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MEMORANDUM

November 18, 2021

To: Planning Commission
From: Community Development Department
Subject: The Ridges at Dimple Dell - (Preliminary Subdivision & Special Exception Review)
1405 East 10600 South
[Community #22]

SUB08052021-006127
SPX11112021-006204
MU, SAO Zone
6.04 Acres - 50 units

NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, posted on the property, and on the City and Utah Public Notice websites.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
R#03-13	The Garbett Rezone changed the zone of this subject property and the lands that have been developed to the east, totaling 14.76 acres. The zone changed from Professional Office (PO) to Mixed Use (MU). This was approved in May of 2004.
SPR#04-31	Previous Master Plan and site plan approval for the Village at Dimple Dell project. It consisted of a mixture of townhomes, apartments/condos, retail, and office space. The Planning Commission granted preliminary approval on May 19, 2005. This included a total of 173 residential units and 52,580 sq. ft. of (commercial office/retail). This development was split into 2 phases. Only Phase 1 proceeded to Final approval and built 70 townhomes. The second phase was never constructed.
S#06-18	A plat was recorded for phase 1 of the Village at Dimple Dell development that created 70 units.

REQUEST

Brad Reynolds Construction has submitted an application for a subdivision review for the Ridges at Dimple Dell, located at 1405 East 10600 South. This proposal would create a pad lot for the 49 townhome units and a lot for the commercial building and it's associated parking on approximately six (6) acres. This proposal also involves several special exception requests that pertain to the site development plan and plat. Those requests include the following:

1. Lots without public frontage (41) (see sec. [21-21-21\(b\)](#))
2. Use of Private Streets/Mews/Alleys and pavement width less than 27' (see sec. [21-21-11](#))

BACKGROUND

The proposed project is zoned Mixed Use (MU) and is also subject to the Sensitive Area Overlay (SAO) zone. It is bordered by the Village at Dimple Dell townhome project to the east (also zoned MU). To the west is the Lone Peak Market and Canyon View Cleaners (zoned Community Commercial (CC)). On the south side of the project are residential homes in the Bell Canyon Acres subdivision (zoned SD(R-1-30A)). To the north, the property is bordered by the Dimple Dell Regional Park (zoned SD(OS)).

NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. The city also held a neighborhood meeting on August 18, 2021. There were several questions and concerns raised during the meeting. A full report from the meeting is attached to this report.

ANALYSIS

The MU zone doesn't have a lot minimum or established setbacks. The applicant is proposing to create forty-nine (49) pad lots for each townhome which will allow them to be sold individually. A commercial lot will also be created so that this building and commercial use can be separated from the rest of the homeowners association. There will need to be shared access and maintenance responsibilities established through the covenants, conditions, and restrictions (CCR's).

The property is also subject to the Sensitive Area Overlay zone due to steep slopes that exceed 30% along the northern edge of the property that abuts Dimple Dell Park. The overlay ordinance requires that all continuous natural areas of 30% or greater slope be protected and no structures are allowed within an average setback of twenty feet (20'). This area is shown on the proposed plat.

SPECIAL EXCEPTIONS

1. Lots without public frontage (41) (see sec. [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 #1

While public streets are the city preference, because this development is connecting to an established pattern of private streets, staff and the City Engineer supports this request. The internal streets will be built to a public standard following the TS-02 – Urban Connector design profile (24' pavement width). They are also proposing to utilize pedestrian streets and mews for frontage and access. This is encouraged in the MU Zone to have these elements in the development.

2. Use of Private Streets/Mews/Alleys and pavement width less than 27' (see sec. [21-21-11](#))

- (a) Public street systems shall be required for access to all residential dwellings, unless it is demonstrated by the developer that a public street cannot be constructed due to the following issues: Property width, connectivity (or the inability to connect to the existing street patterns), topographical concerns, overall subdivision design, utility connections, and the ability to provide service, which includes, but is not limited to, snow plowing, street sweeping, trash collection and overall street maintenance.
- (b) If a private street/lane/alley/pedestrian mew is allowed by the Planning Commission through a Special Exception, the private street/lane may not be counted toward the lots square footage to meet the minimum lot size of the zone. A Capital Reserve Study (as per the Condominium Ownership Act (U.C.A. 1953, § 57-8-1 et seq.) and the Community Association Act (U.C.A. 1953, § 57-8a-101 et seq.) will be required and a Reserve Fund shall be established for the Homeowners' Association, based on the study, so that the street is continually maintained as designed. Street maintenance, sweeping and snow/trash removal is the responsibility of the Homeowners' Association.
- (c) A private street shall be designed and function similar to a public road. They shall provide frontage and access (guaranteed through a shared access easement) to each lot it serves. Either it must be designed to be owned commonly on its own parcel or the lots that front onto the street must own to the center of the road. Existing roads that provide access to legally subdivided lots, or lots of record, may be allowed to remain at current widths unless it does not meet current Fire Code standards. If it does not meet current fire standards, upon any new development application, the subject property will be required to comply with current development standards. The following regulations apply to all proposed new developments:
 - (1) Approved private streets for access to residential dwelling structures shall have a 27-foot minimum width paved surface (52-foot right-of-way). The Planning Commission may grant a special exception to allow less than a 27-foot pavement width, after considering a recommendation from the Director and City Engineer. They shall consider and evaluate the following criteria for a narrower pavement width:
 - a. Existing site conditions, topography, improvements, etc.;
 - b. Compliance with International Fire Code requirements and water availability;
 - c. Number of lots based on zoning;
 - d. Lot dimensions including frontage;
 - e. Flood control and storm drain;
 - f. Public utilities;
 - g. The proposal equitably balances the needs of the public and presents the most efficient use of land;
 - h. The potential negative impacts created by the exception(s); and
 - i. The cumulative effect of all the waivers and other exceptions requested for the development.

Staff Analysis and Recommendation for #2

As mentioned above, private streets are a result of a continuation of the existing street pattern established in the adjacent project. The internal streets will be built to a public standard following the TS-02 – Urban Connector design profile. This road profile was designed for developments like this that are in the Mixed Use zone, have dedicated on-street parking, and promote pedestrian connectivity. The Mixed Use zone encourages rear loaded units and the use of alleys. Pedestrian mews are encouraged in the zone as well if the units can't front a public street. This development has an appropriate mix of these alternatives to public streets and meets the criteria and circumstances outlined in the code.

CONCERNS

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

1. 30% Slope Area. All areas that exceed 30% slope need to be shown on the plat, including areas that are adjacent (20-30' from the property line). All the proposed units meet the setback criteria from this protected slope area except for units 14 and 15. The applicant

is planning to alter the footprint and design of those units to accommodate the setback requirement.

2. Reciprocal Access and Maintenance. Reciprocal access and maintenance agreements are needed between the Village at Dimple Dell HOA and this HOA. A cross access for pedestrian and vehicular access is also needed between this development and the commercial area to the west. Internal to this development a shared parking and maintenance agreement is needed if the commercial property owner is not part of their CCR's.

STAFF RECOMMENDATION

- #1** Staff recommends that the Planning Commission approve the special exceptions for lots without public frontage, use of Private Streets/Mews/Alleys, and pavement width less than 27' for the property located at 1405 East 10600 South, based on the following findings and conditions:

Findings:

1. The development is connecting to an established network of private streets.
2. The development pattern created is consistent with and encouraged by the requirements of the Mixed Use zone.
3. The City Engineer and Community Development Director recommend approval of the special exceptions.

Conditions:

1. That a capital reserve study be provided and a reserve fund established for the development.
2. That "no parking signs" be placed along road and alleys where parking is to be restricted.

- #2** Staff recommends that the Planning Commission determine that the Preliminary Subdivision review is complete for the Ridges at Dimple Dell located at approximately 1405 East 10600 South, based upon the following findings and subject to the following conditions:

Findings:

1. The proposed plat meets all underlying requirements of the MU zone.
2. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

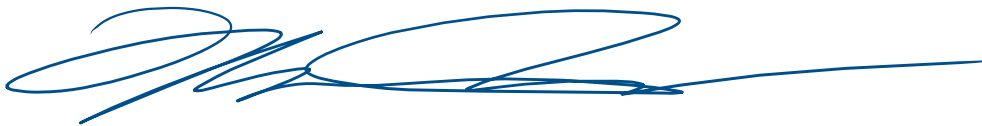
Conditions:

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. That all protected slope areas are properly shown on the plat (including areas within 20-30' from the property line).
4. 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. That units 14 and 15 pad site areas be revised to meet the minimum setback of an average 20' from the protected slope area.
5. 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.
6. That cross access and maintenance agreements mentioned in staff concerns be completed and recorded with this plat or prior to its recording.
7. That any additional public road dedication as determined necessary by staff be shown with this plat.

Planner:



Mike Wilcox
Zoning Administrator