

MEMORANDUM

May 9, 2019

To: Planning Commission
From: Community Development Department
Subject: Firefly Forest Subdivision
(Community #29)
3392 E. Deer Hollow Circle
Zoned R-1-40A, SAO Zone

SPEX-01-19-5593
2 Lots
3.039 Acres

A copy of the applicant's materials were provided at the May 2, 2019 Planning Commission meeting and are not included in this report in the interest of saving paper. An electronic version is available by request.

INTRODUCTION

This matter involves an application by Lance and Robyn Platt requesting preliminary subdivision and Sensitive Area Overlay review for a proposed two-lot subdivision. The subject property is 3.039 acres in size and consists of one existing lot and two parcels. The subject property is located within an area referred to as the Sensitive Area Overlay Zone (SAO). The applicants requested several waivers and special exceptions associated with the application. The proposed subdivision plat does not comply with the Sandy City Land Development Code (referred to herein as the "LDC") unless the waivers and special exceptions are granted. The Sandy City Planning Commission is composed of residents of Sandy City who are empowered, among other things, to decide whether to grant the requested waivers and special exceptions pursuant to the LDC. The Planning Commission adopted conditions numbered 1 through 14 as found in the staff report for this application dated April 26, 2019 (referred to herein as the "staff report"), as amended in the May 2, 2019 Planning Commission meeting. The determinations and findings herein are subject to those conditions.

DETERMINATION AND FINDINGS

A. Determination and Findings (LDC 15A-21-02, 15A-21-10). The Planning Commission determines that the waiver of curb, gutter, parkstrip and sidewalk is approved, subject to the conditions referenced above, based on the following findings:

1. The Planning Commission finds that the City Engineer has provided a recommendation, which the Planning Commission has considered, as supported by the following evidence found in the record: Page 5 of the staff report states, “The City Engineer supports the waiver of sidewalks and parkstrips. . . . The waiver of curb and gutter requirements are not supported by the City Engineer.” The City Engineer’s recommendation is attached as an exhibit to the staff report, and the City Engineer provided comment at the Planning Commission meeting.

2. The Planning Commission finds that the Planning Commission evaluated applicable criteria in accordance with the LDC, including the following: the number of homes within the subdivision, the length of a cul-de-sac, the precedence of adjoining improvements, the configuration of lots, and where the only other alternative is a private road design. This finding is supported by the following evidence in the record:

a. The Planning Commission evaluated the number of homes not only within the Firefly Forest Subdivision but also within the surrounding neighborhood. Page 1-2 of the staff report, and the exhibits to the staff report, describe and show the proposed two-lot subdivision. The staff report and its exhibits describe and show both the new lot (on which the Applicant intends to build a new home) and the existing home to remain. The staff report also describes the reason for the existing home to be included in the subdivision. During the Planning Commission meeting it was determined that these two homes will be located on a private street named Firefly Circle. The Planning Commission also clarified and discussed the number of existing homes in the neighborhood located on the existing Deer Hollow Circle, which is proposed to be thirteen homes (twelve existing and one proposed new).

b. The Planning Commission evaluated the length of Firefly Circle, from the end of Firefly Circle to Wasatch Boulevard. Page 4 of the staff report states, “Beginning at

Wasatch Boulevard, the overall length of Deer Hollow Circle is approximately 1400 feet. The proposed Firefly Circle connects to Deer Hollow Circle at a point that is 950 feet from Wasatch Boulevard and is approximately 450 feet long, making it 1400 feet in length overall.” The Planning Commission discussed and evaluated the length, which is similar to the existing Deer Hollow Circle.

c. The Planning Commission evaluated the precedence of adjoining improvements. It was presented by testimony of the residents of the neighborhood that sidewalk, parkstrip, curb and gutter improvements were not typical of or expected in the neighborhood. Page 5 of the staff report states, “Sidewalks and parkstrips do not exist in the adjoining developments. . . .The area has an existing rural aesthetic where there is not a formal separation of pedestrians and automobiles.”

d. The Planning Commission evaluated the configuration of lots. Page 5 of the staff report states, “The lots are large and homes are spaced far away from one another.” Members of the Planning Commission also stated that they had visited the proposed subdivision location.

3. The Planning Commission finds that evaluation of whether “the only other alternative is a private road design” is not applicable to this request. The proposed Firefly Circle would connect to the existing Deer Hollow Circle, which is already private road. The determination by the Planning Commission in this instance is whether to allow the existing 950 feet of private road to remain in its existing condition and whether to allow an additional private road with the same configuration to extend approximately 450 feet further.

4. The Planning Commission finds that waiving curb, gutter, sidewalk and parkstrip is supported by adding only one new home in the neighborhood where there are only twelve existing homes.

5. The Planning Commission finds that waiving curb, gutter, sidewalk and parkstrip is supported by extending the private road network 450 feet resulting in a cul-de-sac similar in length to the existing cul-de-sac and serving only one new lot from the extension.

6. The Planning Commission finds that waiving curb, gutter, sidewalk and parkstrip is supported by following precedent because there is no existing curb, gutter, sidewalk or

parkstrip along Deer Hollow Circle.

7. The Planning Commission finds that waiving curb, gutter, sidewalk and parkstrip is supported by having large lots and homes spaced far away from each other and retaining the rural aesthetic.

B. Determination and Findings (LDC 15A-21-21). The Planning Commission determines that the special exception for lots without public frontage is approved, subject to the conditions referenced above, based on the following findings:

1. The Planning Commission finds that the following evidence in the record supports granting the special exception for lots without public frontage: Page 6 of the staff report states, “There is no reasonable way to extend a public road to the proposed development. As the existing main access road is a private street, this continuation of private roads and lots without public frontage is acceptable. The lots meet the minimum lot width frontages on the proposed private street, Firefly Circle.”

C. Determination and Findings (LDC 15A-21-10). The Planning Commission determines that the special exception for fewer than two points of access is approved, subject to the conditions referenced above, based on the following findings:

1. The Planning Commission finds that the City Engineer and Fire Marshal provided recommendations, which the Planning Commission has considered, as supported by the following evidence found in the record:

a. The City Engineer presented a Memorandum of Recommendations to the Planning Commission dated April 26, 2019, which is attached as an exhibit to the staff report. The City Engineer also explained his recommendation verbally at the Planning Commission meeting.

b. The Fire Marshal presented a letter to the Planning Commission dated April 24, 2019, which is attached as an exhibit to the staff report. The Fire Marshal also explained his recommendation verbally at the Planning Commission meeting.

2. The Planning Commission finds that there are thirty or fewer lots accessed from

the single ingress/egress, as supported by the following evidence found in the record: As discussed above, there are 12 existing and one proposed new lot accessed from the single ingress/egress of Deer Hollow Circle as accessed from Wasatch Boulevard. This is fewer than thirty and meets that requirement of the LDC.

3. The Planning Commission finds that the City Engineer and Fire Marshal 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, as supported by the following evidence found in the record:

a. The City Engineer's recommendation is attached as an exhibit to the staff report, and the City Engineer provided comment at the Planning Commission meeting.

b. The Fire Marshal's recommendation is attached as an exhibit to the staff report, and the Fire Marshal provided comment at the Planning Commission meeting.

4. The Planning Commission finds that the proposed project meets one or more of four additional conditions found in LDC 15A-21-10, as supported by the following evidence found in the record: The proposed Firefly Forest Subdivision has one or more hammerheads or other approved turn-arounds. Although all buildings are not equipped throughout with automatic sprinkler systems, the applicants propose fire sprinklers for the only proposed new building.

D. Determination and Findings (LDC 15A-21-11, 15A-15-04). The Planning Commission determines that the special exception for less than twenty-seven feet of asphalt width is approved, subject to the conditions referenced above, based on the following findings:

1. The Planning Commission finds that the Planning Commission considered a recommendation from the City Engineer and Fire Marshal, as supported by the following evidence found in the record:

a. The City Engineer presented a Memorandum of Recommendations to the Planning Commission dated April 26, 2019, which is attached as an exhibit to the staff report. The City Engineer also explained his recommendation verbally at the Planning Commission meeting.

b. The Fire Marshal presented a letter to the Planning Commission dated April 24, 2019, which is attached as an exhibit to the staff report. The Fire Marshal also explained his recommendation verbally at the Planning Commission meeting.

c. The Planning Commission considered the recommendations and finds that this meets the requirements of the LDC.

2. The Planning Commission finds that existing site conditions do not necessitate a 27-foot wide road, and that a 20-foot wide road for fire access is sufficient, as supported by the following evidence found in the record: The Planning Commission visited the site to see the site conditions, topography, foliage, and the existing improvements. Page 7 of the staff report states, “The site is located in the high bench area where there are steep slopes, geologic hazards, and forest fire risks.” These risks were also explained to the Planning Commission by the City Engineer and Fire Marshal in their verbal presentations. The Planning Commission discussed and considered steep slopes, geologic hazards, and fire risks.

3. The Planning Commission finds that fire access and water availability support granting a special exception from the 27-foot width requirement, and that a 20-foot wide road for fire access is sufficient, as supported by the following evidence found in the record: The April 24, 2019 letter from the Fire Marshal to the Planning Commission states, “improvements the applicant has shown . . . to mitigate any concerns with fire department response and water supply. The applicants have improved the area for fire response by adding an additional hydrant, . . . provided for 20 feet of road access to their property and provided for two fire department turn-a-rounds.”

4. The Planning Commission finds that the number of lots supports granting a special exception from the 27-foot paved width requirement and that a 20-foot road for fire access is sufficient because there are only twelve existing lots and only one additional lot for a total of thirteen lots in the entire neighborhood accessed from Deer Hollow Circle and Firefly Circle.

5. The Planning Commission finds that the subdivision can meet the requirements for lot dimensions and frontage regardless of road width, so this factor neither weighs against nor supports granting a special exception from the 27-foot paved width requirement, as supported by

the following evidence found in the record: Lot dimensions and frontage were presented in the staff report and also in an exhibit attached to the staff report. Page 3 of the staff report states, “The proposed plat conforms to these dimension standards of the zone.” The Planning Commission discussed the existing conditions of the existing private street, Deer Hollow Circle, the configuration of the proposed Lot 2 where the existing house is located, and the new Firefly Circle proposed to serve Lot 1 and Lot 2. The Planning Commission also noted that the lots are larger and have sufficient driveways to avoid street parking.

6. The Planning Commission finds that the Planning Commission considered storm drainage, that less paved width will cause less stormwater runoff from the road and thus supports granting a special exception from the 27-foot paved width requirement. As found in the record, the Planning Commission considered flood control and storm drain. They discussed the existing storm drain system in the area, where it is located, and how water is, is not, can be or cannot be directed to that existing infrastructure.

7. The Planning Commission finds that the Planning Commission considered public utilities, that additional pavement width is not necessary to support utilities and that utilities may be located in a 20-foot wide road and this consideration neither weighs against nor supports the special exception. The existing waterline in Deer Hollow Circle was discussed as well as potential for the waterline breaking. The storm drain was discussed as stated above. Water for fire suppression was also discussed.

8. The Planning Commission finds that the special exception from the 27-foot paved width requirement is supported under LDC 15A-15-04, as supported by the following evidence in the record: Page 7 of the staff report states that visual aesthetics are important in the SAO as stated in LDC 15A-15-04 and that a narrower road assists with limiting cuts and fills in the SAO.

E. Determination and Findings (15A-15-04). The Planning Commission determines that the special exception for length of cul-de-sac over 600 feet in the SAO is approved, subject to the conditions referenced above, based on the following findings:

1. The Planning Commission finds that the Planning Commission considered a recommendation from the City Engineer and Fire Marshal, as supported by the following

evidence found in the record:

a. The City Engineer presented a Memorandum of Recommendations to the Planning Commission dated April 26, 2019, which is attached as an exhibit to the staff report. The City Engineer also explained his recommendation verbally at the Planning Commission meeting.

b. The Fire Marshal presented a letter to the Planning Commission dated April 24, 2019, which is attached as an exhibit to the staff report. The Fire Marshal also explained his recommendation verbally at the Planning Commission meeting.

2. The Planning Commission finds that geographical constraints prevent a connection that is not greater than six hundred feet, as supported by the following evidence found in the record: The existing Deer Hollow Circle is approximately 1400 feet long, and the existing turn-off point to reach the existing Lot 2 house is over 900 feet long.

3. The Planning Commission finds that public safety will be improved above existing conditions, as supported by the following evidence found in the record: While the applicants are adding 450 feet of additional private street, further increasing the length over the six hundred feet that is allowed, the applicants are increasing the width to twenty feet and adding turn-arounds for fire apparatus. The April 24, 2019 letter from the Fire Marshal to the Planning Commission states, “The applicants have improved the area for fire response by adding an additional hydrant that will service two lots, provided for 20 feet of road access to their property, and provided for two fire department turn-a-rounds.”