



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

September 16, 2021

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** The Orchard at Farnsworth Farms Subdivision  
(Preliminary Review)  
11237 S. 700 E.  
Community #11, Crescent

SUB06282021-006091  
SPX06282021-006088  
9.99 Acres  
96 units

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**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.*

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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, of DAI, has submitted an application for a preliminary subdivision plat review of a proposed development called The Orchard at Farnsworth Farms. This land (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). The applicant is also asking for a number of special exceptions:

1. Request for private roads with less than 52' of right-of-way
2. Request for a sidewalk narrower than eight feet within the pedestrian mew, and a pedestrian mew less than 26 feet wide.
3. Request for perimeter fencing taller than six feet
4. Request for lots with frontage onto a private road
5. Request for a waiver for the requirement of sidewalk and parkstrips on both sides of the right-of-way.

## 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.

## 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 July 26, 2021. There were several questions and concerns raised during the meeting. A full report from the meeting is attached to this report.

## ANALYSIS

This plat will establish a total of 96 residential units, and delineate common and limited common area in a PUD style plat. 16 units are oriented to 700 East with rear-loaded alley access, 36 units will front onto private pedestrian streets (mews) and serviced with a series of alleys for vehicular access. The remaining 44 lots will front onto the main private loop road that runs around the development.

## SPECIAL EXCEPTIONS

1. Private Roads with less than 52 feet of right-of-way. [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 proposed right-of-way for the interior private road is shown on the preliminary subdivision plat to be 40 feet, rather than the typical 52 feet. However, the right-of-way contains the same amount of pavement as a typical local road (27'). For this reason it will provide adequate circulation throughout the site. Staff and the City Engineer **supports** this request.

2. Sidewalk narrower than eight feet in a pedestrian mew, and a pedestrian mew less than 26 feet wide. [21-21-10(f)]

Street Type	Right-of-Way Width
Pedestrian Mew	26 feet (8 feet pavement width)

Staff Analysis and Recommendation for #2

There is an extensive walking connectivity system throughout the project. The sidewalk being proposed is 6 feet wide, which will be adequate for providing connectivity and access to pedestrians. Also, one pedestrian mew is proposed to be approximately 25 ½ feet wide, while the other will be approximately 22 ½ feet wide. The decrease from the typical 26 foot requirement is relatively small, and will allow the open space at the center of the development to stay true to the concept that was originally shown on the concept plan presented to the City Council. It also will allow for two additional rows of trees in the orchard. Staff and the City Engineer supports this request.

3. A perimeter wall over six feet in height.[21-28-10(b)]

*(b) Additional Height Request.*

(1) The Director is authorized to approve the installation of a fence up to eight feet in height in the side and/or rear yard of any lot or parcel provided the following conditions are met:

- a. The Director finds the additional height is justified by the particular circumstances of the property, such as safety, lot configuration, building placement on the lot, topography, and/or negative impacts to the property from adjacent uses.
- b. The proposed fencing is outside of the 60-foot sight visibility triangle and other clear view zones for corner lots.
- c. At least two weeks prior to construction of the fence, the affected abutting property owners shall be notified of the intent to build an eight-foot fence. Proof of this notification shall be provided to the Planning Division as part of the building permit application with any response from the abutting property owners.
- d. A building permit is applied for and approved.

(2) If the Director so desires, this type of request may be forwarded to the Planning Commission for approval as a special exception.

Staff Analysis and Recommendation for #3

At the urging of the adjacent neighbors, the applicant is proposing an eight foot stone fence along the north, west, and south property lines. There will be no solid fencing along 700 East, as that is where 16 homes front onto. The fence will create a more significant barrier between this

development and the existing neighbors around it. The Director has forwarded this request to the Planning Commission. **Staff supports this request.**

4. **Private roads 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 #4**

Because staff supports the other special exception requests, and the private road system is at the heart of the concept that was presented to the City Council, along with the fact that the lots have frontage on the private street system, and there is excellent vehicular and pedestrian circulation, staff and the City Engineer **supports this request.**

5. **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 #5**

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 goes around the entire main loop road through the development. Along with the extensive walking paths, there is excellent pedestrian connectivity through the project. Staff and the City Engineer supports this request.

## **CONCERNS**

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

1. Pedestrian Mews. 36 units are to be accessed from pedestrian streets and served by vehicular alleys. The alleys should not be named and only be shown as part of the common area or cross access or public utility easements. The mews being proposed would be less than the typically required 26' width. Also, the current version of the plat shows only two pedestrian mews, but four are required. This will need to be reflected on the final plat.
2. The applicant is requesting a decrease in pavement width in the pedestrian mews from eight feet wide to six feet wide. However, the two pedestrian mews that are adjacent to the central open space are proposed to have a pavement width of only four feet. The Planning Commission can add a condition to change this to six feet, or it can allow the four-foot width as part of the requested special exception.
3. The number of special exceptions. Six special exceptions are being requested. However, because of the conditional zone that was placed on this development, PUD(10), they all serve to keep the concept more in line with what was originally presented to the City Council. It was stated by the Council that they wanted the plan to stay as close to the plan presented to them as possible.
4. The cross section of the primary road that winds through the development is shown on the site plan indicating a 38-foot right of way, but the plat shows it as 40 feet. This discrepancy will need to be corrected during the final subdivision and site plan reviews.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find that the preliminary subdivision review is complete for The Orchard at Farnsworth Farms Subdivision, located at approximately 11237 S. 700 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.
3. The City Engineer 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 a sidewalk narrower than 8' within the pedestrian mew and a pedestrian mew less than 26 feet wide, for perimeter fencing taller than six feet, for lots with frontage onto a private road, and for a waiver for the requirement of sidewalk and parkstrips on both sides of the right-of-way.

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 all four pedestrian mews be shown on the plat, and the four pedestrian mews be named as streets (as approved by Salt Lake County) and given intersection coordinates. All units are to be addressed from those mews or the private street that they front, except for the units fronting onto 700 East, which will be addressed from that street.
5. That any additional road dedication as determined necessary by staff be shown with this plat.
6. That the Planning Commission approves special exceptions 1-5 above, as listed in this staff report.
7. This approval is conditioned upon the City Recorder publishing Ordinance 20-04.

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

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