Engineer, under the following circumstances:

- a. Thirty or fewer lots/units are accessed from the single ingress/egress;
- b. The Director and City Engineer have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to a single point of ingress/egress; and
- c. The proposed development project has one or more of the following, as determined and recommended for approval or denial by the Director and City Engineer to the Planning Commission:
  1. One or more cul-de-sacs, hammerheads, or other approved turn-arounds that comply with all development standards herein.
  2. An emergency access (a point of ingress/egress that provides access for emergency vehicles to respond to a building, or facility, in the event the main access is compromised. The design of this access must meet the International Fire Code).
  3. The future extension of a stub street that will provide additional access, including a temporary turn-around.
  4. All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official.

## **APPLICANT RESPONSE**

*It is the belief of the applicant that a Special Exception conditions are met for this requirement. 21-21-10(d)(1) subsections (a) [2 proposed lots, 11 total lots that access the existing Hidden Pine Lane], (c)(1)/(2) [Lots 1 & 2 fire access is met along Hidden Pine Lane – a private street – through providing access to each lot and a fire turnaround within the lane].*

*Furthermore, Little Cottonwood Road is owned and maintained by UDOT. UDOT code shall be adhered to for improvements and public safety along a Category 5 road. Per UDOT standards, a minimum of 350 ft separation of a drive approach and intersection shall be met. Due to the narrowness of this property (101 feet respectively), this requirement for traffic safety – as set forth by UDOT code - cannot be met. It is considered a safer design from a traffic standpoint to have ingress & egress for Lots 1 & 2 to occur from the private lane. By removing the existing drive approach and restricting the addition of another drive approach, safety for travelers and residents becomes safer. The design of the proposed subdivision efficiently subdivides an oversized lot into 2 reasonably sized lots. Both of these lots, as were previously mentioned were a part of the existing HOA, are accessed via driveways to the private street of Hidden Pine Lane. The addition of 2 points of ingress/egress points on these lots would be an efficient design and the access would substantially impact the developability of this lot.*

***EXHIBIT A – HIDDEN PINE HOMEOWNERS, LLC OPERATING AGREEMENT***















## SCHEDULE "A"

To

Hidden Pine Lane LLC Operating Agreement

### **Homeowner Residential Lots (11 Lots Total):**

Lots 1, 2, and 4 of Pinecone Subdivision, (3 lots):

Goble Home - 9516 Hidden Pine Lane

Smith Home – 9519 Hidden Pine Lane

Pierce Home – 9525 Hidden Pine Lane

Lots 1 through 4 of Granite Glen Subdivision, (4 lots):

Edwards Home (under construction) – 9563 Hidden Pine Lane

Smith Home (under construction) – 9573 Hidden Pine Lane

Taylor Home (future home) – 9577 Hidden Pine Lane

Malik Fahd Home (under construction) – Lot 3 Granite Glen Subdivision

Kipp Slaugh lot #1:

9548 Hidden Pine Lane (existing home)

Kipp Slaugh lot #2:

9522 Hidden Pine Lane (future home)

Crabtree lot #1:

2845 Little Cottonwood Rd (existing home)

Crabtree lot #2

2845 Little Cottonwood Rd (future home)