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MEMORANDUM

September 16, 2021

To: Planning Commission
From: Community Development Department
Subject: The Orchard at Farnsworth Farms (Conditional Use Permit)
11237 S. 700 E.
[Community #11, Crescent]

CUP06282021-006086
9.99 Acres
PUD(10) Zone

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area by U.S. Mail delivery.*

PROPERTY CASE HISTORY	
CASE NUMBER	CASE SUMMARY
ZONE-03-20-5825	Conditionally Rezoned to PUD(10) by City Council on November 10, 2020

REQUEST

Mr. Joe Salisbury, representing DAI, is requesting **Conditional Use Approval for a PUD, and multi-family dwellings**, on the property located at 11237 S. 700 E. The development is called The Orchard at Farnsworth Farms. A Conditional Use Permit is required for a 'Planned Unit Development' and for 'Dwelling, Multi-family' in a PUD zoning district. This property (approximately 9.99 acres) is proposed to be subdivided into 96 units (9.6 units/acre) and establish common, limited common, and private areas of the development. Those common areas will be maintained by a Home Owners Association (HOA). Please see application# SPR06282021-006089 for the site plan review.

BACKGROUND

The proposed project is located along 700 East and approximately 11200 South. It was conditionally zoned by the City Council as PUD(10). It is bordered by The Crescent Heights PUD condominium project to the north. To the west are single family homes in the R-1-10 zone. To the south, and to the east across 700 East, the property is bordered by single family homes in the R-1-8 zone. Because the zone is conditional, your review will be based on the conditional zone, PUD(10), and your action will be conditional upon publication of Ordinance 20-04.

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NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. A neighborhood meeting was held for this project on July 26, 2021. There were several questions and concerns raised during the meeting. A full report from the meeting is attached to the site plan review staff report.

CONDITIONAL USE ANALYSIS**Conditional Use consideration for a PUD and multi-family dwelling use in the PUD(10) Zoning District.**

Under the Sandy City Development Code, the Planning Commission, through the Conditional Use process, can: **approve** Conditional Uses if no mitigation of reasonably anticipated detrimental impacts is necessary; **approve** Conditional Uses, subject to reasonable conditions designed to mitigate or eliminate reasonably anticipated detrimental impacts; or **deny** Conditional Uses, if it is determined that reasonably anticipated detrimental impacts cannot be adequately mitigated. The burden of mitigating these impacts or effects is the responsibility of the applicant and not of the municipality or adjacent property owners (Section 21-33-04).

Compliance with Section 21-33-04 Conditional Use Permit:

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address these standards:

1. Size, configuration and location of the site and the proposed site plan layout.

The layout is properly designed and located. The site is adequately sized for the proposed new buildings, given the conditional PUD(10) zoning.

2. Proposed site ingress and egress to existing and proposed roads and streets.

With two points of ingress and egress to and from the site, it will be adequate for use by this development. The applicant is proposing to add gates to the ingress and egress sites. Queuing must comply with the UDOT requirements.

3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and street, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.

All these facilities are proposed to be improved and expanded by the proposed site improvements. These facilities will not be detrimentally impacted by the proposed Conditional Use of the property.

4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

Adequate vehicle parking will be provided by the surface parking on the site. Two dumpster enclosures are being installed on this site to handle waste disposal and collection for the central open space area. The dwelling units themselves will be serviced individually by a waste disposal company.

5. Site circulation patterns for vehicular, pedestrian and other traffic.

Site circulation will be sufficient for the use as designed on the site plan. There is very good vehicle and pedestrian connectivity to aid circulation.

6. Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

The building design, materials, and colors meet the zoning requirements. The buildings are neutral tones save for the barn-style clubhouse, which will be a red barn color. There is no stucco on the dwelling units or clubhouse. Higher quality materials are being used for those buildings. The twin homes around the exterior of the development adjacent to existing residential uses are limited to single-story ramblers.

7. The location and design of all site features, including proposed signage, lighting, and refuse collection.

This standard will be met. Site signage is not included in this review but must be by separate application. Two dumpster enclosures are being installed on this site to handle waste from the central open space area. The dwelling units will be individually serviced by a waste disposal company.

8. The provision of useable open space, public features, and recreational amenities.

There are ample recreational amenities, including two tot lots and a community garden. The site is also approximately 50 percent open space, while the typical standard for a PUD is 40 percent. There will also be a large barn-style clubhouse.

9. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.

The site landscaping will be installed as part of this site plan approval as shown on the companion Site Plan Review Staff Report. The perimeter fencing adjacent to all the surrounding residences is also proposed to be an eight-foot-tall stone wall, rather than the standard six-foot-tall vinyl fencing that would have been suitable. This will help somewhat with sound and vehicle headlight nuisances for the adjacent residential units. This standard will be met.

10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

This development will be subject to the noise limits imposed by the County Health Department. There will not be any unusual vibration, smoke, dust, and debris or plant materials nuisance factors after development of the site. A site photometric plan has been provided to the City to determine acceptable site lighting parameters.

11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife and plant life.

This standard is not generally applicable.

12. The regulation of operating hours for activities affecting normal schedules and functions.

This standard is not generally applicable.

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

The conditional use will be reviewable upon legitimate complaint, and any new impacts arising can then be addressed by the Planning Commission, through the imposition of additional mitigating measures.

14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, the agreements to conditions, road maintenance funds, and restrictive covenants.

Measures to ensure compliance will be enforced by the Sandy City staff through detailed building and site plan review, upon citizen complaint or by staff observance and will be adequate to mitigate potential violations of approval conditions.

15. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

To mitigate any potential negative impacts to the City and the neighborhood, staff suggest the conditions listed at the bottom of this report, 1 to 3.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **grant the Conditional Use request to allow a PUD and multi-family dwelling uses to be located at 11237 S. 700 E. for The Orchard at Farnsworth Farms**, based on the staff report, the **staff findings 1 to 15** in the above analysis of the Conditional Use Standard and the **two additional findings listed below and subject to the following four conditions:**

FINDINGS:

- A. That the proposed site planning and infrastructure improvements, building design and location, will not generate un-mitigatable impacts to the community.
- B. That the proposed land use request has been reviewed by staff considering the 15 standards contained in the Sandy City Development Code, 21-33-04, Conditional Use Process, and appropriate and adequate mitigation measures will be implemented or will be imposed as deemed necessary to minimize impacts to the surrounding business community, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. That the applicant proceeds through final site plan approval with staff as required by the Sandy City Development Code.
2. That the Conditional Use Permit for a PUD and multi-family dwellings be reviewed upon future legitimate citizen complaint or staff observation of non-compliance with conditions.
3. That the applicant be responsible to meet all provisions of the Sandy City Development Code and all conditions of approval that are included in this report and as may be imposed by the Planning Commission to mitigate the reasonably anticipated detrimental effects of the proposed uses.
4. This approval is conditioned upon the City Recorder publishing Ordinance 20-04.

Planner:

Reviewed by:

Craig Evans, Planner

Brian McCuiston, Planning Director