



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Meeting Agenda

### Board of Adjustment

*Bruce Bryner*  
*Brian Jones*  
*Burke Staker*  
*Tyler Brown*  
*Jim Edwards*  
*Matt Hale (Alternate)*  
*Josh Chandler (Alternate)*

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Thursday, February 12, 2026

6:30 PM

Council Chambers

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Meeting procedures are found at the end of this agenda.

This Board of Adjustment meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_hcyshwxTQtKBaFOQzssYTQ](https://us02web.zoom.us/webinar/register/WN_hcyshwxTQtKBaFOQzssYTQ)

After registering, you will receive a confirmation email containing information about joining the webinar.

You can join the meeting with the following link:

<https://us02web.zoom.us/j/85448409997>

Or join via phone by dialing:

US: 253 215 8782 or 346 248 7799 or 669 900 6833 or 301 715 8592 or 312 626 6799 or 929 436 2866

(for higher quality, dial a number based on your current location)

International numbers available: <https://us02web.zoom.us/j/85448409997>

Webinar ID: 854 4840 9997

Passcode: 990658

#### 4:45 PM FIELD TRIP

1. [26-036](#) Map

Attachments: [02122026.pdf](#)

#### 5:30 PM EXECUTIVE SESSION

#### 6:30 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

## Public Meeting Items

2. [BOA1212202](#) Falls Creek Estates Subdivision (Alleged Error Appeal  
[5-007094](#) 2873 and 2851 E. Wasatch Blvd.  
[Community #28, Pepper Dell]

**Attachments:** [Staff Report](#)  
[Exhibit A - Appeal Application](#)  
[Exhibit B - Ivory Homes Response](#)  
[Exhibit C - PC Presentation 11.20.2025](#)  
[Exhibit D - PC Minutes 11-20-2025](#)

## Administrative Business

1. Director's Report

## Adjournment

Meeting Procedure

1. Staff Introduction
2. Presentation by the appellant
3. Staff Presentation
4. Response presentation by the affected party
5. Response by the appellant
6. Questions/Discussion by the Board
7. Motions and decision by the Board

Board of Adjustment applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Board of Adjustment feels there are unresolved issues that may need further attention before the Board is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Board. The Board may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Board of Adjustment Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256.



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Staff Report

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**File #:** 26-036, **Version:** 1

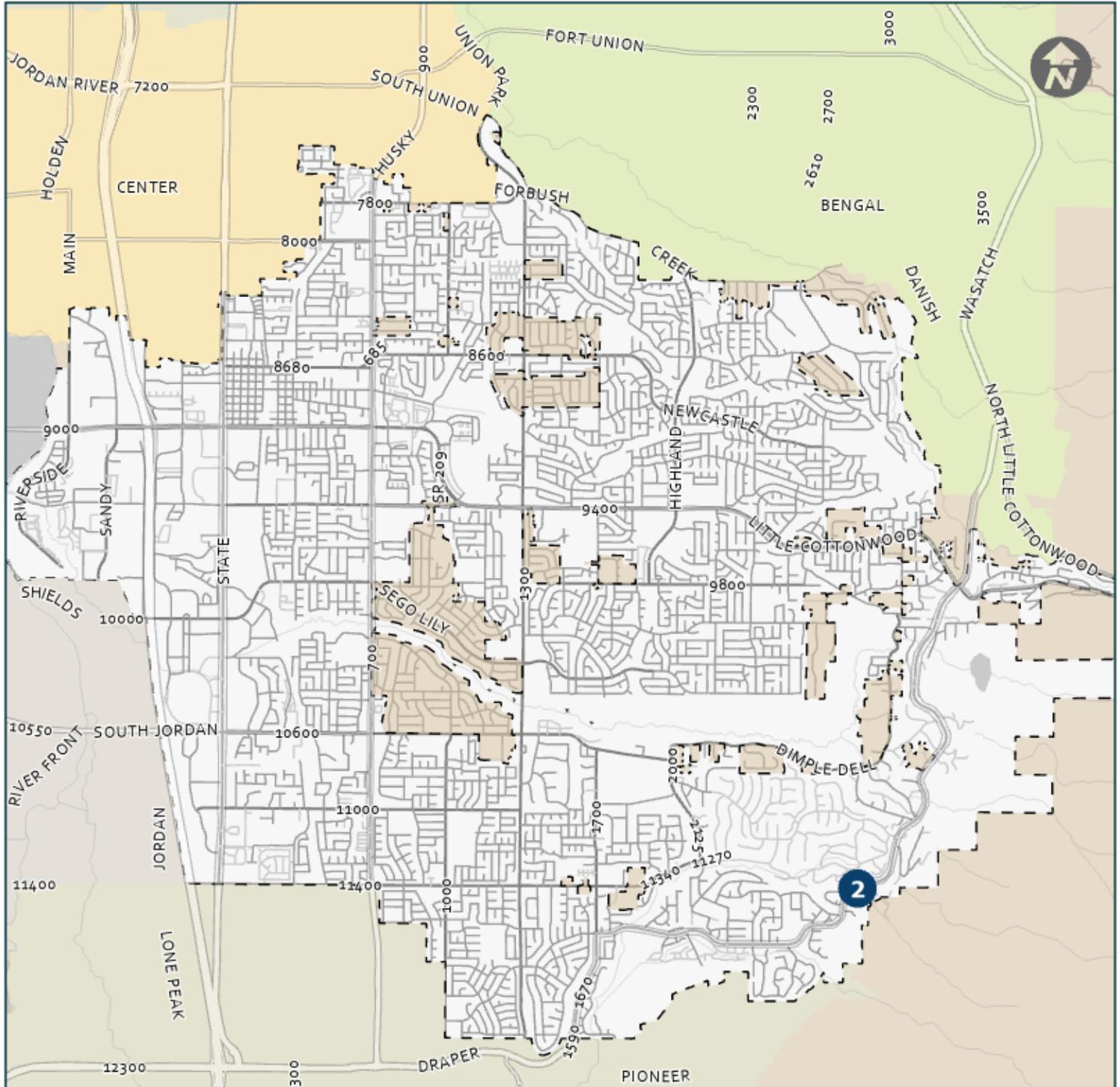
**Date:** 2/12/2026

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Map



# Board of Adjustment Field Trip February 12, 2026



See Planning Commission agenda packet for specific addresses and details regarding the application.

1 Mile

Sandy City, UT  
Community Development Department

## Agenda Item Number

- 1** Locations to visit on your own
- 1** Locations to be visited on tour



## Staff Report

**File #:**  
BOA12122025-007094,  
**Version:** 1

**Date:** 2/12/2026

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**Agenda Item Title:**

Falls Creek Estates Subdivision (Alleged Error Appeal)  
2873 and 2851 E. Wasatch Blvd.  
[Community #28, Pepper Dell]

**Presenter:**

Melissa Anderson, Zoning Administrator

**Description/Background:**

The appellants, Garrett and Samantha Lisi (represented by the law firm Clyde, Snow & Sessions), have requested the Board of Adjustment review an alleged error by the Planning Commission in their decision to determine preliminary submission review was complete on the Falls Creek Estates Subdivision located at 2873 and 2851 E Wasatch Blvd. The Lisi's own the neighboring property at 2859 E. Wasatch Blvd. and have claimed that they were adversely impacted by the decision.

On November 20, 2025, the Planning Commission held a public meeting for preliminary subdivision review of the Falls Creek Estates Subdivision, which proposed to adjust property lines between a lot and an abutting remnant parcel to create one additional lot. The Planning Commission determined that the preliminary subdivision review for the Falls Creek Estates Subdivision was substantially complete with conditions. The appellant asserts that the Planning Commission erred in their decision because they believe the decision was illegal, as well as arbitrary and capricious (see Exhibit "A"). In response to this appeal, the owner and applicant of the Falls Creek Estates Subdivision, Ivory Development, LLC, submitted a brief to address the arguments of the appeal (see Exhibit "B").

Please refer to the staff report and all exhibits for full details on this case.

**Recommended Action and/or Suggested Motion:**

The applicant has not met their burden of proving that the Planning Commission decision was illegal or so unreasonable as to be arbitrary and capricious. The appellant bears the burden of proving that the land use authority erred. It is not enough to show that one could reasonably reach a different conclusion on the facts if there is a reasonable basis for the decision reached by the Planning Commission.

Based upon the foregoing the Board of Adjustment should conclude that the Planning Commission did not err in making their decision to determine the preliminary subdivision review was substantially complete for the Falls Creek Estates Subdivision and adopt the following findings:

1. The record of this decision is sufficient and not deficient as demonstrated in the referenced staff

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reports and associated exhibits and other information in the record; therefore, this matter can be reviewed on the record.

2. The appellants have not shown that the Planning Commission's decision was an incorrect interpretation of a land use regulation or is contrary to law.

3. The appellants have not shown that there was no reasonable basis to justify the action taken, and the determinations made were so unreasonable as to be arbitrary and capricious.

4. Based on the findings cited in their motion and evidence cited in the record, the Planning Commission determination was processed as required by the Sandy Land Development Code and Utah Code.

5. Therefore, the Planning Commission's decision was correct in its decision and application of the Land Development Code.



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN COMMUNITY DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI MAYOR

SHANE E. PACE CHIEF ADMINISTRATIVE OFFICER

## Staff Report Memorandum February 12, 2025

To: Board of Adjustment  
From: Community Development Department  
Subject: Falls Creek Estates Subdivision (Alleged Error Appeal)  
2873 & 2851 E. Wasatch Blvd.  
[Community #28, Pepper Dell]

BOA12122025-007094

PUD(2), PUD(1.62) & SAO Zones  
2 Lots, 1.47 Acres

**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, posted on public websites and at public locations.

### Request

The appellants, Garrett and Samantha Lisi (represented by the law firm Clyde Snow & Sessions), have requested the Board of Adjustment review an alleged error by the Planning Commission in their decision to determine preliminary submission review was complete on the Falls Creek Estates Subdivision located at 2873 and 2851 E Wasatch Blvd. The Lisi's own the neighboring property at 2859 E. Wasatch Blvd and have claimed that they were adversely impacted by the decision. The vicinity map below shows the location of these properties.

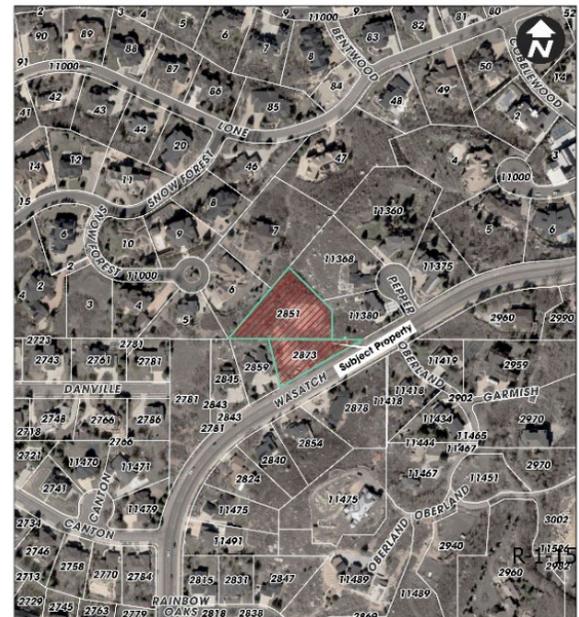
### Background

On November 20, 2025, the Planning Commission held a public meeting for preliminary subdivision review of the Falls Creek Estates Subdivision, which proposed to adjust property lines between a lot and an abutting remnant parcel to create one additional lot. The Planning Commission determined that the preliminary subdivision review for the Falls Creek Estates Subdivision was substantially complete with conditions.

On December 4, 2025, the Planning Commission approved the minutes from the November 20<sup>th</sup> meeting. City code requires appeals to be filed within 10 calendar days of the date the minutes are approved ([Sec. 21-35-1\(d\)](#)), and the appellant met this deadline by filing their appeal on December 12, 2025.

The appellant asserts that the Planning Commission erred in their decision because they believe the decision was illegal, as well as arbitrary and capricious. The appellant's application materials are included in this report as Exhibit "A." Please refer to Exhibit "A" for the full details of the appellant's arguments.

In response to this appeal, the owner and applicant of the Falls Creek Estates Subdivision, Ivory Development, LLC, submitted a brief to address the arguments of the appeal. Please refer to Exhibit "B" for the full details of the Ivory Development response.



BOA12122025-007094  
Board of Adjustment  
2873 and 2851 E WASATCH BLVD  
Community Development Department  
Sandy City, UT

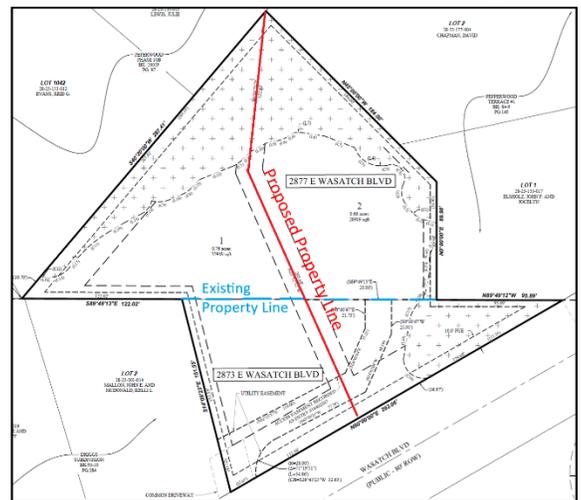
<b>Relevant Case History</b>	
<b>Case Number</b>	<b>Case Summary</b>
S#91-03	Driggs Subdivision created 3 lots within the PUD Zone in 1993
SUB009152025-007042 SPX11112025-007076	Preliminary subdivision review, adjusting property lines between Lot 3 of the Driggs Subdivision and a remnant parcel to the north to create one additional lot, and a special exception to not provide full street improvements. (November 2025)

**Public Notice**

The city issued notice of this public meeting on public websites, posted in three public locations, and mailed to property owners within 500 feet of the subject property prior to the Board of Adjustment meeting in accordance with the LDC Sec. 21-36-1 and -2 and the Utah State Code § 10-9a-205. *The notice stated that the proceedings for appeals are not open to public comment.*

**Analysis**

**Subdivision Description:** As shown on the map illustration to the right, the Falls Creek Estates Subdivision consists of the properties located at 2873 and 2851 E. Wasatch Blvd. The subdivision reconfigures existing Lot #3 of the Driggs Subdivision and a remnant parcel to the north by bisecting them north to south instead of east to west. This adjustment provides street frontages for both lots and creates sufficiently large buildable areas to allow for development of single-family homes on each lot. The Lisi’s property is located at 2859 E. Wasatch Blvd (Lot #2 of the Driggs Subdivision), shown immediately west of the subdivision. The Planning Commission’s staff report provides additional detail about the existing conditions and description of the Falls Creek Estates subdivision; the staff report is included in the appellant’s application material in Exhibit “A” and it can also be accessed online under the Planning Commission’s meeting held on November 20, 2025 via this [link](#).



**Applicant’s Arguments on Appeal**

**The Decision was Illegal**

**Inaccurate Characterization of Proposed Access:** The applicant argues that the decision was illegal because it misinterprets and/or runs contrary to existing applicable laws and regulations. They state that the Planning Commission mischaracterized the road access as a private lane that is more than 150 feet in length, when it should be a private street and meet the standards for a private street.

**Response:** As described earlier, the subdivision provides frontage for both lots onto a public street at Wasatch Blvd. Sandy City Code allows lots to be accessed from a shared driveway, and it does not require these lots that have street frontage to be accessed from a private lane or a private street. The code states: “A private lane shall be utilized to provide access for up to two residential lots that do not have frontage to a public or private roadway (Sec. 21-21-11(e)).” The assertion that the Planning Commission considered the shared driveway to be a private lane is not supported by the record and it is not required by the city code. Furthermore, the driveway length was considered by the Planning Commission, and it is less than 150 feet, which meets code requirements. If the driveway is extended in the future to a length greater than 150 feet, the City Code’s additional requirements for a driveway longer than 150 feet will be required as part of the building permit.

**Conflict With Original Easement:** The appellant argues that the subdivision interferes with the Lisi’s rights and obligation under the original private access and maintenance agreement between Lot #2 and Lot #3.

**Response:** Regarding the private easement claims, the appellant fails to cite any provision of Sandy City Code that was applied or interpreted incorrectly by the Planning Commission. In order to comply with Sandy City Code the physical improvements including the existing curb cut onto Wasatch Blvd. and the shared driveway shown in the preliminary subdivision application will provide shared access to both the appellants and applicant across a portion of the westerly 20

feet of Lot 3 of the Driggs Subdivision. That area would be maintained and accessible as a shared drive approach. The shared drive approach and also the shared driveway that will serve the proposed lots meet the 20-foot minimum width required by Sandy City Code. The appellant's claims regarding easements are beyond the jurisdiction and authority of Sandy City, the Planning Commission and the Board of Adjustment. The consideration of this appeal is not to adjudicate easements but to determine whether the Planning Commission erred in its application of Sandy City Code. Furthermore, review is confined to the administrative record per Sandy City Code Sec. 21-35-1 (see below). The Planning Commission did not consider, evaluate or base its decision on the purported private easements. Copies of the private easements were not included in the record for the Planning Commission, and they are not part of the record being considered by the Board of Adjustment for this appeal.

***Lot 4 Is Not Buildable:*** The appellant argues Lot #4 is not a buildable lot and restrictions of the Sensitive Area Overlay Zone preclude development.

**Response:** The assertion by the appellant that un-platted property can never be platted, subdivided and built on is not supported by any law. The appellant has not pointed to any law, and both Utah Code and Sandy City Code expressly allow consolidation of a remnant parcel from outside of a subdivision with a lot, or multiple lots, in an existing subdivision. Both Utah Code and Sandy City Code allow amended subdivisions, and it is specifically through the subdivision application process that the remnant parcel is proposed to be platted, subdivided and included in buildable lots. The Sensitive Area Overlay Zone encumbers portions of both lots in the Falls Creek Estates Subdivision, and both are shown in the preliminary subdivision application to meet the minimum buildable area requirements for development of single-family homes on each lot. Furthermore, it is a condition of the preliminary subdivision approval that the developer comply with Sandy City Code and these code requirements for construction will be applied as part of the building permit.

#### ***The Decision was Arbitrary and Capricious***

***Decision is Not Supported by the Record:*** The appellant argues that the Planning Commission's decision was not supported by the record and is arbitrary and capricious because they failed to adequately account for driveway separation and safety concerns related to access at Wasatch Blvd.

**Response:** The separation of driveways is not part of the record being considered on appeal. The Planning Commission did not apply or interpret separation of driveways, and no additional driveways are shown on the preliminary plat that was approved. Further, the separation standard cited by the appellant does not apply to single-family residential driveways.

Regarding safety concerns, the City Engineer reviewed the proposed subdivision, and no safety or traffic concerns were found to be a result of the proposed subdivision.

#### **Legal Standards for an Appeal**

The LDC, Section 21-35-1, sets the standards for reviewing an appeal. The following excerpt of this section establishes the proper standards and procedures for reviewing an appeal:

##### **Sec. 21-35-1. Appeals**

###### **(e) Information to be Presented.**

- (1) An appellant must first present any and all information to the land use authority which it intends to raise before the appeal authority. The appellant may not bring new information for consideration before the appeal authority that had not been previously presented to the land use authority during its consideration of the matter.
- (2) An appellant must present to the designated appeal authority every theory of relief that it can raise in District Court.
- (3) No new information that was not previously presented to the land use authority may be presented on appeal.

###### **(f) Review of the Record of the Land Use Authority.**

- (1) The appeal authority's review of decisions of a land use authority shall be confined to the administrative record developed by the land use authority unless the appeal authority determines that the record is incomplete or deficient.
- (2) If the appeal authority determines that the record is incomplete or deficient, it may remand the case to develop the record or continue the meeting to complete the record with the information previously presented to the land use authority.

(g) **Burden of Proof.** The appellant has the burden of proving that the land use authority erred.

(h) **Standard of Review.**

(1) **Legal Issues; Correctness Standard.** The appeal authority shall determine the correctness of a decision of the land use authority or administrative official in its interpretation and application of a land use ordinance. Because no specialized knowledge is necessary to make such a determination, no deference is given to the land use authority or administrative official; provided, however, the appeal authority shall not overrule that decision as a matter of law without the advice of its legal counsel.

(2) **Factual Issues and Other Issues; Arbitrary and Capricious Standard.** Land use authorities and administrative officials have specialized knowledge in the field of planning and land use and are charged with and are experienced in implementing the goals and policies of the community as adopted by and under the supervision of elected representatives of the public. Accordingly, they should be allowed a comparatively wide latitude of discretion; and their actions endowed with a presumption of correctness and validity which an appeal authority should not interfere with unless it is shown that there is no reasonable basis to justify the action taken, and that, therefore, the determinations made were so unreasonable as to be arbitrary and capricious. It is not the appeal authority's prerogative to substitute its judgment for that of the land use authority where the record discloses a reasonable basis for the land use authority's determination.

(i) **Scope of Authority.** Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

The Board's review of the Planning Commission's decision is to determine whether a reasonable mind could reach the same conclusion as the Planning Commission did, in light of the evidence the Planning Commission had before it. The appellant must marshal all the evidence in support of their claim that the Planning Commission decision was made in error and show that in spite of the facts which support the decision, and in light of conflicting or contradictory evidence, the decision is not supported by substantial evidence. Substantial evidence is evidence which is adequate to convince a reasonable mind to support a conclusion. *See Carlsen v. Board of Adjustment of City of Smithfield* 2012 UT App 260 ¶¶ 4, 5, 7.

### **Conclusion and Recommendation**

The applicant has not met their burden of proving that the Planning Commission decision was illegal or so unreasonable as to be arbitrary and capricious. The appellant bears the burden of proving that the land use authority erred. It is not enough to show that one could reasonably reach a different conclusion on the facts if there is a reasonable basis for the decision reached by the Planning Commission.

Based upon the foregoing the Board of Adjustment should conclude that the Planning Commission did not err in making their decision to determine the preliminary subdivision review was substantially complete for the Falls Creek Estates Subdivision and adopt the following findings:

#### **Findings:**

1. The record of this decision is sufficient and not deficient as demonstrated in the referenced staff reports and associated exhibits and other information in the record; therefore, this matter can be reviewed on the record.
2. The appellants have not shown that the Planning Commission's decision was an incorrect interpretation of a land use regulation or is contrary to law.
3. The appellants have not shown that there was no reasonable basis to justify the action taken, and the determinations made were so unreasonable as to be arbitrary and capricious.
4. Based on the findings cited in their motion and evidence cited in the record, the Planning Commission determination was processed as required by the Sandy Land Development Code and Utah Code.
5. Therefore, the Planning Commission's decision was correct in its decision and application of the Land Development Code.

Planner:



Melissa Anderson  
Zoning Administrator

References

The record of the Planning Commission meetings is accessible at <https://sandyutah.legistar.com> and includes all application materials, staff reports, meeting minutes, and meeting recordings. The links below provide direct reference to the meetings held related to this appeal:

1. Planning Commission meeting for [November 20, 2025](#)

Exhibits

- A. Appellant’s Appeal and Application Materials
- B. Response Letter from Ivory Development, LLC
- C. Planning Commission Presentation on 11/20/2025
- D. Planning Commission Minutes 11/20/2025

File Name: S:\USERS\PLN\STAFFRPT\2025\BOA12122025-007094 - APPEAL FALLS CREEK SUB AND SPX\STAFF REPORT\STAFF REPORT - ALLEGED ERROR FALLS CREEK SUBDIVISION.FINAL.DOCX

## EXHIBIT A.1



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December 12, 2025

Via Online Submission and Email

Community Development  
Board of Adjustment  
Melissa Anderson  
10000 Centennial Parkway  
Sandy, Utah 84070  
[manderson@sandy.utah.gov](mailto:manderson@sandy.utah.gov)  
[plan@sandy.utah.gov](mailto:plan@sandy.utah.gov)  
(801) 568-7250

Re: Appeal of Sandy City Planning Commission Preliminary Approval of Falls  
Creek Estates Subdivision

SUB009152025-007042  
SPX11112025-007076  
PUD(2), PUD(1.62), & SAO Zone  
2 Lots, 1.47 Acres

Dear Ms. Anderson and Sandy City Board of Adjustment:

This firm represents Garrett and Samantha Lisi (the "Lisis"), the owners of that certain real property located at 2859 E. Wasatch Blvd., Sandy, Utah 84092 (hereinafter, "Lot 2"). The Lisis have been adversely affected by the recent preliminary approval by the Sandy City Planning Commission (the "Commission") of the Falls Creek Estates Subdivision (the "Decision"). Our clients hereby appeal the Commission's Decision pursuant to Sandy City Code §§ 21-35-1(c) and 21-15-3(e) and request that an appeal hearing take place on the next available Board of Adjustment agenda. The Lisis further petition the Board of Adjustment to stay the Decision pending the outcome of this appeal.

### **A. Appellants Have Standing to Appeal.**

"The applicant, the City, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided in this title, appeal that decision to the designated appeal authority by alleging that there is an error in any order, requirements, decision, or determination made by the land use authority in the administration or interpretation of this title." Sandy City Code §§ 21-35-1(c); 21-15-3(e).

## EXHIBIT A.2



Here, the Lisis own Lot 2, which abuts the Falls Creek Estates Subdivision to the south. The Lisis' Lot 2 also shares a driveway entrance with the vacant property to the north at 2873 E. Wasatch Blvd., Sandy, Utah 84092 (hereinafter, "Lot 3"), what is proposed to be the south lot of the Falls Creek Estates Subdivision. A Plat Map is attached hereto as **Exhibit A**, which depicts the Lisis' Lot 2 as parcel no. 301-014, Lot 3 as parcel no. 301-015, and the other, landlocked parcel making up the Falls Creek Estates Subdivision (parcel no. 153-015; hereinafter, "Lot 4"). The shared entrance to Lots 2 and 3 was memorialized in a Driveway Easement and Maintenance Agreement recorded by the Salt Lake County Recorder on November 4, 1993, Document ID No. 5647968 (the "Original Easement"). A copy of the Original Easement is attached hereto as **Exhibit B**. The Commission's preliminary approval of the Falls Creek Estates Subdivision includes the use of the shared entrance, of which the Lisis have not provided authorization. Additional concerns due to proximity regarding, for example, traffic and safety, make the Lisis an adversely affected party with the right to challenge the Commission's Decision; therefore the Lisis have standing to bring this appeal.

### **B. Grounds for Appeal and Reasons Decision Was Made in Error.**

#### **i. The Decision was Illegal.**

"A land use decision is illegal if the land use decision is based on an incorrect interpretation of a land use regulation . . . or is contrary to law." Utah Code Ann. § 10-20-1109(3)(c)(ii). Here, the Decision is illegal because it misinterprets and/or runs contrary to existing applicable laws and regulations.

#### Inaccurate Characterization of Proposed Access

In its Decision, the Commission treats the proposed access to Lots 3 and 4 as a "private lane." However, this determination and treatment is improper. Sandy City Code § 21-21-11(e) specifies that a "private lane" must 1) service no more than two residential lots; and 2) run less than 150 feet in length (among other requirements). Additionally, Sandy City Code § 21-37-13(3) defines a private lane as "a right-of-way or easement in private ownership, not dedicated or maintained as a public street, that serves one or two lots, and is less than 150 feet in length." On the other hand, a "private street" is defined by Sandy City Code § 21-37-20(117) as "a right-of-way or easement in private ownership, not dedicated or maintained as a public street that serves more than two lots and is greater than 150 feet in length."<sup>1</sup>

Here, the Commission appears to have made a significant error and wholly ignored the criteria for the Falls Creek Estates Subdivision approach and driveway (the "Street") and has improperly approved the Street, likely considering it a "private lane," despite its non-compliance with the requirements of the Sandy City Code. Specifically, Page 3 of the

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<sup>1</sup> A "private street" is specified by Sandy City Code § 21-21-11(c) as requiring the following criteria: 1) a minimum requirement of 27 feet in width; and 2) a turnaround requirement (among others).

## EXHIBIT A.3



Commission’s November 20, 2025 Staff Report, attached hereto as **Exhibit C**, states “[t]he developer is proposing to use an existing shared approach and easement at the southwest corner of the development to access the north lot.” And in Paragraph 8 of the Staff Report’s Staff Recommendations and Conditions for Motion #2, the Commission again acknowledges that the Street’s entrance is burdened by the Original Easement. Therefore, the Street actually serves three properties, not two, which necessitates the designation and treatment of the Street as a “private street,” not a “private lane,” under applicable law. *See* Exhibit C, at pp. 3, 5. As a proposed private street, the Street fails to comply with multiple requirements under Sandy City Code § 21-21-11(c) and § 21-37-20(117).

Furthermore, Exhibit A to the Staff Report indicates that the proposed roadway, intended to provide access to Lots 3 and 4 in addition to Lot 2, is at least 168 feet long not including the portion on Lot 2, again fitting the definition of “private street” and not “private lane.” As a private street, by Sandy City Code §21-21-11(c) the subdivision roadway is required to be at least 27 feet wide, have appropriate turn arounds for emergency vehicles, in addition to other requirements – which the proposed subdivision roadway fails to meet. Therefore, this “private lane” is actually a “private street” and must be modified to account for additional width and turnaround requirements and thereafter reconsidered by the Commission.

### Additional Conflict with Original Easement

The Original Easement is clear that the owners of Lots 2 and 3 are expected to share jointly “in the maintenance of the driveway on said Easement and . . . share equally in the maintenance of the Driveway located on the Easement, including by way of example only, reasonable and ordinary maintenance and snow removal.” *See* Exhibit B. On or about June 26, 2025, the current owner of Lots 3 and 4 (Ivory Development, LLC) recorded with the Salt Lake County Recorder, Document ID No. 14402207, a Declaration of Access Easement and Private Driveway Maintenance Agreement for [Lots 3 and 4] (the “Ivory Easement”). A copy of the Ivory Easement is attached hereto as **Exhibit D**. The Ivory Easement uses the approach subject to the Original Easement to provide access to Lot 4. In doing so, it interferes with the Lisis’ rights and obligations under the Original Easement. For example, the Ivory Easement provides for common use and equal maintenance of the approach onto Lot 3 for the benefit of Lot 4, but because the approach is already shared with Lot 2, the Lisis’ rights and obligations under the Original Easement are being overridden without their approval. For example, how are costs and maintenance to be divided now that the Original Easement is benefiting a third property? Do the Lisis bear the burden of 50% of the approach’s maintenance despite additional wear and tear from a third residence they never agreed to? These and other similar issues should have been addressed and decided before the Decision was made.

Further, given the speeds at which vehicles travel on Wasatch Boulevard, vehicles accessing the approach subject to the Original and Ivory Easements must do so at an angle. A review of Exhibit A clearly shows an area of dirt off of the northeast corner of Lot 2

## EXHIBIT A.4



where the Lisis' vehicles have driven to access their driveway and vegetation cannot grow. Given the speed limits of Wasatch Blvd., angled entrance, and hairpin turn required to access the Falls Creek Estates Subdivision as it has been proposed and preliminarily approved, it is practically impossible to avoid a trespass by any Lot 4 owner onto the portion of the driveway burdened exclusively by the Original Easement. That is, though Lot 4 owners may have access to a portion of the shared approach via the Ivory Easement (though the Lisis do not concede this), they certainly don't have access to all of it without the Lisis' permission, which has not been granted. Until the Commission's Decision, no development rights existed as to Lot 4 at all (as the Commission noted in its meeting on the Decision, as described below), but access without utilizing the portion of the driveway on the Lisis' property is not possible under the conditions outlined herein. Without the Lisis' participation in the Decision or approval of Lot 4 access, the Decision is improper.

### Lot 4 Is Not Buildable

Sandy City Code § 21-15-3 clearly states that within the Sensitive Area Overlay Zone, and as part of the review and approval procedure, development applications shall clearly identify "[b]uildable and non-buildable areas." Further, "[s]ingle-family structures shall be located only upon areas constituting usable land." Sandy City Code § 21-15-4(a)(1)(a).

The Decision was recorded via Zoom video (Circa minute 1:15:50), wherein the Commission made specific reference to the fact that Lot 4 was a remnant parcel and is not approved for development and has no development rights; therefore, it is not buildable or usable.<sup>2</sup> As the Falls Creek Estates Subdivision is proposed, the buildable areas depicted on the site map on Page 3 of the Staff Report clearly show that a majority of the two-residence development is situated on Lot 4, which is not permitted.

### **ii. The Decision was Arbitrary and Capricious.**

"A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record." Utah Code Ann. § 10-20-1109(3)(c)(i). Here, the Commission failed to adequately account for safety concerns when it issued the Decision. Specifically, Wasatch Boulevard is classified as a "Major Collector" street by Sandy City. See Page 9 of Sandy City Master Transportation Plan, attached hereto as **Exhibit E**; see also Screenshot of Sandy City Transportation Master Plan, attached hereto as **Exhibit F**; Sandy City Code § 21-37-20(115) ("*Street, collector; major and minor*, means providing for traffic movement between major arterials and local streets, and direct access to abutting property. The location of this type of street is addressed in the Transportation Element of the Sandy City General Plan and designated on the Official Street Map for Sandy City"). Sandy City Code § 21-24-16 requires that driveways on Major

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<sup>2</sup> It is possible Lot 4 was designed the way it was because of development requirements, including but not limited to CC&Rs, such as lot sizes, home square footage requirements, setbacks, buildable envelopes, placements, grading, etc. Prior to the hearing, the Lisis will endeavor to obtain information on these points.

## EXHIBIT A.5



Collector Streets be separated by at least “170 feet of continuous curb and gutter.” The Lisis understand that the reason for this is to prevent too many vehicles from pulling in and out of residential properties on major, high-traffic roads due to collision-related safety concerns.

Based on the foregoing, the Lisis understand that Ivory Development, LLC’s original efforts to cut a new approach and driveway into Lots 3 and 4 from Wasatch Blvd. were denied by Sandy City. Therefore, to get around this restriction, Ivory Development, LLC recorded the Ivory Easement so that three properties could use the same approach, and separation requirements wouldn’t be a factor. However, this “solution” does not address the safety concerns outlined above. Therefore, the Decision was not sufficiently supported by the record and is arbitrary and capricious in this regard.

### iii. Conclusion.

For the foregoing reasons, the Decision should be reversed and remanded to the Commission to 1) redesignate the “private lane” as a “private street,” requiring that it comply with all associated criteria; 2) allow for the Lisis’ involvement and require their authorization to interfere with their rights and obligations under the Original Easement and use the shared driveway to access Lots 3 and 4; 3) address whether Lot 4 can become buildable; and 4) address and appropriately mitigate safety concerns associated with allowing a third residence to utilize an access point/approach off of Wasatch Blvd. The Lisis further request that the Board of Adjustment stay the Decision pending the outcome of this Appeal.

Very truly yours,

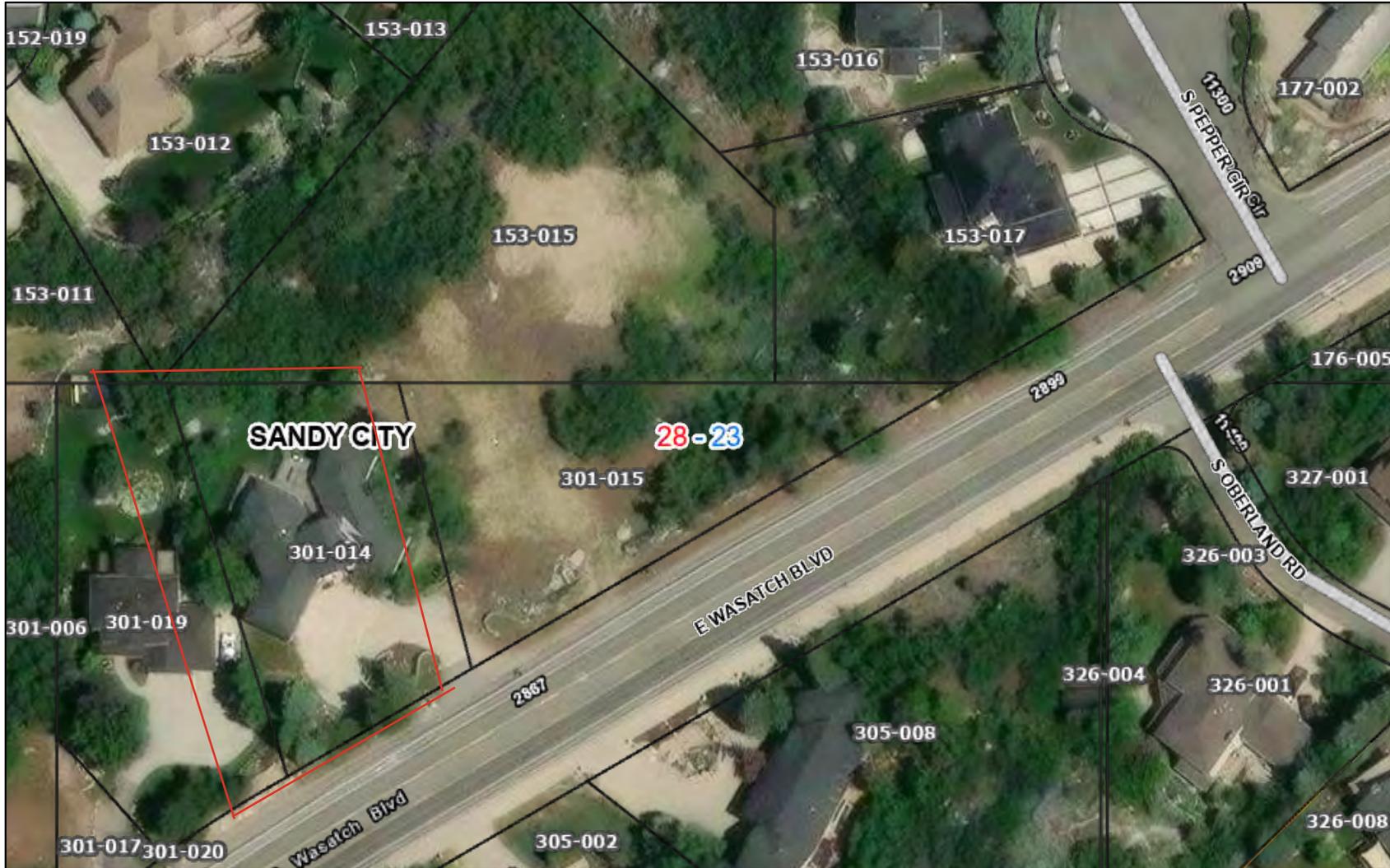
A handwritten signature in blue ink, appearing to read "James W. Anderson".

James W. Anderson  
Emma D. Tanner  
Landon S. Troester

# EXHIBIT A

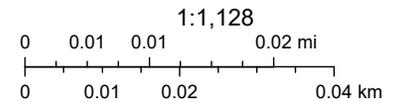
# EXHIBIT A.7

## ArcGIS Web Map



12/11/2025, 5:35:20 PM

- World\_Transportation
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 30cm Resolution Metadata
- ParcelsTaxYear
- Cities
- Prelim Parcels



County of Salt Lake, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HERE, iPC,

Web AppBuilder for ArcGIS

County of Salt Lake, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | Salt Lake County Surveyor's Office | Salt Lake County, Microsoft, Vantor | Esri, HERE, iPC |

# EXHIBIT B

EXHIBIT A.9

Escrow No. 293450-DP

When Recorded Return to  
William Henry Shober  
408 East Shamrock Drive  
Murray, Utah 84107

MTC File No. 35387

1200

5647968  
04 NOVEMBER 93 10:27 AM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
REC BY: SHARON WEST , DEPUTY

5647968

**DRIVEWAY EASEMENT  
AND MAINTENANCE AGREEMENT**

This Driveway Easement and Maintenance Agreement is made this 2<sup>nd</sup> day of November, 1993, by and between WILLIAM HENRY SHOBER, JR., Trustee of the William Henry Shober, Jr. Family Trust, (herein SHOBER); and JAMES V. HUGHES (herein HUGHES). For good and valuable consideration the adequacy of which is hereby acknowledged the parties hereto understand and agree as follows:

1. SHOBER is the owner of the following described property located in Salt Lake County, Utah:

All of Lot 2, Driggs Subdivision, according to the official plat thereof.

2. HUGHES is the owner of the following described property located in Salt Lake County, Utah:

All of Lot 3, Driggs Subdivision, according to the official plat thereof.

3. SHOBER and HUGHES share, at least in part, the use of a common driveway over the following described property located in Salt Lake County, Utah (herein referred to as the Easement):

Beginning at the South Corner of Lot 3, Driggs Subdivision on the North Right of Way Line of Wasatch Boulevard, said point also being the Southeast Corner of Lot 2, Driggs Subdivision; and running thence South 60°00'00" West 10 feet along the North Right of Way line of Wasatch Boulevard and the South Line of said Subdivision; thence North 14°09'23" West 31.185 feet; thence North 60°00'00" East 30 feet; thence South 14°19'23" East 31.185 feet to the South Line of said Subdivision and the North Right of Way Line of Wasatch Boulevard; thence South 60°00'00" West 20 feet along said line to the point of beginning.

4. Each of the undersigned parties acknowledges the rights of the other party to use the easement for ingress, egress, public utilities and drainage and agrees to jointly participate in the maintenance of the driveway on said Easement and desire to reduce their agreement to writing.

5. NOW, THEREFORE, in consideration of the premises, the undersigned agree and covenant as follows:

(a) Each of the undersigned grants to the other an Easement for ingress,

EM 679450967

EXHIBIT A.10

egress, public utilities and drainage, over, across and under the Easement property as described above; and

- (b) Each of the undersigned agrees to jointly participate in the maintenance of the driveway on said Easement and agrees that they shall share equally in the maintenance of the Driveway located on the Easement, including by way of example only, reasonable and ordinary maintenance and snow removal.

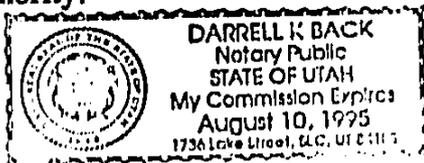
6. The rights and obligations created hereunder shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties and shall be deemed to run with and be appurtenant to the property owned by the parties hereto.

*William Henry Shober, Jr.*  
WILLIAM HENRY SHOBER, JR.,  
Trustee of the William  
Henry Shober, Jr. Family Trust

*James V. Hughes*  
JAMES V. HUGHES

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

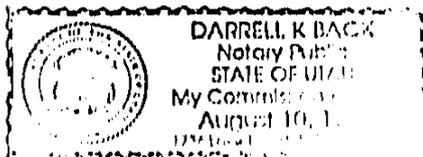
The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of November, 1993 by WILLIAM HENRY SHOBER, JR., Trustee of the William Henry Shober, Jr. Family Trust, who duly acknowledged to me that he executed the same by authority.



*Darrell K. Back*  
NOTARY PUBLIC

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of November, 1993 by JAMES V. HUGHES.



*Darrell K. Back*  
NOTARY PUBLIC

BK 6794 P30968

# EXHIBIT C

# EXHIBIT A.12

## SANDY CITY COMMUNITY DEVELOPMENT



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

MONICA ZOLTANSKI  
MAYOR

SHANE E. PACE  
CHIEF ADMINISTRATIVE OFFICER

### Staff Report Memorandum November 20, 2025

To: Planning Commission  
From: Community Development Department  
Subject: Falls Creek Estates Subdivision  
2873 E. Wasatch Blvd  
[Community #28, Pepper Dell]

SUB009152025-007042  
SPX11112025-007076  
PUD(2), PUD(1.62), & SAO  
Zone  
2 Lots, 1.47 Acres

#### Public Meeting Notice:

This item has been noticed to property owners within 500 feet of the subject area, on public websites, and a sign posted on site.

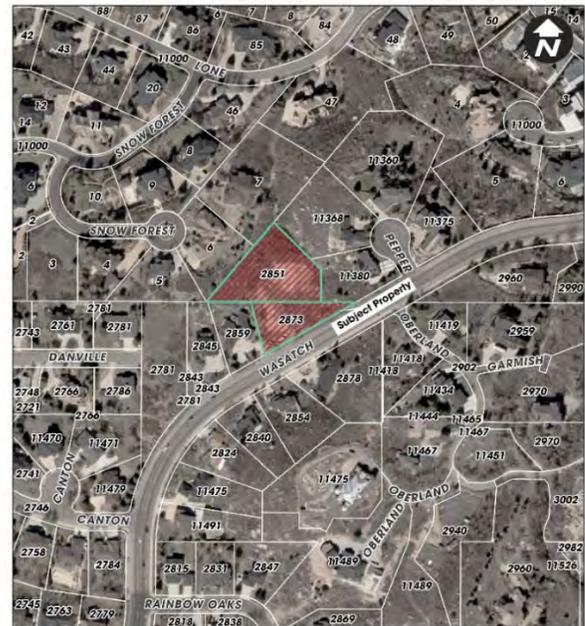
#### Request

The applicant and property owner, Greg Timothy with Ivory Homes, is requesting preliminary subdivision review for the properties located at 2873 and 2851 E. Wasatch Blvd. The proposal consists of adjusting the property lines between Lot 3 of the Driggs Subdivision and a remnant parcel to the north. This will create one additional lot both lots to comply with zoning requirements and be fully developed. Additionally, they are seeking special exception approval to not provide full street improvements. (See Exhibit A to review application materials).

#### Background

The subject properties consists of approximately 1.47 acres and lie within the Sensitive Overlay Zone. Both lots are zoned PUD (Planned Unit Development). All surrounding properties are similarly zoned and have been developed into single-family homes. Neither property is subjected to the Pepperwood HOA requirements.

The south property (2873 E Wasatch Blvd) is part of the Driggs Subdivision while the north property (2851 E Wasatch Blvd) is a remnant that was not included in any of the adjoining Pepperwood Subdivision plats.



SUB09152025-007042  
Falls Creek Estates Subdivision  
2873 E and 2851 E Wasatch Blvd

Community Development Department  
Sandy City, UT

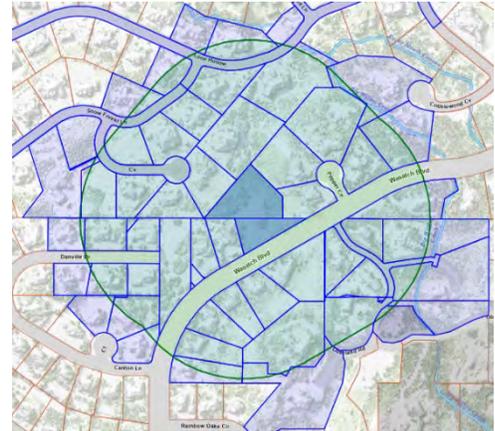
# EXHIBIT A.13

Property Case History	
Date	Case Summary
S#91-03	Driggs Subdivision created 3 lots within the PUD Zone in 1993

### Public Notice and Outreach

This item was noticed to all property owners within 500 feet of the proposal. A notice was posted to the Utah Public Notice website and the city website. A physical copy of the notice was posted at City Hall, and public notice signs were placed on the subject property.

Staff held a virtual neighborhood meeting via Zoom on November 10, 2025. Residents asked questions concerning the future lot configuration, street access, and plans on drainage for the lots (see minutes in Exhibit “B”).



### Analysis

#### Planned Unit Development Review

The purpose of a PUD is to provide flexibility of design that would not be possible through the typical application of zoning regulations. It encourages the efficient use of land to preserve open space while providing a means to create variety in the physical pattern of development.

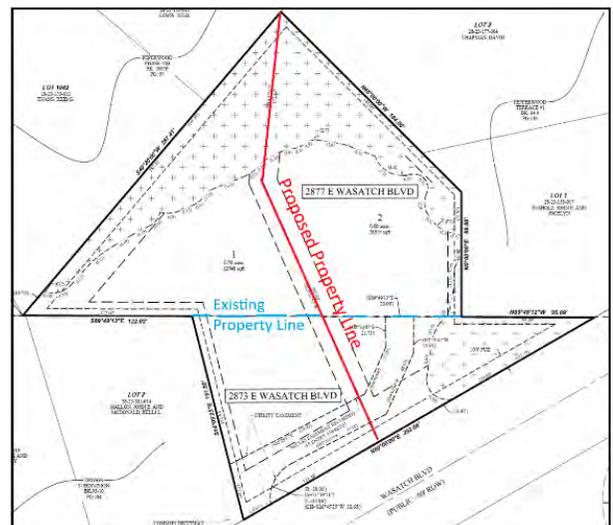
The design objectives for a Planned Unit Developments are:

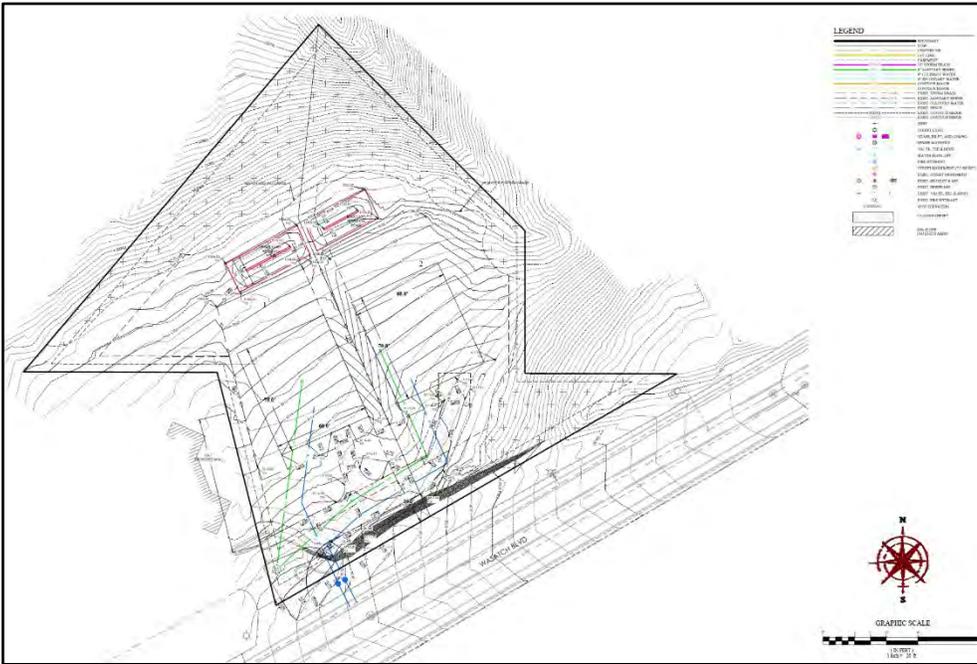
1. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
2. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
3. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
4. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
5. Open space and recreation areas should be the focal point for the overall design of the development.

The Planning Commission has flexibility in requiring specific setbacks, density, and layouts in order to ensure these design objectives are met. The Driggs subdivision plat states that lots must comply with the R-1-10 zoning requirements (see Exhibit “C”). It is recommended that these requirements be applied to the subject properties in order to ensure they match the character of the surrounding neighborhood.

#### Subdivision

The applicant is proposing to reconfigure the existing lot and remnant parcel by bisecting them north to south instead of east to west. This will provide street frontages for both lots and create sufficiently large buildable areas to allow for the development of single-family homes on each of them.





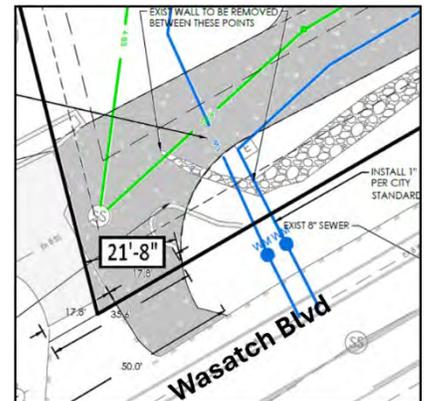
This property is also within the Sensitive Area Overlay zone. There are areas of 30% or greater slope that affects the proposed lots. These areas have been located on the plat and the buildable areas of each lot are indicated. The City Engineer has also reviewed the slope study and other geotechnical documents provided by the applicant. Besides the steep slopes, there are no other geologic issues that require further mitigation.

These lots also have large areas of natural vegetation and fall under the Wildland Urban Interface Overlay. Thus, balancing removal of natural vegetation with mitigating fire hazards is an

important consideration. A mitigation of removal of natural vegetation is to require fire resistive building materials.

There is a significant drop off along the street frontage of the northern lot. Lots within a subdivision are required to have direct access to a public street unless it can be demonstrated that such access is not possible based upon issues such as topography.

The developer is proposing to use an existing shared approach and easement at the southwest corner of the development to access the north lot. They will also engineer and rebuild the existing rock wall which serves to protect Wasatch Blvd from erosion. Using this approach will also preserve the sensitive slopes that exist along the frontage. The shared approach meets the 20-foot minimum width required by code and will not require access across the neighbor’s property.



Currently there are no street improvements along the west side of Wasatch Blvd. The city will enter into a cash out agreement with the developer where the cost of constructing curb and gutter along the frontage will be collected for use when the city eventually installs these improvements along the street.

**Special Exception**

Full street improvements to include curb, gutter, sidewalk and parkstrip are normally required as part of the subdivision development. The Planning Commission may grant a special exception to waive these improvements after consideration and receiving a positive recommendation from the Director and City Engineer.

As discussed above, the curb and gutter will be installed by the city at a future date. The applicant is seeking a special exception to not provide the remaining improvements (sidewalk and parkstrip). To maintain the precedent in the area, preserve the sensitive slopes, and prevent storm drainage issues, the City Engineer recommends that these improvements not be installed along the street frontage until the City can do a larger project in the area and avoid detrimental impacts from only installing a portion of improvements that are missing in the area.

**Staff Concerns**

The natural drainage of the land will be changed by this development. While the existing street drainage pattern will continue

along Wasatch Blvd since no improvements will be done there, the construction of homes and other improvements will impact drainage across the lots. The developer must ensure during the building permit process that each lot retains the required amount of storm drainage on site.

**Staff Recommendations****Motion #1 Special Exception**

Staff recommends that the Planning Commission approve the requested special exception for the Falls Creek Estates Subdivision located at 2873 and 2851 E. Wasatch Blvd to not provide full street improvements in front of the development based upon the following findings:

**Findings:**

1. The City and Applicant will enter into a cash out agreement where the cost of providing curb and gutter will be paid to the city for the construction of these improvements at a future date.
2. The precedence of adjoining improvements will be continued and maintained.
3. The proposed configuration equitably balances the needs of the public and presents the most efficient use of the land.

**Motion #2 Subdivision Review**

Staff recommends that the Planning Commission determine that preliminary subdivision review for the Falls Creek Estates Subdivision located at 2873 and 2851 E. Wasatch Blvd is substantially complete based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed configuration equitably balances the needs of the public and presents the most efficient use of the land.
2. That the proposed lots comply with the requirements of the PUD and Sensitive Area Overlay Zones.
3. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

**Conditions:**

1. That street improvements on Wasatch Boulevard be carried out in accordance with the approved plans designed by the applicant and with the cash out agreement to install those improvements at a future date by the City.
2. That all lots comply with all requirements of the PUD Zone and the Sensitive Area Overlay Zone.
3. That any area equal to or in excess of a 30% slope be indicated (cross-hatched) on the final plat, and that perspective builders and homeowners be apprised of the restrictive nature of the hillside lots.
4. That all lots comply with the requirements of the Wildland Urban Interface requirements without removal of natural vegetation within the protected slope areas of the lots and homeowners be apprised of this requirement.
5. That a grading and drainage plan be submitted and approved for all lots prior to issuance of a building permit. The grading plan shall include a driveway plan and profile to assure conforming driveway slope. Any down sloping driveway will require approval by the City Engineer.
6. 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.
7. That the same setback requirements of the R-1-10 zone be applied to this subdivision.

## EXHIBIT A.16

8. That a private access agreement and maintenance agreement for the shared driveway and access be recorded on these lots to ensure access to Wasatch Boulevard within the existing shared access on the west side of the subdivision.

Planner:



Thomas Irvin  
Senior Planner

File Name: S:\USERS\PLN\STAFFRPT\2025\SUB09152025-007042 – FALLS CREEK ESTATES SUBDIVISION\PLANNING COMMISSION\STAFF REPORT



Exhibit "B"

**NEIGHBORHOOD MEETING NOTES AND PUBLIC COMMENT**

**Neighborhood Meeting Summary**

**Meeting Date:** November 10, 2025

**Neighborhood:** Pepper Dell #28

**Project:** Falls Creek Estates Subdivision

**Applicant:** Greg Timoth with Ivory Homes

***Project Summary***

---

The proposal is a Preliminary Subdivision review for a 2-lot single-family development along Wasatch Blvd. The property is zoned PUD(2) and PUD(1.62). The applicant is also seeking Special Exception approval to not provide full sidewalks and parkstrips along the street frontage.

***Meeting Minutes***

---

The neighborhood meeting was conducted online, via Zoom with approximately four residents attending. Adjoining owners knew that the property would eventually develop, however, they had seen several concept plans over the years showing three proposed lots and were interested to see what was planned.

Both lots had been under common ownership for many years, leading some neighbors to believe it was a single property and only one home would be constructed. They were surprised to learn that it had always been two lots and that the current request was to reconfigure the properties to allow both to fully develop.

Owners of properties to the north asked several questions concerning building height and drainage as they are significantly downhill from the development. Greg Timothy with Ivory Homes explained that the subdivision did not specifically deal with how storm water would be managed, but that during the individual building permit reviews, stormwater would need to be retained on the lots. This is why Ivory’s engineering consultant had been performing percolation and soil analysis. Doing so gives them the information they need to develop a storm water management plan.

One applicant asked if the properties would be subject to the Pepperwood HOA requirements. They would not be since the land never has been part of the Pepperwood development plats.

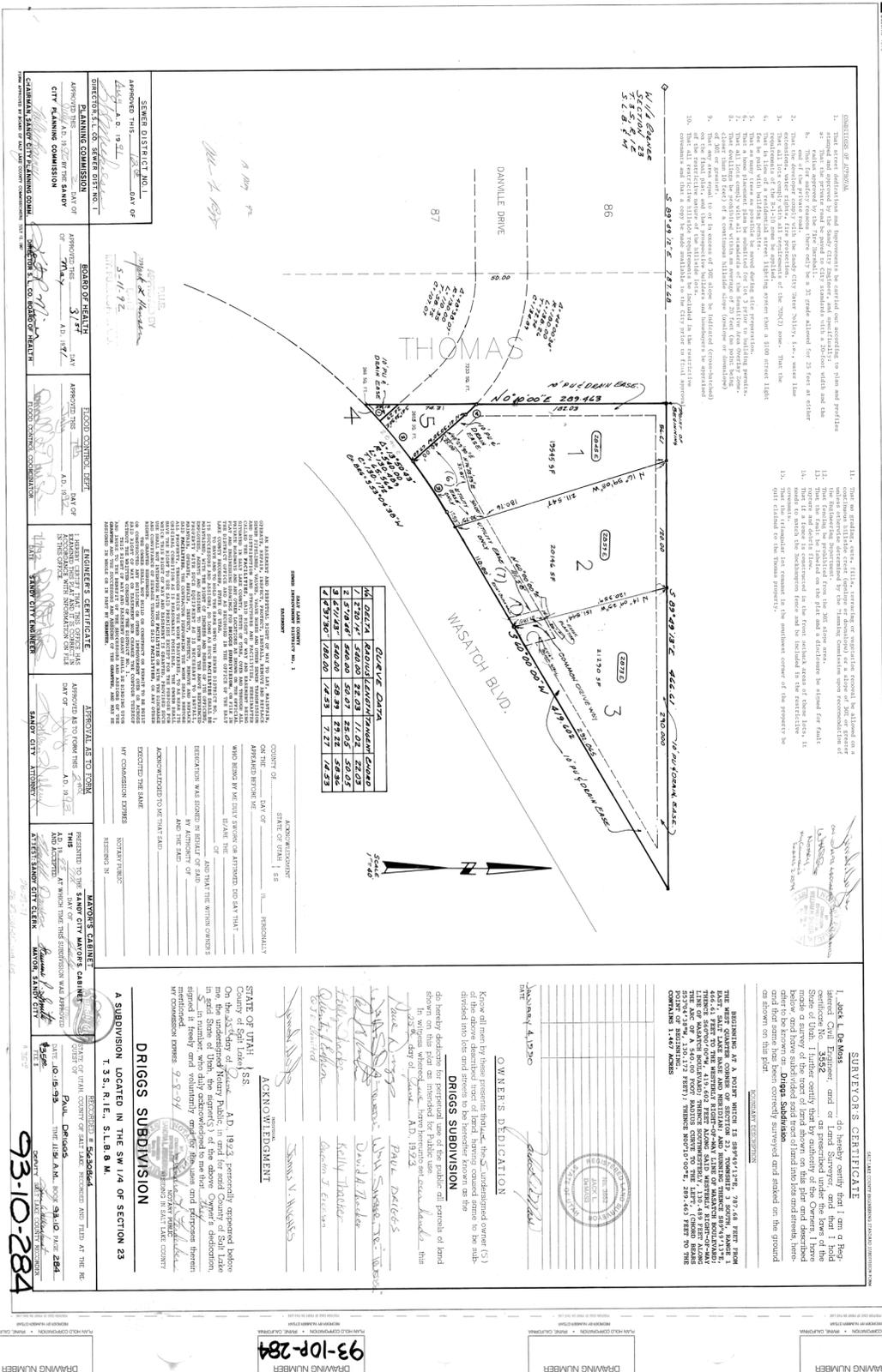
Several owners asked specific questions concerning the height and distance from property lines of the proposed homes. Staff explained that, while specific home plans are not part of this review, they will be subject to the height and setback requirements of the zone. Additionally, structures will need to be placed an average of 20 feet from the sensitive areas (above 30% in grade) and no closer than 10 feet to any given point.

Residents also wanted to know how vehicles would access the lots since there is a significant grade drop along Wasatch Blvd. Staff explained that an existing easement will be extended from the southwest corner of the property to allow vehicle access behind the grade drop. The retaining wall along Wasatch Blvd will be repaired and improved to ensure road stability over time.

Final questions were asked concerning the price point of the homes as future property values was a concern. Greg explained that Ivory realizes this is a high-end neighborhood and are committed to building homes that will fit the style and value of the adjoining properties.

EXHIBIT A.19

Exhibit "C" Driggs Subdivision Plat



# EXHIBIT D

# EXHIBIT A.21

14402207 B: 11581 P: 4862 Total Pages: 8  
06/26/2025 11:31 AM By: EMehanovic Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: COTTONWOOD TITLE INSURANCE AGENCY, INC.  
1996 EAST 6400 SOUTH SUITE 120SALT LAKE CITY, UT 84121

WHEN RECORDED RETURN TO:

Christopher P. Gamvroulas  
Ivory Development, LLC  
978 East Woodoak Lane  
Salt Lake City, Utah 84117

**DECLARATION OF ACCESS EASEMENT  
AND  
PRIVATE DRIVEWAY MAINTENANCE AGREEMENT  
FOR  
DRIGGS LOT 3 (Parcel # 28233010150000) and Parcel # 28231530150000**

This Declaration of Access Easement and Private Driveway Maintenance Agreement ("Maintenance Agreement") is executed by IVORY DEVELOPMENT, LLC., of 978 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant")

### RECITALS

A. Declarant is the owner of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

B. This document affects Driggs Lot 3 (Parcel # 28233010150000) and Parcel # 28231530150000 (the "Subdivision") (each a "Lot" and collectively "Lots")

C. Declarant desires to execute this Maintenance Agreement to create an access easement and provide common use and maintenance of a shared private driveway with the location described with particularity on Exhibit "B" (the "Common Driveway").

E. The Lots and Common Driveway are depicted on the Access Easement Exhibit attached as Exhibit "C" and incorporated herein by this reference.

### AGREEMENT

NOW THEREFORE, for the reasons recited above and based upon the promises and covenants set forth below, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Declarant and any and all future owners, grantees, assigns, or successors in interest in and to the Property (each an "Owner" and collectively the "Owners") shall be subject to and bound by following terms and provisions with regard to the Property:

1. Declarant's Property Subject to the Easements. Declarant hereby declares that the Declarant's Property shall be held, sold, conveyed, transferred, constructed, operated, maintained, leased, and occupied subject to or as applicable, together with, the easements, rights-of-way and maintenance obligations set forth herein (collectively "Easement"). Further, in the

## EXHIBIT A.22

event of any sale, conveyance, or transfer of the Declarant's Property to a third party, no further actions or agreements shall be necessary to effectuate such Easement and said Easement shall remain effective against and for the Declarant's Property in perpetuity.

2. Grant of Easement. Declarant grants, declares, and covenants that the Common Driveway shall hereinafter be appurtenant to the Property and that Lots 1 and 2 of the Subdivision shall be benefited and burdened by a perpetual, non-exclusive easement for ingress and egress by vehicular and pedestrian traffic over and across such portions of each of the respective Lots as are included in the Common Driveway. The Common Driveway shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained. The Owner of each lot, regardless of whether its interest in the Common Driveway is that of a dominant or servient estate, shall be subject to all the benefits, burdens, rights, restrictions and costs described herein (collectively, the "Benefits and Burdens).

3. Mutual Benefits and Burdens. The mutual Benefits and Burdens running with the Property and binding the Owners thereof include:

- a. A non-exclusive easement over, across and through the Common Driveway for the purpose of pedestrian and vehicular traffic between each Lot and the road as shown on Exhibit C.
- b. No Owner shall permit or suffer to be constructed or placed upon any portion of the Common Driveway any fence, wall, barricade, or other obstruction, whether temporary or permanent in nature, which would unreasonably limit or impair vehicular or pedestrian traffic from one portion of the Common Driveway to another or shall otherwise unreasonably obstruct or interfere with the movement of vehicles upon or over the Common Driveway, except (i) as may be reasonably necessary or appropriate during periods that construction activities are ongoing or (ii) to the extent that it may be necessary to do so temporarily to prevent a public dedication of, or the accrual of any rights in the public in any portion of any Lot or to the extent objectively necessary to prevent eminent damage to the Common Driveway, provided that any obstruction or interference permitted under this clause shall be done in a manner reasonably calculated to minimize its impact upon, and in reasonable cooperation with, the Owners of the other Lots comprising the Property.

4. Maintenance.

- a. The Owners shall be responsible for maintenance, snow removal, and improvement costs the Common Driveway, with the Owners of each Lot being responsible for their fifty percent (50%) pro rata share of the costs of such maintenance (for a total of 100%).
- b. The Common Driveway shall be maintained in (i) a condition that allows emergency vehicles, including without limitation ambulances, police and fire

## EXHIBIT A.23

vehicles, access to all of the Lots on the Property and (ii) at least as good as the condition that is required for streets maintained by the surrounding municipality.

- c. No Owner shall be liable for maintenance costs unless such maintenance costs are (i) reasonably necessary to satisfy the requirements of Paragraph 4(b).
- d. If any Owner fails to pay for such Owner's percentage share of reasonably necessary maintenance costs as required pursuant to a written request in accordance with subparagraph (c) above, then the other Owners shall be entitled (i) to obtain an injunction or court order requiring such payment of costs, or (ii) to undertake all reasonably necessary maintenance and bill each Owner for such Owner's percentage share of the maintenance costs. If an Owner has not paid such Owner's respective percentage share of the reasonably necessary maintenance costs within thirty (30) days of receiving the written invoices for the costs of such maintenance, any other Owner actually paying for such costs shall have a lien against the Lot of the Owner who refuses to pay such costs in the amount of the unpaid percentage share of such costs plus interest at the rate of five percent (5%) per annum from the date such costs were incurred. For purposes of enforcing this Declaration, the Owners shall be deemed to be an association as defined in Utah Code § 57-8a-102(2)(a), as said statute may be amended or supplemented, with regard to the right to maintain and foreclose a lien in the amount of the percentage share of the costs of maintaining the Common Driveway. Each Owner shall be deemed to be the manager and agent of such association for the purposes of foreclosing the lien pursuant to the procedures set forth in Utah Code § 57-8a-302, as amended or supplemented.

5. Easements Appurtenant. Each and all of the easements and rights granted or created herein are appurtenant to the affected portions of the entire Lot and none of the easements and rights may be transferred, assigned, or encumbered, except as an appurtenance to such Lot. For the purposes of such easements and rights, the entire Lot which is benefited by such easements shall constitute the dominant estate and the particular areas of the entire Lot which are burdened by such easements and rights shall constitute the servient estate.

6. Nature and Effect of Easements. Each and all of the easements, restrictions and covenants, and provisions contained in this Declaration: (a) are made for the direct, mutual, and reciprocal benefit of the respective Lots; (b) create mutual equitable servitudes upon each Lot in favor of the other; (c) constitute covenants running with the land; (d) shall bind every person or entity that may have, or acquire any fee, leasehold or other interest in any portion of the Property at any time or from time to time to the extent that such interest is affected or bound by the easement, covenant, restriction or provision or to the extent that such easement, covenant, restriction, or provision is to be performed by such person.

7. Taxes. The Owner of each Lot shall pay or cause to be paid all real estate taxes and special assessments which are levied against that portion of the Common Driveway on the Owner's respective Lot prior to delinquency of such taxes or special assessments.

## EXHIBIT A.24

8. No Third-Party Enforcement. It is the intent of this Declaration that only the parties hereto or their successors or assigns in title shall be entitled to enforce or bring an action to enforce the terms hereof and no tenant, occupant or other third party is an intended beneficiary hereof, and any benefits flowing to such persons are merely incidental. In addition, it is the intent of Grantor that no third party shall have an independent right of action hereunder.

9. Duration. The easements, covenants, restrictions and other provisions of this Declaration shall become effective upon the recording of this Declaration in the Office of the Salt Lake County Recorder and shall continue in perpetuity.

10. Discharge of Rights and Duties Upon Transfer. In the event of assignment, transfer or conveyance of the whole of the interest of any Owner in and to any Lot, without retaining any beneficial interest other than under the terms of a deed of trust, mortgage or similar instrument, the powers, rights and obligations created hereunder will be deemed assigned, transferred and conveyed to such transferee, and such powers, rights and obligations will be deemed assumed by such transferee, effective as of the date of transfer. The obligations and rights of the transferor shall immediately thereafter be deemed discharged as to any such rights and obligations arising after transfer of the interest.

11. Amendment. This Declaration or any easement, covenant, restriction or undertaking contained herein, may be terminated, extended or amended by recording of an appropriate document in the Office of the Salt Lake County Recorder, State of Utah, which document must be executed in a recordable form by the Owners.

12. No Public Dedication. Nothing contained in this Declaration shall constitute a gift or dedication of any portion of any Lot to the general public or for any public purpose whatsoever.

13. Waiver. No waiver of any breach of any of the terms hereof shall be construed or constitute a waiver of any other breach or acquiescence in or consent to any further or succeeding breach of the same or other covenant or term of this Declaration.

14. Enforcement and Severability. If any party to this Declaration takes action to enforce the terms of this Declaration, the substantially prevailing party shall be entitled to recover his, her or its reasonable attorneys' fees and costs incurred in any reasonable enforcement of this Declaration. If any term or provision hereof shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Declaration shall not be affected thereby, but each remaining term and provision shall be valid and enforced to the fullest extent permitted by the law.

15. No Merger. It is the express intent of Declarant that this Declaration remain in full force and effect and that the Easements herein granted not be deemed to have merged with any other estate now held or which may in the future be held by Declarant or its successor-in-interest, notwithstanding the fact that Declarant is the owner of all of the Declarant's Property and may presently or may in the future have the sole right to possess or sell and divest itself of all of the Declarant's Property.

**EXHIBIT A.25**

16. Governing Law. This Declaration shall be construed in accordance with and governed by the laws of the State of Utah.

17. Entire Agreement. This Declaration contains all of the agreements of the undersigned with respect to matters covered or mentioned herein and no prior agreement, letters, representations, warranties, promises, or understandings pertaining to any such matters shall be effective for any such purpose.

IN WITNESS WHEREOF, the Declarant has executed this instrument the 24<sup>TH</sup> day of JUNE, 2025

DECLARANT: IVORY DEVELOPMENT, LLC

BY: [Signature]  
Christopher P. Gamvroulas  
DATE: 6/24/25

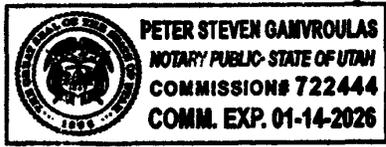
IT'S PRESIDENT

STATE OF UTAH )  
COUNTY OF SALT LAKE )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 24<sup>TH</sup> day, JUNE of 2025 by Christopher P. Gamvroulas, the President of Ivory Development, LLC, a Utah limited liability company, and said Christopher P. Gamvroulas duly acknowledged to me that said Company executed the same.

[Signature]  
NOTARY PUBLIC



## EXHIBIT A.26

### EXHIBIT A

#### LEGAL DESCRIPTION OF PROPERTY

(FROM SPECIAL WARRANTY DEED: Entry #12557183) PARCEL 1:

Lot 3, Driggs Subdivision, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder.

PARCEL 2:

Beginning South 89°49'12" East 842.15 feet from the west 1/4, Corner Section 23, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence north 40°20' East 287.42 feet; thence South 45° East 184.00 feet; thence South 89.98 feet; thence North 89°49' 12" West 316.25 feet to beginning.

Tax Parcel No. 28-23-301-015, 28-23-153-015

**EXHIBIT B**

**LEGAL DESCRIPTION OF COMMON DRIVEWAY**

**ACCESS EASEMENT LEGAL DESCRIPTION**

Located in Lot 3, Driggs Subdivision, as recorded in Book 93-10, Page 284 in the Salt Lake County Recorder's Office, said subdivision being a part of the Southwest Quarter of Section 23, Township 3 South, Range 1 East, Salt Lake Base and Meridian, located in Sandy City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at a point along the 1/4 Section line S89°49'13"E 1104.03 feet from the West 1/4 Corner of Section 23, Township 3 South, Range 1 East, Salt Lake Base and Meridian; running thence along said 1/4 Section line S89°49'13"E 20.00 feet; thence S00°10'47"W 25.95 feet; thence S24°02'04"W 48.39 feet; thence S62°25'21"W 77.34 feet; thence along the arc of a curve to the left with a radius of 28.00 feet a distance of 34.86 feet through a central angle of 71°19'51" Chord: S26°45'25"W 32.65 feet to the northerly right-of-way line of Wasatch Boulevard; thence along said right-of-way line S60°00'00"W 22.67 feet to the westerly line of Lot 3 of said Driggs Subdivision; thence N14°09'23"W 41.12 feet; thence N62°25'21"E 110.01 feet; thence N24°02'04"E 37.21 feet; thence N00°10'47"E 21.73 feet to the point of beginning.

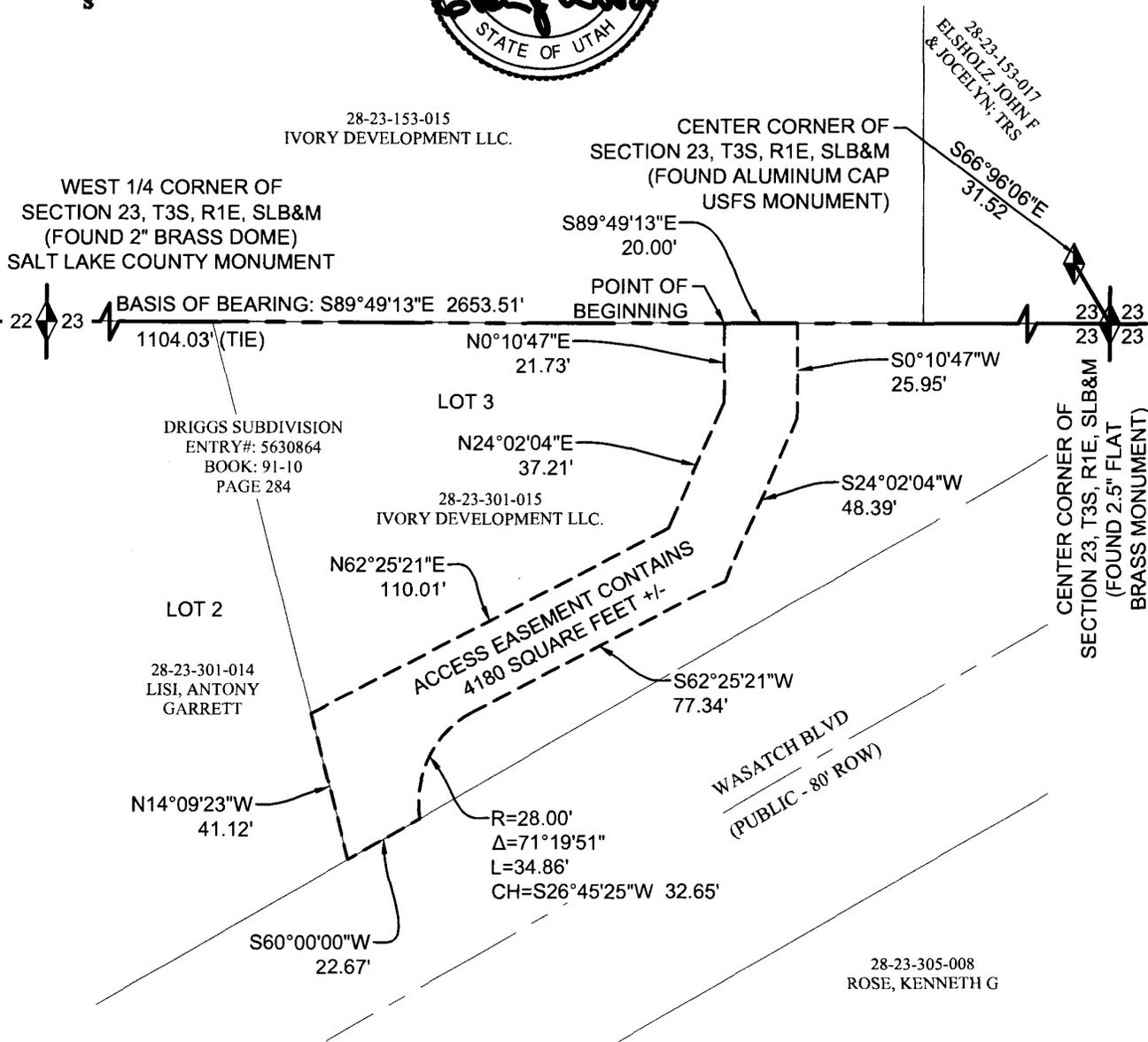
Contains 4,180 square feet +/-

# EXHIBIT A.28



EXHIBIT C

ACCESS EASEMENT EXHIBIT

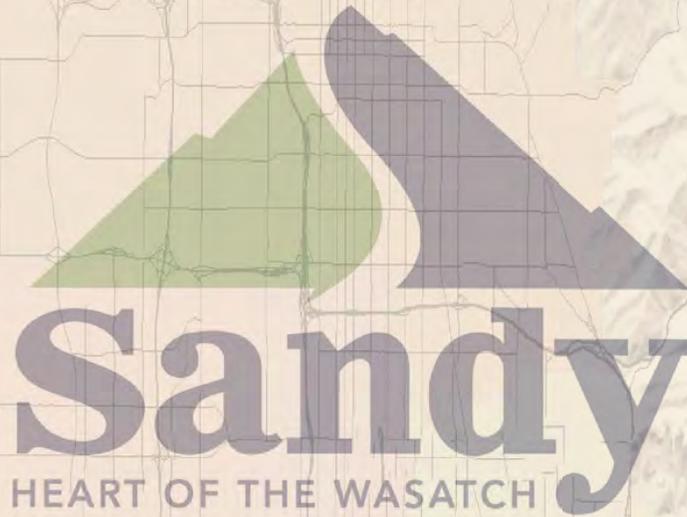
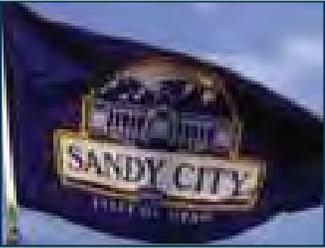


**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
6949 S. HIGH TECH DRIVE SUITE 200  
MIDVALE, UTAH 84047 PH: (801) 352-0075  
www.focus-es.com

**ACCESS EASEMENT EXHIBIT**  
LOCATION: SOUTHWEST 1/4 OF SECTION 23, T3S, R1E, SLB&M  
**SANDY CITY, UT**

Date Created:	6-16-2025
Scale:	N.T.S.
Drawn:	EE
Job:	18-299
Sheet:	1 OF 1

# EXHIBIT E



# Sandy City Master Transportation Plan Update

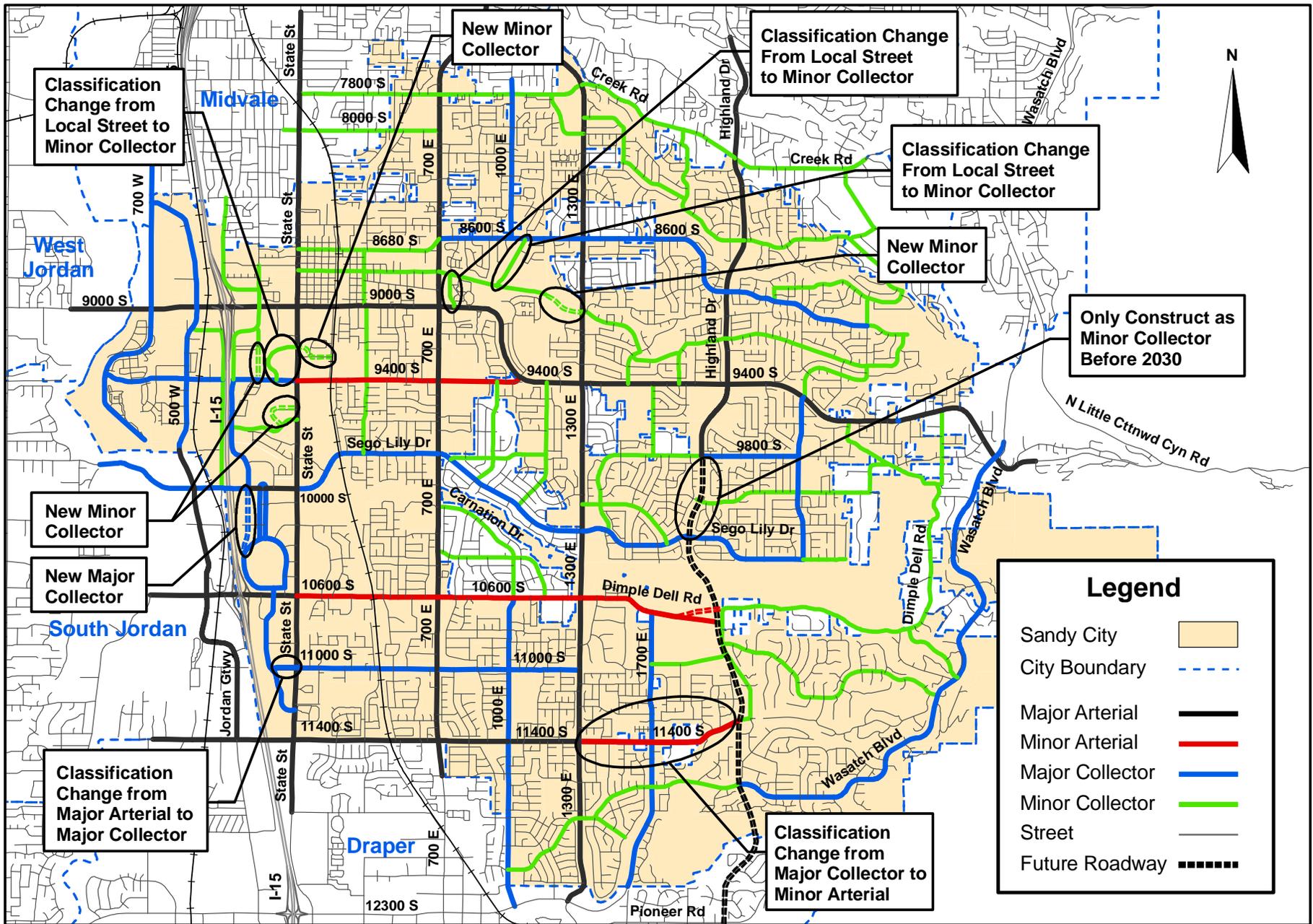
November 2009

Sandy City

AECOM

HORROCKS  
ENGINEERS

# EXHIBIT A.31



**FIGURE 1**

Recommended Roadway Classification

# EXHIBIT F

# EXHIBIT A.33

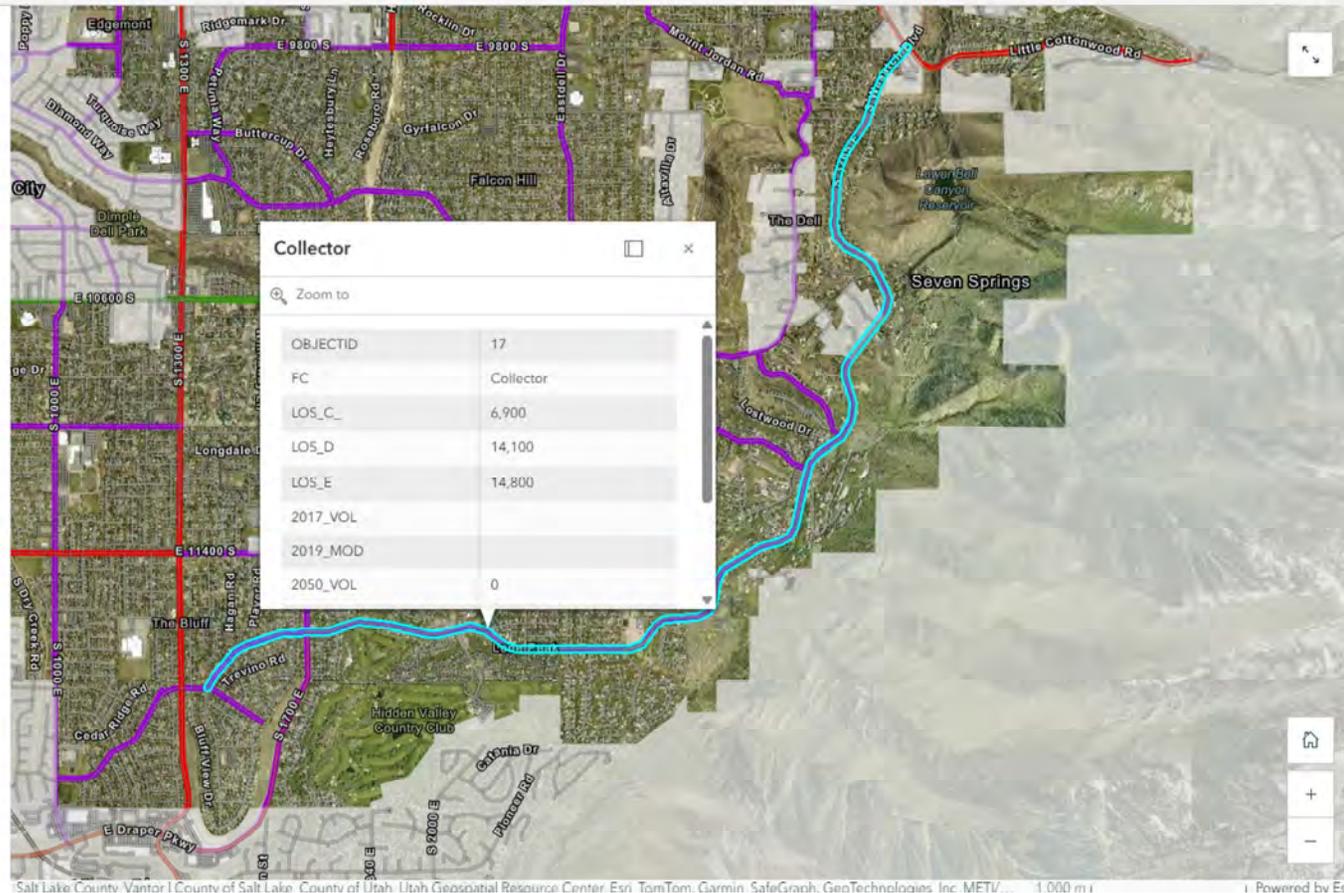


## Roadway Functional Classification

Roadways are classified according to how they provide for mobility and land access. As mobility increases, land access decreases and vice-versa. For example, you have high mobility in interstate highways but poor access to destinations around it.

- Arterials** - Freeways and expressways are provided to service long distance trips between cities, as a result they have the highest level of mobility and lowest level of land access.
- Collectors** - Collectors serve both through movement and land access in relatively equal proportions. They gather traffic from local roads and channel it to arterials.
- Local Roads** - The primary function of local roads is to provide access to land parcels. Through movement is usually discouraged, and they are not intended for long-distance travel.

*\*This is an interactive map! Zoom, pan, and click on data layers to obtain more information.*



## EXHIBIT B

# **IVORY** DEVELOPMENT

VIA EMAIL

January 20, 2026

Board of Adjustment  
Attn: Melissa Anderson Community Development  
10000 Centennial Parkway Sandy, Utah 84070  
[manderson@sandy.utah.gov](mailto:manderson@sandy.utah.gov)  
[plan@sandy.utah.gov](mailto:plan@sandy.utah.gov)

Re: Response to Appeal of Planning Commission Preliminary Approval — Falls Creek Estates Subdivision (SUB009152025-007042; SPX11112025-007076)

Dear Ms. Anderson and Members of the Board:

Ivory Development, LLC (“Ivory”) submit this response to the appeal filed by counsel for Garrett and Samantha Lisi regarding the Planning Commission’s preliminary approval of the Falls Creek Estates Subdivision. For the reasons below, the appeal should be denied and the preliminary approval affirmed.

I. Appellants’ Lack Standing

The appellants assert standing as owners of 2859 E. Wasatch Blvd. (Lot 2) adjoining the proposed subdivision and referencing a shared driveway easement with 2873 E. Wasatch Blvd. (Lot 3). Appellants state they own Lot 2 abutting the proposed subdivision and that Lot 2 shares a driveway entrance with Lot 3. Ivory does not challenge the proximity of the appellants or the reality that the development of a neighboring parcel necessarily affects all surrounding lot owners. However, standing to pursue an administrative appeal requires alleging error in administration or interpretation of the code, not merely proximity. Appellants have failed to do so.

II. Ivory’s Proposed Development has Lawful, Record Access

Appellants argue the Commission treated the access serving Lots 3 and 4 as a private lane and contend it must instead be treated as a private street. They rely on staff report references to an existing shared approach and a driveway easement. To be clear, the reference in Paragraph 8 of Staff Recommendations and Conditions for Motion #2 is a reference to the requirement that Ivory record a private access agreement and maintenance agreement against the shared driveway for future lots 3 and 4. It is not referencing the 1993 driveway easement burdening Lots 2 and 3 (“Original Easement”). The Original Easement is not relevant. The shared driveway is located completely on property owned by Ivory. While part of Ivory’s property is burdened by the Original Easement, that does not affect Ivory’s ability to grant a separate

## EXHIBIT B

easement to the future Lot 4. Additionally, the Original Easement is not part of the record in this matter. “The appellant may not bring new information for consideration before the appeal authority that had not been previously presented to the land use authority during its consideration of the matter.” Sandy City Code § 21-15-3.

Appellants further contend the approach serves three properties and exceeds 150 feet, arguing the facility therefore meets the City’s definition of a private street and not a private lane. Appellants misunderstand Ivory’s site plan. As an initial matter, the portion of the drive approach that will serve all three lots is only approximately 41 feet long. Also, the shared driveway for future lots 3 and 4 will only be used by two units and is much shorter than 150 feet. Exhibit A to the staff report obviously does not show a finalized driveway design. It is a preliminary plat. It merely shows the proposed location of the driveway up through the current property boundary. Once the lot line adjustment is made, and the home location is known, the driveway will only extend to the home.

The preliminary approval conditions can and will be met during the final plat approval process, including demonstration of lawful access and meeting applicable dimensional and emergency access standards. Those compliance items are appropriately finalized at improvement plan and final plat stages, consistent with how preliminary approvals routinely condition later technical confirmations.

With regard to Appellants’ arguments regarding maintenance costs, in addition to being based on a document not before the Board, it’s important to note that the Commission’s preliminary approval does not adjudicate private property rights between easement holders; it conditions subdivision approval on the applicant demonstrating adequate, lawful access. Private allocation of maintenance costs under recorded easements is a civil matter outside the scope of the Commission’s land use determinations. The appeal does not identify a condition in the approval that compels the Appellants to alter their private obligations; rather, it asks the Board to preemptively decide private easement scope, which is beyond the Board’s purview at this stage. The existing conditions require the applicant to document legal access sufficient for plat recordation. If the applicant cannot, final approval would not proceed. Ivory is open to communicating with the Lissis outside of this process and addressing the Lissis’ concerns regarding cost sharing and maintenance in a way that is fair to all parties.

### III. Appellants Misunderstand Sandy City Code § 21-15-3

Appellants assert the Commission recognized Lot 4 as a “remnant” with no development rights. The appeal points to a generalized meeting reference but does not provide necessary context. The whole purpose of the application is to reconfigure the existing lot and remnant parcel by bisecting them north to south, thereby creating buildable areas on both lots. Sandy City Code § 21-15-3 only requires applicants to identify “[b]uildable and non-buildable areas,” which Ivory did. See Exhibit A to Staff Report Memorandum. There is no requirement that the

## EXHIBIT B

applicant show that the property is buildable *as existing* even if the application is denied. If that was the requirement, there would be no need for a subdivision process. Moreover, the Commission's action was preliminary, conditioned upon satisfying Sensitive Area Overlay requirements, including demonstrating buildable areas and compliance with usable land standards. No part of the preliminary approval authorizes construction contrary to those standards.

#### IV. Ivory has Sufficient Access from Wasatch Boulevard

Appellants raise safety concerns regarding the shared drive approach. It is unclear how the Appellants can assert that the approach is unsafe for Ivory's development, when Appellants' utilize a similar approach, apparently without incident. Traffic safety and access spacing are addressed through engineering review. That review has shown no safety or traffic concerns resulting from the addition of a single new residential unit.

#### V. Standard of Review.

The Board is required to give the Commission significant deference. Sandy City Code § 21-35-1(h)(2) states,

Land use authorities and administrative officials have specialized knowledge in the field of planning and land use and are charged with and are experienced in implementing the goals and policies of the community as adopted by and under the supervision of elected representatives of the public. Accordingly, they should be allowed a comparatively wide latitude of discretion; and their actions endowed with a presumption of correctness and validity which an appeal authority should not interfere with unless it is shown that there is no reasonable basis to justify the action taken, and that, therefore, the determinations made were so unreasonable as to be arbitrary and capricious. It is not the appeal authority's prerogative to substitute its judgment for that of the land use authority where the record discloses a reasonable basis for the land use authority's determination.

Appellants have the burden of to show that the Commissions decision was illegal, arbitrary, or capricious. Sandy City Code § 21-35-1(g). They have not done so.

#### VI. Conclusion.

The existing preliminary approval conditions already require the applicant to demonstrate code-compliant access classification, dimensions, turnarounds, legal rights of access, Sensitive Area compliance, and transportation safety compliance prior to final plat. The Board need not substitute its judgment for the standard, conditional preliminary process that defers technical, evidence-based confirmations to final engineering and plat submittals.

## EXHIBIT B

Appellants' private easement maintenance concerns are not properly before the Board and are not grounds to overturn a preliminary land use approval. Additionally, a stay is unwarranted where the approval is conditional, non-final, and preserves all substantive code compliance checks prior to final action. Ivory respectfully asks that the Decision be upheld.

Respectfully submitted,



Analise Quinn Wilson  
General Counsel

## EXHIBIT C

# Subdivision & Special Exception Review

- Falls Creek Estates Subdivision
- 2873 E & 2851 E Wasatch Blvd
- File #: SUB09152025-007042
- SPX11112025-007076
- Request: The applicant is requesting preliminary subdivision review. Additionally, they are seeking special exception approval to not provide full street improvements in front of the development.



SUB09152025-007042  
Falls Creek Estates Subdivision  
2873 E and 2851 E Wasatch Blvd

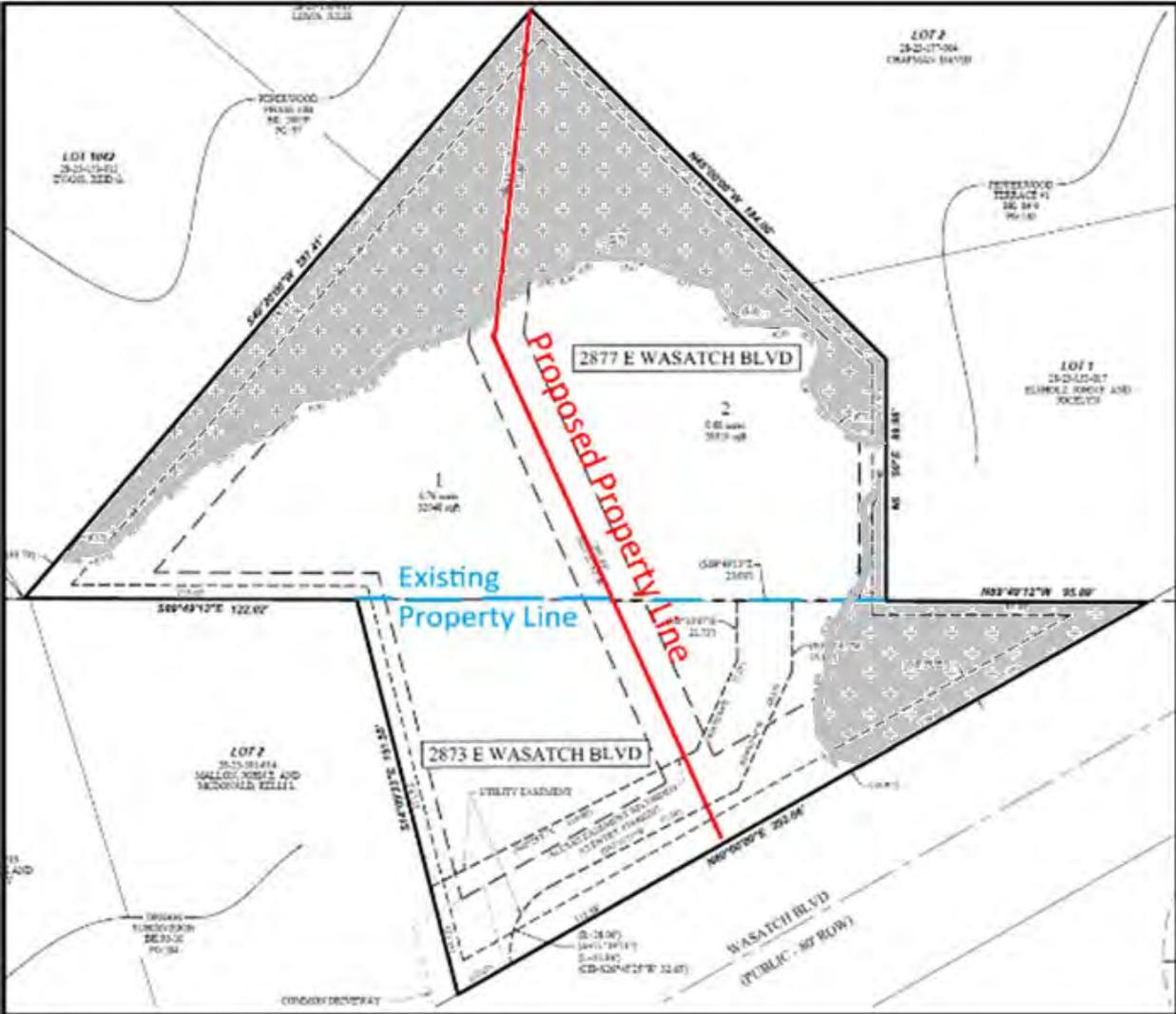


Community Development Department  
Sandy City, UT

Planning Commission



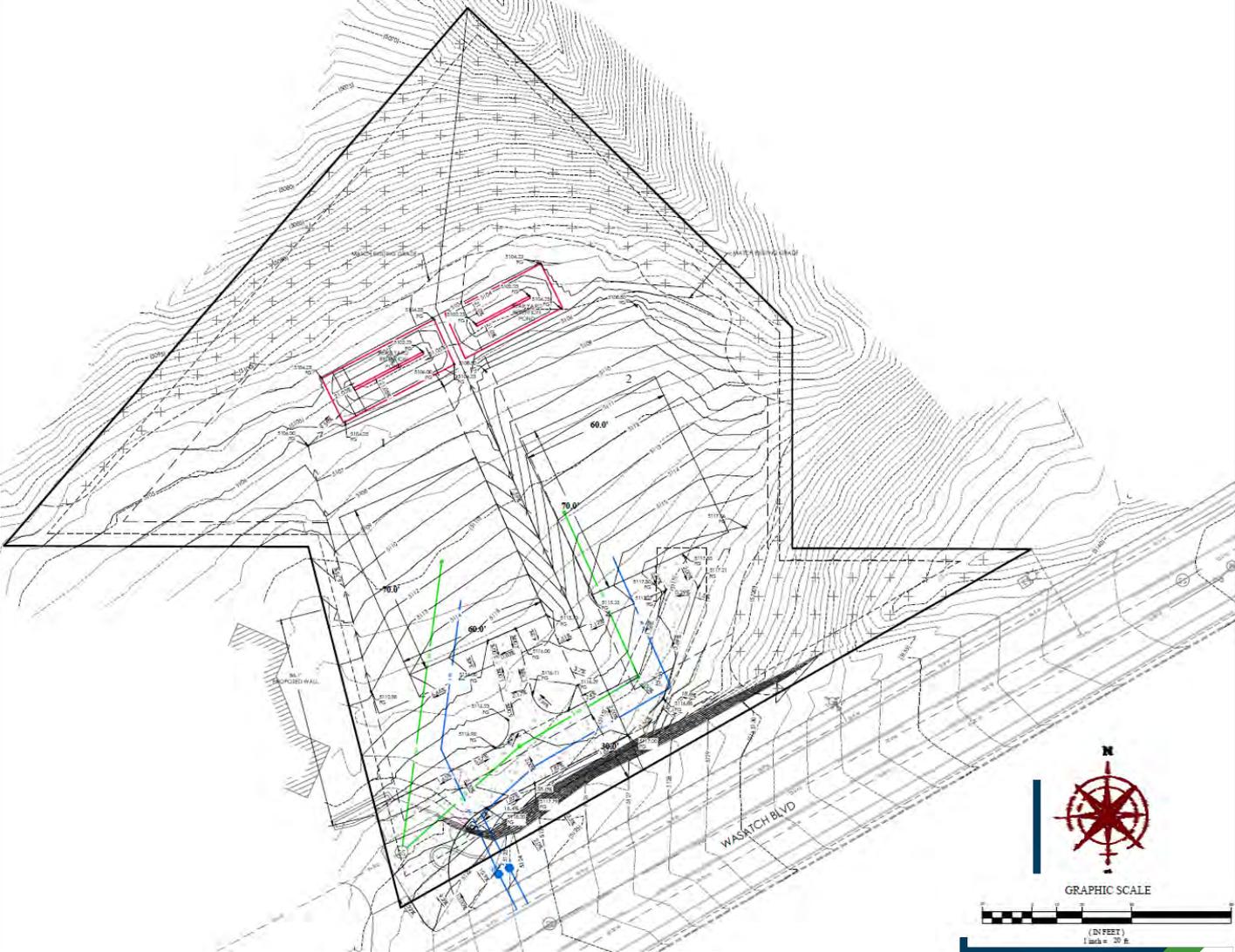
# EXHIBIT C



Planning Commission



# EXHIBIT C



Planning Commission



# EXHIBIT C





# EXHIBIT D

## Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7256

### Meeting Minutes

### Planning Commission

*Dave Bromley*  
*Cameron Duncan*  
*David Hart*  
*Ron Mortimer*  
*Daniel Schoenfeld*  
*Steven Wrigley*  
*LaNiece Davenport*  
*Craig Kitterman (Alternate)*  
*Jennifer George (Alternate)*

---

Thursday, November 20, 2025

6:15 PM

Council Chambers and Online

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Meeting procedures are found at the end of this agenda.

This Planning Commission meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_conDh98KRfO8kHtKE\\_tvXg](https://us02web.zoom.us/webinar/register/WN_conDh98KRfO8kHtKE_tvXg)

After registering, you will receive a confirmation email containing information about joining the webinar.

You can join the meeting with the following link:

<https://us02web.zoom.us/j/84967034024>

Or join via phone by dialing:

US: 253 215 8782 or 346 248 7799 or 669 900 6833 or 301 715 8592 or 312 626 6799 or 929 436 2866  
(for higher quality, dial a number based on your current location)

International numbers available: <https://us02web.zoom.us/j/84967034024>

Webinar ID: 849 6703 4024

Passcode: 469150

### 4:00 PM FIELD TRIP

1. [25-339](#) Map

Attachments: [11202025.pdf](#)

# EXHIBIT D

## 5:15 PM EXECUTIVE SESSION

Meeting went into Recess

Meeting Reconvened

## 6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 7 - Commissioner Dave Bromley  
Commissioner Cameron Duncan  
Commissioner Ron Mortimer  
Commissioner Steven Wrigley  
Commissioner Craig Kitterman  
Commissioner Jennifer George  
Commissioner LaNiece Davenport
- Absent** 2 - Commissioner David Hart  
Commissioner Daniel Schoenfeld

## Consent Agenda

## Public Meeting Items

# EXHIBIT D

2. [SPX1111202](#) Falls Creek Subdivision (Special Exception Review)  
[5-007076](#) 2873 E Wasatch Blvd  
[Community 28, Pepper Dell]

Thomas Irvin presented the special exception and subdivision requests at the same time to the Planning Commission.

Steven Wrigley asked if there would be building in the sensitive area overlay.

Thomas Irvin said the sensitive area overlay won't be disturbed in this project.

Dave Bromley asked if the city engineer is going to require temporary fencing along the 30% slope lines.

Brittney Ward, Sandy City Engineer, said that fencing is required when it's unclear where the 30% slope lines lie.

Cameron Duncan asked for clarification about the address on the map versus what's in the staff report for the existing lot.

Thomas Irvin said that the lots will be re-addressed.

Dave Bromley opened this item for public comment.

Benson Lewis, 7 Snow Forest Cove, shared concerns about potential flooding.

David Chapman, 11368 S Pepper Circle, asked for adherence to the R-1-10 zone height and setback requirements and shared his concerns.

Todd Eves, 5 Snow Forest Cove, shared concerns that he previously submitted as part of public comment and is part of the staff report.

Steve Van Maren, Draper resident, has concerns regarding the width of Wasatch Blvd.

Dave Bromley closed this item to public comment.

Thomas Irvin spoke about the drainage plan and mentioned that it's not part of the subdivision plan review but would be required when they apply for their building permit.

Dave Bromley asked how the public would gain access to plans that are submitted for a building permit.

Mike Wilcox said the public can submit a GRAMA request at any time and through that request they can set an appointment with staff to view the files however the city cannot give copies of copyrighted documents.

Brittney Ward, City Engineer, said copies of the geotech report would need to be requested directly to the geotech or they could meet with city staff to view all documents submitted. She also spoke about drainage, fill, and currently there's no future plan to widen Wasatch Blvd.

Mike Wilcox spoke about the existing driveway.

# EXHIBIT D

Thomas Irvin said the zone applies to the lot with similar setbacks and height to the neighbors.

Craig Kitterman asked if residents can be notified when a building permit has been pulled so they can view the geotech report.

Mike Wilcox said that's an administrative review and it's not a public review process which is why public notice is not done for building permits. However, anyone can submit a GRAMA request and if, at that time, the reports are available they can make an appointment with staff to view the documents.

**A motion was made by Cameron Duncan, seconded by LaNiece Davenport, that the Planning Commission approve the requested special exception for the Falls Creek Estates Subdivision located at 2873 and 2851 E Wasatch Blvd to not provide full street improvements in front of the development based on the three findings detailed in the staff report. The motion carried by the following roll call vote:**

**Yes:** 7 - Dave Bromley  
Cameron Duncan  
Ron Mortimer  
Steven Wrigley  
Craig Kitterman  
Jennifer George  
LaNiece Davenport

**Absent:** 2 - David Hart  
Daniel Schoenfeld

**Nonvoting:** 0

3. [SUB0915202](#) Falls Creek Subdivision (Subdivision Review)  
[5-007042](#) 2873 E Wasatch Blvd  
[Community 28, Pepper Dell]

**Attachments:** [Staff Report](#)  
[Exhibit A](#)  
[Exhibit B](#)

**A motion was made by Cameron Duncan, seconded by LaNiece Davenport, that the Planning Commission determine that preliminary subdivision review for the Falls Creek Estates Subdivision located at 2873 and 2851 E Wasatch Blvd is substantially complete based on the three findings and subject to the eight conditions detailed in the staff report. The motion carried by the following roll call vote:**

# EXHIBIT D

**Yes:** 7 - Dave Bromley  
Cameron Duncan  
Ron Mortimer  
Steven Wrigley  
Craig Kitterman  
Jennifer George  
LaNiece Davenport

**Absent:** 2 - David Hart  
Daniel Schoenfeld

**Nonvoting:** 0

4. [SPR0701202](#) IONNA EV Charging Station - Preliminary  
[5-006992](#) Modified Site Plan Review  
151 W. 10600 S.  
[Community # 9, Commercial Area]

**Attachments:** [Staff Report](#)  
[Exhibits](#)

Doug Wheelwright introduced this item to the Planning Commission.

Andres Villacres presented this item to the Planning Commission.

Steven Wrigley asked about queuing parking spaces while you're waiting in line to charge.

Andres Villacres, representing IONNA EV, said they don't anticipate high traffic volumes for a few years and they don't have queuing on site.

LaNiece Davenport asked if IONNA is a charging network.

Andres Villacres said yes.

Doug Wheelwright recommended approval of the project.

Dave Bromley opened this item for public comment.

Alton White, is in support of the project.

Dave Bromley closed this item to public comment.

**A motion was made by Jennifer George, seconded by Steven Wrigley, that the Planning Commission approve a modified site plan review for the IONNA EV Charging Station, for the property located at 151 W 10600 S based on the two findings and subject to the eight conditions detailed in the staff report. The motion carried by the following roll call vote:**

# EXHIBIT D

**Yes:** 7 - Dave Bromley  
Cameron Duncan  
Ron Mortimer  
Steven Wrigley  
Craig Kitterman  
Jennifer George  
LaNiece Davenport

**Absent:** 2 - David Hart  
Daniel Schoenfeld

**Nonvoting:** 0

# EXHIBIT D

5. [SPR0513202](#) Sandy Station Townhomes - Preliminary Cairns Site Plan Review  
[5-006965](#) 8925 S. Harrison St.  
[Community #1, Northwest Exposure]

**Attachments:** [Staff Report](#)

[Exhibit A](#)

[Exhibit B](#)

Mike Wilcox introduced the site plan and subdivision request, at the same time, to the Planning Commission.

David Kelly with D.R. Horton presented this item to the Planning Commission.

Mike Wilcox further presented this item.

James Sorensen said this is a great opportunity to enhance this site and it fulfills the need of the city and serves a diverse population.

Cameron Duncan asked how these homes are going to be attainable for first time home buyers.

David Kelley spoke about different materials used which help make it attainable and they would market the homes to city staff, teachers, etc first.

Zack Hartman, who represents the seller, spoke about financing strategies.

Steven Wrigley asked about their marketing plan.

David Kelley said the sales team will be knocking on doors, etc.

Dave Bromley asked about the exterior materials.

David Kelly said that the ground floor is hardy plank, hardy board in the middle and the top would be a different reveal that they're still working on. And white stucco.

Dave Bromley asked Mike Wilcox about the enhanced raised landscape.

Mike Wilcox clarified on the map where the enhanced mounded would go which would also help buffer noise from 9000 S for some of the units.

Dave Bromley opened this item for public comment.

Dave Bromley closed this item to public comment.

Dave Bromley asked if maintenance on the exterior bollards would be managed through an HOA.

David Kelley said the HOA would maintain the bollards and the maintenance of the entire exterior.

Ron Mortimer said this is a tough site and the applicant has done a great job with the project.

# EXHIBIT D

A motion was made by Ron Mortimer, seconded by Cameron Duncan, that the Planning Commission determine that preliminary site plan review for the Sandy Station Townhomes located at 8925 S Harrison St. is substantially complete based on the five findings and subject to the nine conditions detailed in the staff report with an additional condition to include the enhanced landscaping as discussed during the meeting. The motion carried by the following roll call vote:

**Yes:** 7 - Dave Bromley  
Cameron Duncan  
Ron Mortimer  
Steven Wrigley  
Craig Kitterman  
Jennifer George  
LaNiece Davenport

**Absent:** 2 - David Hart  
Daniel Schoenfeld

**Nonvoting:** 0

6. [SUB0513202](#) Sandy Station Townhomes - Preliminary Subdivision Review  
[5-006966](#) 8925 S. Harrison St.  
[Community #1, Northwest Exposure]

**Attachments:** [Exhibit C](#)

A motion was made by Ron Mortimer, seconded by Cameron Duncan, that the Planning Commission determine that preliminary subdivision review for Sandy Station Townhomes located at 8925 S Harrison St., is substantially complete based on the two findings and subject to the seven conditions detailed in the staff report. The motion carried by the following roll call vote:

**Yes:** 7 - Dave Bromley  
Cameron Duncan  
Ron Mortimer  
Steven Wrigley  
Craig Kitterman  
Jennifer George  
LaNiece Davenport

**Absent:** 2 - David Hart  
Daniel Schoenfeld

**Nonvoting:** 0

## Administrative Business

1. Minutes

# EXHIBIT D

[25-340](#) Minutes

**Attachments:** [11.06.2025 PC Minutes \(DRAFT\)](#)

2. Director's Report

## Adjournment

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256