



MEMORANDUM

October 21, 2021

To: Planning Commission
From: Community Development Department
Subject: Monte Cristo at LaCaille Subdivision (Preliminary Review)
9701 S. 3775 E.
[Community #30 – Granite]

SUB04262021-006034
SPX10122021-006172
7.77 Acres
Zone: R-1-15

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
ANEX-2-15-4083	Little Cottonwood Lane – Part B Annexation effective May 6, 2015
ANEX-11-20-5954	Monte Cristo Annexation, effective May 19, 2021

REQUEST

Mr. Chris McCandless has submitted an application for a preliminary subdivision review of a proposed development called Monte Cristo at LaCaille. This property (approximately 7.77 acres) is proposed to be subdivided into 13 single-family lots. The applicant is not asking for any overlay zones to be applied, but is asking for a number of special exceptions:

1. Private right-of-way less than 52 feet
2. Private Road with use of pavers for road material, and lots without public frontage
3. Waiver to requirement for sidewalk & parkstrip on both sides of right-of-way
4. Subdivision with less than two points of ingress/egress
5. Single access road longer than 750' in the Sensitive Area Overlay Zone

BACKGROUND

The proposed project is located at 9701 S. 3775 E. It is zoned R-1-15. It is bordered by the LaCaille property in the County to the west. To the south and the east are single-family homes in the R-1-15 zone. To the north are single-family homes located in Cottonwood Heights.

NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. Additionally, a physical sign was posted on the property. The applicant also held a neighborhood meeting on April 28, 2021. There were several questions and concerns raised during the meeting. A full summary of the meeting is attached to this report.

ANALYSIS

This plat will establish a total of 13 single-family residential units. Three lots (Lots 110, 111 and 112) will access onto a public street, while the remaining 10 lots will have frontage along the main private road. The plat calls out limited disturbance areas, which are for the prioritization and conservation of trees. For example, trees may not be removed in order to install an RV pad. The trees take priority. The HOA will be enforcing these limited disturbance areas. The development is zoned R-1-15, which is a standard zone within Sandy City. As such, the zone will dictate lot frontage requirements, setbacks, and building height, among other standards. This area is also within the Sensitive Area Overlay (SAO) Zone and will need to comply with all of the requirements of this overlay zone.

SPECIAL EXCEPTIONS

1. Private right-of-way less than 52 feet [21-21-10(f)]

Street right-of-way widths shall be as shown on the Transportation Master Plan and, where not shown therein, shall not be less than the following (unless modified by a waiver or special exception as allowed herein)

Street Type	Right-of-Way Width
Private Street	52 feet (27 feet pavement width minimum)

Staff Analysis and Recommendation for #1

The right-of-way for the interior private road is proposed with a cross section of 38 feet, rather than the typical 52 feet. However, the right-of-way contains the same amount of pavement as a typical local road (27'). It is designed with a six-foot curb-adjacent sidewalk on one side of the road, which will help create and maintain a more rural feel around the LaCaille property and its vineyards. Staff and the City Engineer **supports** this request.

2. Private roads with use of pavers for road material, and lots without public frontage. [21-21-21(b)]

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

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

Staff Analysis and Recommendation for #2

Because staff supports the other special exception requests, and the private road system is at the heart of the concept that is being proposed, along with the fact that the lots have frontage on the private street system, staff and the City Engineer **supports** this request.

3. Waiver to the requirement for sidewalk and parkstrips on both sides of the right-of-way.[21-21-10(n)]

Curbs, gutters, parkstrips, and sidewalks shall be required on all existing and proposed public and private street frontage of any lot within a subdivision or legal buildable parcel in conformance with the Standard Specifications. The Planning Commission may grant a special exception to waive any of these improvements, after considering a recommendation from the Director and City Engineer. They shall consider and evaluate the following criteria:

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

Staff Analysis and Recommendation for #3

The applicant is not asking for an exception for curb and gutter, just for park strips on both sides of the street and one sidewalk. There will be a six-foot wide sidewalk adjacent to the curb that continues along the entire main road through the development. There is adequate pedestrian connectivity through the project. There have been many precedents where this narrower right-of-way profile have been implemented successfully. It also serves as an low impact development (LID) component of the development. It will help minimize cuts and fills due to infrastructure, and provides an opportunity to preserve more natural features and vegetation. It also reduces construction impact. It equitably balances the needs of the public and presents the most efficient use of land. The cumulative effect of this with the other waivers is a net positive for the development and for the public. Staff and the City Engineer **supports** this request.

4. Subdivision with less than two points of ingress/egress [21-21-10(d)(1)]

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

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

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

Staff Analysis and Recommendation for #4

The applicant is proposing to develop 13 lots, 12 of which would access onto a private road. This request meets the criteria that the number of lots accessed from the private road will be fewer than 30. Additionally, two emergency accesses will be available to emergency services at the northwest end of the development. Also, one of these emergency accesses could be a stub street with potential connectivity to the road and property to the west should it redevelop. The narrow road through the

existing vineyards will be widened sufficiently to meet Fire Department standards. Staff and the City Engineer **supports** this request.

5. Single access road longer than 750 feet in the Sensitive Area Overlay Zone [21-15-4(b)(7)(b)]

(b) A cul-de-sac is permitted up 750 feet in length. It may exceed 750 feet in length through a special exception reviewed by the Planning Commission. This request to extend the length of the cul-de-sac requires a recommendation from the Director and City Engineer. The following shall be evaluated in reviewing the special exception:

- (1) Based upon the subject property's geographical constraints, it can be demonstrated that extending the road would better accomplish the stated purposes of this chapter.
- (2) It can be demonstrated that public safety will be improved above existing conditions.

Staff Analysis and Recommendation for #5

The length of the single-access road being presented in the plans is approximately 1,135 feet, and then it will be gated at its western end. It will also serve as an emergency access to the west for the Fire Department. However, there is no plan to make this a through street to pedestrians in anything other an emergency setting. In the sensitive area overlay zone, single-access roads up to 750 feet are allowed, but anything longer than that requires a special exception from the Planning Commission. Staff and the City Engineer **supports** this request.

If this single-access road is longer than the Commission is comfortable with, there is also an option to approve it as a stub road, with the requirement that it be connected through the vineyard to LaCaille at a future date. The reason for this is that there are plans to further develop the LaCaille property in the future. Because they are on City water, they will likely be compelled to annex into Sandy City, at which time the City will have jurisdiction to make that a mandatory condition of the redevelopment.

CONCERNS

Staff has the following concerns regarding this proposal as submitted by the applicant:

1. Only one point of ingress/egress. The road that can be connected to within the County is quite narrow, but all of the property is owned by the developer, and it would be possible to increase the width of the connecting road and make it public. However, the developer does not wish to make this subdivision a traffic shortcut to the public. However, its single access point is sufficient to serve a 13-lot subdivision.
2. The paver materials being used for the road and sidewalk. Staff sees potential issues with the maintenance and snow removal of the proposed road that could be presented due to a road that is not traditional pavement or asphalt. However, being a private road, Sandy City will not be responsible for the maintenance and snow removal, whereas if it were a public road the materials being used would not be acceptable. It is a desirable aesthetic that may be well suited to a relatively short and private road such as this. This alternative pavement material must be accounted for in their Capital Reserve Study [Section 21-21-11(b)].

3. The proposed land use of Parcel A is a concern. During the neighborhood meeting, it was presented to the public that this land may be used as a vineyard. The surrounding residents have submitted a petition to the planning staff that showed an overwhelming desire for the vineyard (The petition is attached to this staff report). However, the property is owned by Sandy City, and the Public Utilities Department says that they are unwilling to entertain the idea, as further development, including a second well house, will be occurring on the property. A vineyard will not be possible for this reason.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the following special exceptions:

1. Private right-of-way less than 52 feet
2. Private Road with use of pavers for road material, and lots without public frontage
3. Waiver to requirement for sidewalk & parkstrip on both sides of right-of-way
4. Subdivision with less than two points of ingress/egress
5. Single access road longer than 750' in the Sensitive Area Overlay Zone

and find that preliminary subdivision review is complete for Monte Cristo at LaCaille Subdivision, located at approximately 9701 S. 3775 E., based upon the following findings and subject to the following conditions:

Findings:

1. That the proposed subdivision is an infill development.
2. That the proposed lot configuration is an efficient use of the land, and all lots comply with the requirements of the R-1-15 zone.
3. The City Engineer has provided a letter of recommendation for approval of the special exceptions (attached to this staff report) and other staff have recommended approving the special exceptions that have been requested from the City Land Development Code requirements for private roads with less than 52' of right-of-way, for lots with frontage onto a private road constructed using pavers rather than pavement or asphalt, for a waiver for the requirement of sidewalk and parkstrips on both sides of the right-of-way, for a subdivision with less than two points of ingress/egress, and for a private road longer than 500 feet but shorter than 750 feet.

Conditions:

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes, and ordinances are adhered to during the review, construction and operations process of this project.

3. A private homeowners association shall be established to ensure maintenance of the private road and all other common assets or other areas of maintenance for the development. A note shall be included on the plat to provide public notice of said HOA and maintenance requirements. The developer shall provide a capital reserve study and establish a reserve fund for the HOA.
4. That any additional road dedication as determined necessary by staff be shown with this plat.
5. That all lots comply with all requirements of the Sensitive Area Overlay Zone, including that all buildings must be set back at least an average of 20 feet from any 30 percent or greater slope areas, with no part being located closer than 10 feet to it.

Planner: _____
Craig Evans, Planner

Reviewed by: _____
Brian McCuiston, Planning Director