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## MEMORANDUM

March 18, 2021

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Thackeray Towns Subdivision (Preliminary Review and Special Exception Requests) 10670 S. and 10760 S. 700 E. [Community #11 – Crescent]

SUB-06-20-5863  
SPEX-03-21-6001  
11.89 Acres  
PUD(10) & CN

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area. A sign was also posted on the property.*

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PROPERTY CASE HISTORY	
Case Number	Case Summary
SPR #77-15	Reams Market – Site Plan Approval
SPR #78-31	Reams Addition – Site Plan Approval
CUP #92-10	Reams – Conditional Use Approval
SPR #92-20	Ream’s Grocery Store – Site Plan Approval
SUB-08-19-5699	Lot Line Adjustment Approved August 29, 2019
SPR-06-20-5869	Challenger School – Site Plan Approved August 20, 2020
CUP-07-20-5883	Challenger School – Conditional Use Approval August 20, 2020
ZONE-5-19-5655	Villas at Southtowne Rezone from CN to PUD(10) approved in October 2019

### REQUEST

The applicant, The Thackeray Company, is requesting preliminary subdivision review for a proposed preliminary plat that creates one large lot for the future Challenger School to the north, and then plats all the individual units of the proposed Thackeray Towns project to the south of that. The applicant is not requesting any overlays in association with this application, but is requesting the following three special exceptions:

1. Exception for a subdivision without two points of ingress/egress
2. Exception for a right-of-way width less than 52 feet
3. Exception for a waiver to the requirement for park strip and sidewalk on both sides of the right-of-way

### **BACKGROUND**

The subject property is zoned CN zone (Planned Center – Neighborhood District) on the north side and PUD(10) on the south side. To the west are single-family homes in the R-1-10 zone. To the south are single-family homes in the SD(R-1-8) PUD zone. To the east is 700 E. Across the street are multi-family units located in the RM (12) zone, and also homes in a PUD (8) zone.

The subject property is 11.89 acres in size, is vacant, and is comprised of 3 parcels. The north two parcels previously had a Ream's Grocery Store on them until August, 2020, when it was demolished for the future Challenger School. The Challenger School obtained a preliminary site plan approval from the Planning Commission on August 20, 2020. At the time it was anticipated that the subdivision plat would be done together with the subdivision for Thackeray Towns. This application is the finalization of that intent.

### **NOTICE**

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. A sign was also posted on the property. The applicant held a neighborhood meeting on July 7, 2020. Notices (106) were sent for the neighborhood meeting, and there were 16 attendees. Several questions and concerns were raised during the meeting. A full summary from the meeting is attached to the staff report for the Thackeray Towns site plan staff report.

### **SUBDIVISION ANALYSIS**

There are two zones that run through this subdivision. To the north is the CN zone, which is where the future Challenger School will be located. The school is a conditional use in the CN zone. A conditional use permit was obtained for it on August 20, 2020.

The other zone is the PUD(10) zone, which includes all of the Thackeray Towns proposed 40-unit development, and does not require any conditional use permits as the development is a permitted use under the PUD(10) zone.

The subdivision is proposing to use only public roads in its design. Currently the plat does not have street names, which is fine at this point. However, they will be required to properly label the plat with street names and property addresses before they can obtain final staff approval.

The applicant has informed staff that the intent of the Thackeray Towns development is to sell each lot for individual ownership, rather than rent them out, as was the initial plan when the project was first applied for. While an HOA will need to be established to maintain the common areas, it is not currently intended that they will maintain the exterior of the units/buildings.

### **SPECIAL EXCEPTIONS**

The proposal falls short on meeting some of the development code requirements regarding public right-of-way width and sidewalks. As such, the applicant is seeking three special exceptions from the Land Development Code standard requirements.

- 1) Special exception for subdivision without 2 points of ingress/egress [21-21-10(d)(1)]  
 The development code requires two points of ingress/egress for a subdivision. 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 City Engineer and Fire Marshal, 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-around 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.

Staff Analysis and Recommendation for #1

Although a second primary access is not possible for this subdivision, there is another point of access in front of the future Challenger School that will serve as an emergency access, thus alleviating staff concerns. Staff and the City Engineer **supports** this request.

- 2) Special exception for a right-of-way less than 52 feet [21-21-10(f)]  
 Street right-of-way widths shall be as shown on the Transportation Master Plan and, where not shown therein, shall not be less than the following (unless modified by a waiver or special exception as allowed herein):

Street Type	Right-of-way Width
Local	52 feet

Staff Analysis and Recommendation for #2

The proposed right-of-way for the interior roads is 38 feet, rather than the typical 52 feet. However, the right-of-way contains the same amount of pavement as a typical local road. For this reason it will provide adequate circulation throughout the site. Staff and the City Engineer **supports** this request.

3) Special Exception for park strip, sidewalk, and curb & gutter waiver [21-21-10(n)]

- n. Curbs, gutters, park strips, 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.

Staff Analysis and Recommendation for #3

There will be relatively low traffic volumes for this development. The applicant is not asking for an exception for curb and gutter, just for park strips on both sides of the street and a one sidewalk. There will be a six-foot wide sidewalk adjacent to the curb around the middle of the development which will then lead to another sidewalk that provides safe access to 700 E. This will allow for adequate pedestrian movement throughout the development. Staff and the City Engineer supports this request.

**STAFF CONCERNS**

Staff is concerned that the HOA does not currently intend to maintain the exterior of the units or buildings. This makes sense for the single-family homes because these will be owned properties, rather than rented, and each home is a separate, discrete structure. However, it may be advisable for the HOA to maintain the townhome units. The owners of the single-family homes can easily be responsible for maintenance of their own properties, but this becomes problematic for townhome units.

Another concern is that the driveway on the southeast of the property is shown on the plat as extending all the way to the south property line. In all other plans it appears to terminate along the southern edge of the southeast townhome building. We believe that is where it should terminate. It seems likely that the plat shows it extending all the way to the south property line in error.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission determine preliminary subdivision review is complete and that the following three special exception requests:

1. Exception for a subdivision without two points of ingress/egress
2. Exception for a right-of-way less than 52 feet
3. Exception for a waiver to the requirement for park strip and sidewalk on both sides of the right-of-way

Be approved for the **Thackeray Towns Subdivision** located at 10670 S. and 10760 S. 700 E., based on the following findings and subject to the following conditions:

**Findings:**

1. The lots meet the requirements for size and frontage in both the CN zone and the PUD(10) zone as may be approved by the Planning Commission.
2. The City Engineer, as well as other reviewing departments, have recommended approval of the proposed subdivision.

**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, and construction of this project.
3. That the applicant dedicates all required right-of-way as determined by the Sandy City Public Works Department.

Planner:

Reviewed by:

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Brian McCuiston  
Planning Director