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# MEMORANDUM

February 18, 2021

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Wild Goose Estates Subdivision (Preliminary Review and Special Exception Requests) 2570 E. 10000 S. [Community #21 – Falcon Hill] SUB-11-20-5940 SPEX-02-11-5990 Zone: R-1-20A 4.27 Acres

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area, in addition to posting a sign on the property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary

## DESCRIPTION OF REQUEST

The applicant, KLK Wild Goose, LLC, is requesting preliminary review for a seven-lot single family subdivision. The applicant is also requesting the following five special exceptions:

1. Exception for a road length greater than 500 feet
2. Exception for a right-of-way width less than 52 feet
3. Exception for lots without public frontage
4. Exception for a subdivision with less than two points of ingress/egress
5. Exception for a waiver to the requirement for park strip, curb and gutter, and sidewalk on both sides of the right-of-way

## BACKGROUND & SITE CONDITIONS

The subject property is approximately 4.27 acres in size and currently contains an existing home and a barn. Both structures are planned to be demolished as part of this new subdivision. It is located in the R-1-20A zone and will be accessed from 10000 S., as there is a 50-foot access easement to the north that runs through the County properties located to the north of this development. In addition to the two lots located in the County to the north,

the southern parcel that is part of this development is also currently in the County. All three of these County lots are currently moving forward to annex into Sandy City. The narrow property that abuts this development to the west is owned by the Metropolitan Water District, and beyond that are a number of single-family homes in the R-1-10 zone. Finally, South of this development are single-family homes in the R-1-10 and R-1-20 zones. All homes that border the property to the east are single family homes under the jurisdiction of Salt Lake County as well, but they are not annexing into Sandy City.

### **NOTICE**

Notices were mailed to property owners within a 500-foot radius of the subject property as per Sandy City Land Development Code requirements, to notify them of the Planning Commission meeting. A neighborhood meeting was held Wednesday, January 6, 2021. Resident comments and concerns from this meeting largely centered around wanting to minimize the impact/disturbance created by the new development, as well as concerns regarding home sizes and heights, a traffic and pedestrian conflict point along 10000 S. creating the need for sidewalk and road improvements there, along with others. A full summary of the neighborhood meeting comments is attached to this staff report.

### **SUBDIVISION ANALYSIS**

The Wild Goose Estates subdivision is proposed to be a low impact development (LID), in which it is to use best management practices to use storm water for the site and protect water quality.

#### Sec. 21-20-3. - Required Lot Size, Frontage Requirement

The R-1-20A zone is a single-family zone that requires lots to be at least 20,000 square feet in size. 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 conforms to most of these standards of the zone. However, the applicant is seeking five special exceptions from the Land Development Code, as are outlined below:

### **SPECIAL EXCEPTIONS**

The proposal falls short on meeting some of the development code requirements regarding public frontage and subdivision design. As such, the applicant is seeking five special exceptions from the Land Development Code standard requirements.

1) Special exception for road length over 500 feet [21-21-10(h)]:

The Planning Commission may grant a special exception to allow a cul-de-sac, or single access road, to extend up to a maximum of 750 feet, after considering a recommendation from the Director and City Engineer, and under the following circumstances:

- a. It is demonstrated that the proposed development is land-locked by properties that are already fully developed.
- b. No feasible second point of access can be master planned with redevelopment of the surrounding properties; and
- c. The Director and City Engineer have reviewed the potential for impairment of such single access resulting from vehicle congestion,

condition of the terrain, climatic condition or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to increasing the length of the road.

Staff Analysis and Recommendation for #1

The proposed single access road, with a cul-de-sac, measures slightly under 750 feet long. The proposed development is land-locked by properties that are already fully developed, or through which there is no opportunity for access. No feasible second point of access can be master planned with redevelopment of the surrounding properties. The City Engineer has reviewed the conditions surrounding the proposed development. Because of the preceding criteria and the fact that the road would be less than the 750 foot exception allowed by the Land Development Code, staff and the City Engineer support the 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
Private Street	52 feet (27 feet pavement width minimum)

Staff Analysis and Recommendation for #2

Because a private street makes sense in the context of this particular land-locked development, and as it has no public frontage, the proposed 32-foot road profile with the adjacent drainage swale is appropriate given the rural nature of the area and the LID design used to treat storm water. Staff supports this request.

3) Special exception for lots without public frontage [21-21-21(b)]

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.

Staff Analysis and Recommendation for #3

Because staff supports approval of the previous special exception request (private street) the remaining determination is do all of the lots meet the size and frontage requirements of the zone along this private road? In this proposed plan they do, so staff does support this request.

- 4) 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 #4

The applicant is proposing to develop only seven homes along a single road. Given this context, a second access would not be possible for this subdivision. Additionally, there is a cul-de-sac that complies with City development standards. Staff and the City Engineer **support** this request.

- 5) 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 #5

There will be low traffic volumes and a focus on LID design. Because of the fact that this is a private road serving a small subdivision and would match the precedent of Alta Villa road to the east, the absence of a sidewalk could be rationalized and is authorized to be granted by the Planning Commission. Staff supports this request.

Because the road is proposed to be private, an HOA will need to be established for road maintenance, which the applicant has stated he will do. There is also a retention pond located on the southwest corner of the development which will be maintained by the HOA as well.

Due to the underlying zone (and proposed zone for the Kasteler Annexation), all lots will have animal rights. The number of animals allowed on each lot is regulated by section 20-11-3 (Animals, Farm and Household pets) of the Land Development Code.

#### **STAFF CONCERNS**

##### Conflict points on 10000 South

It has been stated by residents, and also observed by staff, that a significant amount of pedestrians pass by the proposed road location. Because the northern lots (which are annexing into Sandy City) are not part of this development, there are no requirements at this time to install sidewalk or road improvements on the south side of 10000 S. However, there is curb, gutter, and sidewalk on the north side of the road. Improvements to the south side of 10000 S. are slated as a future capital improvement project, when they can be done at the same time to link to future improvements to the west and east, which are planned to be done at the same time.

##### Height of Homes

There were concerns expressed at the neighborhood meeting about the potential height of the homes obstructing the views of the residents to the west of the development. All homes within Sandy City are required to conform to a 35 foot height limit. Because the homes are across the aqueduct, the nearest home to the west is approximately 200 feet from this development. It was asked if the applicant could do rambler style homes on the west side of his property. The City has no authority to mandate that he do so. He can choose, if he wishes, to restrict the homes on certain lots to rambler style in the CC&Rs.

**STAFF RECOMMENDATION**

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

1. Exception for a road length greater than 500 feet
2. Exception for a right-of-way width less than 52 feet
3. Exception for lots without public frontage
4. Exception for a subdivision with less than two points of ingress/egress
5. Exception for a waiver to the requirement for park strip, curb and gutter, and sidewalk on both sides of the right-of-way

be approved for the **Wild Goose Estates Subdivision**, located at 2570 E. 10000 S., based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed subdivision is an infill development.
2. That the proposed lot configuration is an efficient use of the land.
3. That the proposed lot sizes and frontages conform to the requirements of the R-1-20A Zone.
4. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.
5. The City Engineer and other staff have recommended approving the special exceptions that have been requested from the City Development Code requirements for road length over 500 feet, allowing a private road with less than 52 feet of right-of-way, lots without public frontage, a subdivision without two points of access, and a waiver of curb, gutter, sidewalk, and park strip.

**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, except as otherwise approved by waivers or special exceptions granted by the Planning Commission.
3. That all residential lots comply with all requirements of the R-1-20A zone.
4. A private homeowners association shall be established to ensure maintenance of the private road and all other common assets or other areas of maintenance for the development. A note shall be included on the plat to provide public notice of said HOA

and maintenance requirements. The developer shall provide a capital reserve study and establish a reserve fund for the HOA.

5. That the two existing structures be removed.
6. That this subdivision approval is subject to the review and final approval of the Kasteler Annexation into Sandy City.

Planner: \_\_\_\_\_  
Craig Evans, Planner

Reviewed by: \_\_\_\_\_  
Brian McCuistion, Planning Director