

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chambers #211
10000 Centennial Parkway
Sandy, Utah 84070

March 25, 2014

Meeting was commenced at 7:10 p.m.

PRESENT:

Council Members: Chairwoman Linda Martinez Saville, Scott Cowdell, Kris Coleman Nicholl, Steve Fairbanks, Chris McCandless, Stephen P. Smith, and Dennis Tenney.

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Assistant CAO Scott Bond; Assistant CAO Korban Lee; City Attorney Walter Miller; Community Development Director Mike Coulam; Long Range Planning Manager/CDBG Jared Gerber; Public Works Director Rick Smith, Police Captain Bill O'Neil; Fire Chief Bruce Kline; Council Office Director Phil Glenn; Council Office Manager Pam Lehman.

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The prayer was offered by **Boy Scout Alex Duncan** of Troop #213, and the Pledge was led by **Community Coordinator Lamar Beckstead**.

2. **CITIZEN(S) COMMENTS:**

a. There were no Citizen Comments.

PUBLIC HEARING(S):

3. **Code Amendment: Amend Land Development Code, Parking, Access & Circulation**

Public Hearing to consider the following: Amend Title 15A, Chapter 24, Parking, access & Circulation Requirement, Land Development Code, Revised Ordinances of Sandy City, 2008.

The purpose of the Code Amendment is to consider changing the size of parking spaces within parking structures.

Discussion: Community Development Director Mike Coulam noted that Staff is requesting that the City Council table the Code Amendment to amend the Land Development Code, Parking, Access & Circulation to the April 8th City Council meeting. The Planning Commission heard this on March 6th, and tabled the item until the April 3rd Planning Commission meeting. Hamilton Partners submitted the request, and have expressed concern with parking structures and the high cost of building one. They are requesting to shrink the size of parking stalls. The Planning Commission has asked Staff to further research their request to address some of the concerns of the Planning Commission.

Chairwoman Saville opened the Public Hearing.

Steve VanMaren, 11039 Lexington Circle, Sandy, stated that he was against the proposed change to the Land Development Code.

Phil Glenn asked the Council to take a moment to determine a possible date for the Council to continue the public hearing.

Mike Coulam asked if the Council needed to have a date certain for the next hearing.

Phil Glenn stated that the motion needed to include a date certain to which the public hearing could be continued.

Mike Coulam asked Jared Gerber if the Code Amendment had been scheduled for the April 3rd Planning Commission meeting.

Jared Gerber responded that the item had been scheduled for the April 3rd Planning Commission

meeting.

Mike Coulam stated that hopefully the Planning Commission will make a recommendation to the City Council that evening of April 3rd.

Motion: Stephen Smith made the motion to continue the public hearing on the proposed Code Amendment to amend Land Development Code, Parking, Access & Circulation to a date certain of April 8, 2014, at 7:00 p.m.

Second: Steve Fairbanks

Point of Order: Steve Fairbanks asked if the public hearing had been closed.

Phil Glenn said “no”; the public hearing must be continued.

Dennis Tenney stated that the public hearing would be continued.

Vote: Smith-yes, Fairbanks-yes, McCandless-yes, Nicholl-yes, Tenney-yes, Cowdell-yes, Saville-yes.

4. **Ascot Subdivision Rezoning**

Public Hearing to consider a request submitted by Mr. Duaine Rasmussen, of Castlewood Development, to rezone approximately 1.09 acres from the R-1-20A “Single-Family Residential District” to the R-1-10 “Single-Family Residential District” The property is located at approximately 1623 East Ascot Parkway.

Discussion: Long Range Planning Manager Jared Gerber reviewed the following Staff report.

BACKGROUND

Mr. Duaine Rasmussen, of Castlewood Development, is requesting to rezone approximately 1.09 acres from the R-1-20A “Single-Family Residential District” to the R-1-10 “Single-Family Residential District”. The property is located at approximately 1623 E Ascot Parkway.

The subject property is bordered on the north and east by R-1-20A; on the west by R-1-30A; and on the south by R-1-10.

ANALYSIS

This property currently consists of a single lot across Prescott Drive from an LDS church. When it was originally annexed in 1993, staff considered recommending zoning the property R-1-20A, R-1-15A, and R-1-10. It was decided that R-1-20A would have the least impact at the time and that Ascot Parkway could act as a buffer between those with animal rights and those without.

Mr. Rasmussen is proposing a three lot subdivision on the property, necessitating the request for the R-1-10 zone, even though all of the lots would be larger than the 10,000 square foot minimum. Animal rights would no longer be allowed on the property if this zoning is approved. Staff’s main concern is still the impact on the adjacent residential property with animal rights and would suggest that during development review, this be taken into consideration.

The requested change is in compliance with the City’s General Plan and staff believes that the resulting zone change would be compatible with the surrounding area. The following Goals and Policies are examples of how this rezoning is in compliance with the City’s General Plan:

Chapter II – Goals and Policies – Housing - Subdivisions

Goal 2.0 – Discourage Sprawl and excessive consumption of land

Goal 3.0 – Make Single Family Dwellings more affordable

The proposed rezoning is compliant with both of these goals and their accompanying policies. Smaller lots are encouraged in appropriate locations. By rezoning these properties, the City will offer an

opportunity for the developer to build on smaller lots and introduce additional homes in an area with limited room for growth.

A neighborhood meeting was held on October 23, 2013 at City Hall. There were 20 people in attendance. A few residents would prefer to see the development with just two homes, others were in agreement with the three proposed, and no one was in favor of having four lots as part of the project. Concerns regarding the bridle path were addressed by the applicant by agreeing to place a 6 foot fence along the path with no access from his development. Concerns about devaluation of existing homes and construction noise and traffic were also raised.

STAFF RECOMMENDATION

Staff recommended that the Planning Commission forward a positive recommendation to the City Council. On February 20, 2014, the Planning Commission forwarded a positive recommendation to the City Council to rezone the subject property from the R-1-20A "Single-Family Residential District" to the R-1-10 "Single-Family Residential District" based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.
2. That the proposed rezoning will have no unmitigated negative impacts on the surrounding properties or the area as a whole.

Jared Gerber noted that when this was originally proposed, there was a miscommunication between the applicant and staff. The Planning Commission recommended approval of the rezone. However, after the Planning Commission meeting, Staff went back and talked with the applicant to determine if an R-1-15A zone would be more appropriate for the property and still retain the animal rights.

The applicant went back and revised his proposal to do three lots with the R-1-15A zone.

The choice before the Council tonight is to discuss and determine if the R-1-15A Zone should be used instead of the R-1-10 Zone. If the R-1-10 Zone is approved, it would require a legal description for the trail that would run along the front parcels of the property. If an R-1-15A zone was approved, the entire parcel would be rezoned to the R-1-15A zone.

Mike Coulam explained that a city owned trail system feeds from 1700 East down into the Bell Canyon area. A portion of the trail runs along the southern border of an LDS Church. The trail would switch over and carry down to the Bell Canyon Acres trail. If the lots on the proposed development face along Ascot Parkway, people who purchase these homes would have a trail in front of their homes. If the homes face east, the trail would come down the side yards. He noted that this should be something for the Council to consider in their discussions.

Kris Nicholl asked if it was a trail or a bridle path.

Mike Coulam stated bridle path, trail, whatever they wanted to call it. It is meant to be a multi-use trail that has a soft surface.

Steve Fairbanks asked if there was an incline to the trail going up to 1700 East.

Mike Coulam stated "yes". It is part of the City's trail system.

Duaine Rasmussen, Applicant, 6740 South 1300 East, noted that the City has maintained the trail between the L.D.S. church and the homes to the south. The City, however, does not own that property. He would be willing to deed this portion of the property for the trail over to the City. He does not want to pay taxes on it anymore. When they made their first application, Staff discussed an R-1-10 Zone with homes facing Ascot Way. Since then, some of the residents have expressed concern regarding how many lots should be on the property. If there were two lots facing Ascot Way, some of the residents have said they would rather not deal with the side yards. He would like the Council to consider both options. They could go with the R-1-15 or R-1-15A zones.

Chairwoman Saville opened the Public Hearing.

Joyce Becker, 10963 Whirlaway Lane, stated that they would be impacted by what ever is put on the subject property. She says they were told that if the property ever developed, it would remain R-1-20 A. That is the zone that she would like to recommend since it would blend in with Bell Canyon and the area to the north which are half acre lots. She resides on 1.37 acres which includes the trail behind her property. Owners pay the taxes on the trail and it is their responsibility to maintain and keep the trail clean. She would like to insist that a wall be built in order to help maintain the bridle path and keep it clean. She questioned whether people would want a trail in front of their homes, and if they would be willing to maintain the trail.

LaMar Beckstead, 10665 Whirlaway Lane, Sandy, Number 22 Community Coordinator, stated that Mrs. Becker was correct in explaining that the western portion of the property that borders the bridle path is maintained and that the residents do not dump trash over onto the path. This has been an ongoing issue. Neighbors would like a fence that does not have a gate to prevent access to the path from their properties.

Steve VanMaren, asked City Attorney Wally Miller if the R-1-20A zone could be approved on the entire parcel, and if it overrides the R-1-10 Zone that was requested.

Wally Miller stated that the request calls for a change from the R-1-20A Zone to the R-1-10 Zone. As long as it includes the entire parcel, the Council could zone the property with a R-1-10, R-1-15 or the R-1-20 Zone.

Steve VanMaren spoke in favor of the R-1-20A with the homes facing onto Prescott Drive. He liked the previous understanding of the northern lot being R-1-20A, but when you turn the homes to face Prescott, the question becomes if two R-1-10 lots could fit on the southern portion of the property and still face onto Prescott Drive. He was not certain it would provide enough side yard and still be able to dedicate a portion of the property for a trail. The Parks Department does not maintain trails that are on private property. He did not like the R-1-15A zone since it would be a new size for this area.

Brenden Marshall, 10908 South Prescott Drive, Sandy, would like to maintain the R-1-20A lot size for the development. The applicant, Mr. Rasmussen, has done a diligent job in talking with the neighbors in a very courteous manner. The R-1-20A zone would maintain the integrity of the street. Rezoning to an R-1-15A zone is concerning. This could create a precedent when the vacant property north of his property is developed. He is concerned with traffic since his driveway is used to turn around. He would like to see two R-1-20 lots built on the property, with a provision that vehicles not be allowed to turn around in his driveway. He understands that City vehicles have the right to turn around on his property.

Robert Huffman, 10928 South Prescott Drive, Sandy, owns the home directly north of the proposed development. He would be directly affected by this zoning decision. He has three neighbors who are on R-1-20 lots, with an R-1-30 A Zone for properties west of him. Properties north of Ascot Drive are zoned R-1-20 or greater. The R-1-10 zone does not fit into the neighborhood, and will decrease property values. He asked the Council to keep everything north of Ascot Parkway zoned R-1-20 or greater.

Joyce Becker, 10963 Whirlaway Lane, Sandy, expressed concern over the upkeep of the bridle path. The rezone would impact her property the most. She does not believe that the R-1-10 zone should be forced on the residents especially when they were told the zone would remain an R-1-20 A zone.

As there were no further comments, Chairwoman Saville closed the public hearing.

Chris McCandless was concerned that he may have a conflict of interest with this rezone. He was the original developer of Willow View Cove and created the development agreement for the subject property. He does not have any financial interest. He had to purchase the subject property in order to gain access to the Willow View Cove property. He does not believe that he has a conflict of interest and feels that he could make a fair and partial decision. He asked for the Council's opinion on whether they felt he should recuse himself and step out.

Wally Miller stated that the ethics act states that the Council should not use their official positions to

secure special privileges for themselves or others. Special privileges mean that it is something that would pull them away from making the best land use decision for the property. Mr. Miller could not see, by looking at a map, that Mr. McCandless would be securing any special privileges for himself. He stated that Mr. McCandless would need to make that call.

Dennis Tenney stated that he could not see where it would be a problem for Mr. McCandless to render a fair decision on the rezone.

Linda Saville polled the Council on whether they felt Mr. McCandless needed to recue himself from the hearing.

Vote: **Scott Cowdell-** stated no, **Stephen Smith-** stated “no issue”, **Kris Nicholl-** “no issue since he lives far enough away from the subject property”, **Steve Fairbanks-** “no, he did not see an issues since he has no interest and does not deal with this piece of property”.

Linda Martinez Saville stated that the majority of the Council supported Mr. McCandless on taking part in the hearing process.

Chris McCandless asked about the trail access across Ascot Parkway. He agreed with Mrs. Becker's comments. There may only be a half dozen horses that have used the trail over the past 10 years. There is no access granted to the Bell Canyon Equestrian Estates on the entire length of the property. People using the bridle path would need to go out around a little fence to get back onto the trail. The dirt path along the front of the new homes would be behind a sidewalk. He would recommend that the bridle path be eliminated, and ask that the six feet be added onto the corner lots. He asked if the applicant was planning on installing a fence on the entire width and length of the property.

Duaine Rasmussen stated that he was planning on installing a fence. He made that commitment in front of the Planning Commission. He believes that it would also be part of Staff's recommendation to have a six foot masonry wall along the west property line.

Chris McCandless asked what type of material would be used for the trail if the applicant deeded that portion of property over to the City to maintain. Would it be treated with a soft fall chip or bound by a concrete border.

Duaine Rasmussen stated that he would look to the Parks Department for guidance. His sense is that it ought to be a soft trail with some type of chip.

Chris McCandless stated that if a trail was installed in front of the homes, there would be a portion of trail then a portion of driveway all along the front of the homes.

Duaine Rasmussen stated that the trail would be a conflict.

Chris McCandless stated that he was not a fan of the trail. He did not believe that two lots vs. three lots would have that much of an impact on the property values of the community. He would like the fence to be included as part of the conditions, then do away with the trail.

Duaine Rasmussen agreed with Mr. McCandless.

Dennis Tenney agreed with Mr. McCandless's comments. He does not believe that two or three lots would make a difference. He is comfortable with three lots. He asked if the R-1-20A zone was the smallest zone for animal rights. He had forgotten if the City had an R-1-15A zone.

Mike Coulam stated that most people think of horses when they hear of animal rights. There are a lot of people who raise chickens and goats. The R-1-15A zone provides the ability to have small animals other than horses.

Dennis Tenney stated that he is comfortable with the three lots facing east on Prescott Drive, designated with the R-1-15A zone. The R-1-15A zone is still one-third of an acre which is a sizable lot.

Steve Fairbanks asked what the zoning was on the property south and east of the subject property.

Jared Gerber stated that the subdivision to the south and east of the subject property was zoned R-1-10.

Mike Coulam clarified that the Traditional Neighborhood Development Zone (TND Zone) was applied to the neighborhood that had a cul-de-sac. These lots were shrunk down to get the TND Development built on that property.

Jared Gerber stated that the TND development to the south was built in 2005, and the average lot size is 9200 square feet.

Mike Coulam stated that Staff looked at the TND zone to transition out of the smaller R-1-10 lot sizes into larger lots.

Steve Fairbanks stated the majority of the homes in his neighborhood are R-1-10 lots, but a few of the homes are on half acre lots. There has been no impact on the lot size differential to the neighborhood. He also agreed that the trail along Ascot Parkway makes no sense at all. The trail by the church does make sense since it provides access from 1700 east. He believes that the R-1-15A zone makes sense and would not impose a negative impact on the surrounding neighbors. This would be a good transition between the R-1-10 and the R-1-20 Zone.

Mike Coulam noted that the bridle trail was provided for residents living on Susan Drive and 1700 East. Residents wanted a bridle path in order to access paths that are part of Bell Canyon. The path is on private property. He asked the residents if they have had issues with the horses using the trail behind Mrs. Becker's home.

Joyce Becker stated that the way her home is situated, they see a lot of horse people riding on the trail. Most of them are good people and have not taken advantage of the usage of the trail. Her concern is that a bridle path will cut down on the lot and home size of the new homes, and if people will maintain the trail in front of their homes.

Mike Coulam asked Parks Supervisor Dan Medina if it would be the City's responsibility to maintain the proposed trail system on Ascot Parkway.

Dan Medina stated that typically, a side facing lot is not "quote un quote" city maintained. But the City does in certain circumstances, help assist the homeowners with maintenance. The City could provide Christmas tree chippings to replenish the bark along the trail if the proposed trail goes along the frontage of the homes on Ascot Parkway and continues to be part of the City's Trail's Master Plan. The plan shows the trail connecting up to 1700 east and eventually going up to 20th East as another access into Dimple Dell Park. The horse owners have fought to keep this trail in their community.

Steve Fairbanks believed that the trail would place a burden on the homeowners especially if the homes faced onto Ascot Parkway. He thought that all of the homes should face onto Prescott Drive.

Dennis Tenney stated that he agreed with Mr. Fairbanks's comments.

Scott Cowdell stated that he believes that Ascot Parkway is the best transition from the R-1-10 zone. Granting the R-1-10 Zone would change the original focus of the neighborhood that was zoned to be horse and animal property. There is not much of that left in our City. Even if two lots are zoned R-1-10, it would intrude into the area, and perhaps open the door for a different zone when the property at the end of Prescott Drive is developed. He believes that the zone should remain an R-1-20 A zone with two lots on the property.

Stephen Smith asked if the bridle path had a gate on the southern access into Bell Canyon.

Mike Coulam stated that there was a gate.

Stephen Smith struggled with the fact that the City has a stated goal to create a trail system that provides direct access onto private properties without the property owner's permission. He is not

comfortable with a trail that accesses onto private property. He agreed with Mr. Cowdell that Ascot Parkway was the transition street for this area. He would prefer that the zone remain an R-1-20A, with two lots on the property. The proposed trail along Ascot Parkway is not appropriate. The original proposal to have the north lot an R-1-20A zone, and two lots R-1-10 on the southern end of the property makes more sense from a development perspective than does three lots zoned R-1-15 A. The R-1-15A zone does not provide enough room for horses. He supports the original zoning petition that was approved by the Planning Commission. Facing homes onto Ascot Parkway would be more appropriate for the neighborhood than facing all of the homes onto Prescott Drive. If the Council is voting on a zone change from R-1-20A to something else, the plan that staff showed on the screen is the one he would support, absent the requirement of a bridle path along Ascot Parkway.

Chris McCandless asked what the setback requirement was for an R-1-10 Zone.

Jared Gerber noted that the front yard setback is 32 feet; living space is 25 feet, with the garage being 20 feet on the rear.

Chris McCandless asked what type of animals would be allowed in an R-1-15A zone.

Mike Coulam noted that it would be hard to put a horse on an R-1-15 A lot. Medium sized animals such as goats, sheep, chickens, etc. would be allowed.

Chris McCandless asked the applicant if there would be any restrictive covenants; and what type of homes the developer would be building.

Duaine Rasmussen stated that they would deal with a lot of these issues during the site plan review with the Planning Commission. There would be restrictive covenants on home sizes in order to match surrounding homes, particularly to the north where the greatest value is. Restrictive covenants would be put into place for yard maintenance. If the trail was approved as part of the development, it would be up to the homeowner to maintain the trail.

Chris McCandless asked if they were planning on constructing homes that are of equal or greater value to homes located in Willow View Cove.

Duaine Rasmussen stated that they would have more flexibility if the Council were to approve an R-1-15 A zone. If they approve an R-1-10 Zone, with lots facing Ascot Parkway, they would be limited in the size of the homes based on the lot size. The R-1-15 came about through a conversation with Staff and the residents in the community. He is sensing that they do not support the R-1-15 Zone. He is ok with any of the three zones: R-1-15, R-1-10, or R-1-20 Zones.

Chris McCandless noted that when he developed the Willow Cove subdivision, they incorporated a larger meandering sidewalk with trees. As you look north on the dedicated plat, or the proposed plat along Prescott, you can see the right of way narrow because they wanted to do 5 foot sidewalks instead of 4 foot sidewalks.

Mike Coulam noted that the City now requires that five foot sidewalks be installed in any new development. This was a requirement that came down from the Federal Government.

Chris McCandless stated that the half acre lots would be smaller than 20,000 square feet if wider sidewalks are installed. His personal preference would be to speak in favor of the rezone for the parcel of property to be zoned R-1-10 with several zoning conditions. He asked if the Council was allowed to put zoning conditions in place.

Jared Gerber noted that they have not done that in the past. He did not believe that the Council has the authority to do that.

Chris McCandless asked if he could do it anyway.

Wally Miller stated that certain things could be done as long as you are working on friendly terms with the developer. But the Council is not creating a new zone.

Chris McCandless felt that the residents would be in favor of the rezone if some zoning conditions were implemented. The first zoning condition would be:

- a). Three lot maximum zone. The northern lot would need to be 18,000 sq. ft. net.
- b). The other two lots and homes should face east. This will make a better subdivision.
- c). No trail on Ascot Parkway. Take the property and add it back into the lot size so better homes can be built.
- d). The applicant should provide restrictive covenants that are comparable to Willow View Cove homes in size, quality, square footage, etc.
- e). should the applicant's subdivision fail, there will be no TND provisions allowed in this particular project.
- f). They have to comply with the City's codes.
- g). Fencing would be required along the entire western boundary up to the curb and gutter as long as there is no site distance problem with staff.
- h). Setbacks are to be comparable with the R-1-15 Zone so you can't go 20 feet from the backyard. You have to keep it at the 30 foot level in the back and front. This would give the applicant three lots with houses that would be comparable in value to those in Willow View Cove. He looked for comments from the applicant.

Steve Fairbanks stated that Mr. McCandless's request sounded like they were conditions that the Planning Commission should address, not the Council.

Chris McCandless stated "Yes", "no question".

Phil Glenn stated that he does not believe that the Council can legally put site plan conditions on a rezone.

Wally Miller stated that it is a dangerous area to get into. It is possible for the Council to approve the rezoning, but withhold the paperwork until it goes back to the Planning Commission for further discussion. The Council should not be directly imposing conditions. If these conditions should come back to the Council again, they could have the paperwork brought back to adopt the rezone.

Dennis Tenney stated that the Council could only make recommendations to the Planning Commission.

Chris McCandless stated that he would not vote for an R-1-10 zone if these conditions were not included in the recommendation.

Jared Gerber clarified that the original request was for R-1-20 lots to remain on the northern portion of the property, with an R-1-10 zone to the south. It is approximately .6 acres that the applicant is asking to rezone to an R-1-10 Zone. The Council could rezone the entire parcel as an R-1-10 zone since that is how the public hearing was noticed as.

Stephen Smith respectfully disagreed with Mr. McCandless on his plot orientation. He believes the aesthetics or ambiance of the north group of lots is highly dependent upon the quiet nature of Prescott Drive at the southern end. He would not want his home to face the church especially with the night time and weekend activity. He would find that to be a significant intrusion on his peace and quiet. He would prefer to have a barrier such as a wall along Prescott. He is trying to think about what would be the best outcome for the property. He still comes back to the orientation onto Ascot Parkway for two lots with a wall along the southern end, and a side yard wall along Prescott Drive. The home on the north end of the property would be similar in size and construction to the lots and homes that already exist. If the Council approves another zone, he believes it should be the orientation that was proposed by the Planning Commission. It makes the most sense for the property to have the two lots facing south onto Ascot Parkway and zoned R-1-10, and the one lot zoned R-1-20A to face east onto Prescott.

Scott Cowdell stated that Mr. Rasmussen does good work and builds good homes. Whatever is built will be a quality and an attractive development. The wall is already a given by the developer. He is ok with either keeping or removing the bridle trail. A burden would be taken from the developer if the portion of property set aside for the trail was incorporated into the lots. He believes that two R-1-20 A size lots would work the best, and that they should both face to the east. He believes the zone should remain at the R-1-20A zone.

Dennis Tenney stated that he is comfortable with three lots on the parcel of property. The Council is trying to micro manage the Planning Commission. He is comfortable with the two lots facing to the south and zoned R-1-10, and the northern lot zoned R-1-20A. He is comfortable with three lots being zoned R-1-15 A facing to the east. The reality of having every one of the property owners owning horses is slim to none. It make more sense to have three R-1-15 A lots facing east on Prescott Drive.

The public hearing was closed as there were no further comments.

Chairwoman Saville called for a motion.

#1 Motion: Scott Cowdell made a motion to deny the rezone of the property other than looking sometime in the future at the one corner there being brought back into an R-1-20A Zone. He made a motion that the zone stay the same as an R-1-20A zone.

Second: Kris Nicholl

Vote: Cowdell-yes, Nicholl-yes, Faribanks-no, Tenney-no, Smith-no, McCandless-no, Saville-no.

Motion Fails: 2 in favor, 5 opposed. Motion Fails.

#2 Motion: Dennis Tenney made a motion to have documents brought back for approval to rezone the property to the R-1-15A zone with a recommendation that the lots face east onto Prescott Drive and with the elimination of the horse trail on the south to provide greater property space for the property owner.

Second: Chris McCandless

Amendment to Motion #2:

Chris McCandless asked that the northern lot contain a minimum of 18,000 sq. ft.

Dennis Tenney stated that he would agree to that.

Mr. McCandless also asked that the motion include that the applicant be required to provide restrictive covenants that are comparable to the homes located to the north, and that the fencing along the western boundary be completed as part of the application process with the Planning Commission, that the fence be six feet and run the total length of the property.

Dennis Tenney stated that he would accept those friendly amendments.

Substitute Motion#1: Stephen Smith made a substitute motion that the Council accept the applicant's original application to rezone only the southern half of the property to the R-1-10 Zone, leaving the northern half of the property the R-1-20A Zone.

Second: Steve Fairbanks

Clarification on the Motion:

Steve Fairbanks wanted to make certain that they were talking about the .6 acres that would be rezoned to the R-1-10 Zone.

Jared Gerber stated that he believed the total acreage would be approximately .62 acres. It would come back with the paper work if the Council approves this motion.

Amendment to Substitute Motion #1:

Chris McCandless had concerns with the previous motion. He would like to include in the motion: fencing, no trail, and restrictive covenants incorporated to be comparable to the homes in Willow View Cove as previously stated.

Dennis Tenney, as clarification, asked if the .6 acres would constitute the two southern lots.

Chris McCandless noted that he deleted the 18,000 sq ft. from Steve Smith's motion because the R-1-20A would stay and you would have 20,000 sq. ft. lots. The other two lots would be R-1-10 with a three lot maximum.

Dennis Tenney asked, "With the same quality standards for all three lots?"

Chris McCandless stated "correct".

Stephen Smith stated that the original application states that the southern parcels would be zoned R-1-10 and the northern parcel would remain R-1-20A.

Chris McCandless asked if the applicant would find those zoning conditions acceptable.

Duaine Rasmussen stated that this entire process has been out of the ordinary. He stated that he would accept these conditions, recognizing that the home sizes would be a little different. The CC&R's would stay the same.

Phil Glenn asked for clarification. Recognizing that the proposed conditions are subject to Planning Commission concurrence, there was a reference that the Council was going to withhold ordinance paperwork and let the zone sit until the Planning Commission's site plan approvals. He asked if the Council was saying that they absolutely do not want this to go through unless the Planning Commission agrees with the proposed conditions. This is a different creature than just setting the zone with a set of recommendations.

Chris McCandless asked Mr. Glenn if he was addressing him.

Phil Glenn stated "yes sir".

Chris McCandless felt that the Council could imply or impose zoning conditions in concert with this application so long as the applicant voluntarily agrees to them.

Phil Glenn stated that he was not trying to be disrespectful; but the Council can not place conditions on a rezone. They can only recommend to the Planning Commission; but it is at the Planning Commission's discretion and authority to impose conditions during the site plan review. The Council does not have the authority to do that.

Chris McCandless asked Mr. Miller for his recommendations.

Wally Miller stated that the objective could be accomplished, but that the Council could not impose the conditions. We respect the developer if he says he is willing to do this. We expect that will happen when it goes back to the Planning Commission. So, you can take your action based on an understanding you have with the developer. The Council can hold the paper work until they see what develops with the Planning Commission.

Phil Glenn noted that this was the clarification that he was looking for. He asked the Council if they wished to hold the paper work until Planning Commissioners' concurrence with Council recommendations.

Wally Miller stated that by holding the paper work, the Council would not be putting conditions on the rezone.

Chris McCandless made another amendment to Substitute Motion #1:

Amendment to Substitute Motion #1: **Chris McCandless** made an amendment to the motion that the previously mentioned conditions that were stated be recommendations to the Planning Commission, and that the paperwork be held on the rezone until the Planning Commission and the Commission's conditions are presented to the City Council.

Dennis Tenney asked that the public record state that the Developer has agreed to these strong recommendations.

Stephen Smith asked for clarifications on the three recommendations.

Chris McCandless stated the following: that there be no trail on Ascot Parkway, that the homes be built to be comparable to the homes in Willow View Cove, including the restrictive covenants, and that the

fencing be required on the entire western boundary from the northwest corner to the southwest corner of the property.

Steve Fairbanks expressed concern by saying that homes have to be comparable. He felt this was pretty subjective. There is no standard by which to judge this since everyone has a different opinion.

Linda Saville asked Mr. McCandless to reword his remark.

Chris McCandless stated that he wrote the CC&R's in Willow View Cove. They include increased levels of masonry, three car garage, a higher pitched roof. Two story and single story square footages would fit on all three of the lots without too much difficulty. Prior to the time the applicant goes back to the Planning Commission, he would look at the restrictive covenants to make a determination if they would work. If they don't work, then make that a discussion item for the Planning Commission on why this could not happen. There can be modifications when it comes back to the Council. (Council can not, however, impose conditions)

Substitute Motion #1, Amendment #1Vote

Vote: Stephen Smith-yes, Fairbanks-yes, Tenney-yes, Cowdell-no, Nicholl-no, McCandless-yes, Saville-no.

Motion Approved: 4 in favor- 3 opposed.

COUNCIL ITEM(S):

5. **Intent to Annex Carriage House Lane Annexation**

Resolution #14-14C – intent to annex an unincorporated area, setting a hearing to consider such an annexation and directing publication of hearing notice. Carriage House Lane Annexation located at approximately 2919 East Granite Hollow.

Motion: Dennis Tenney made the motion to adopt **Resolution #14-14C**, intent to annex an unincorporated area, setting a hearing to consider such an annexation and directing publication of hearing notice. Carriage House Lane Annexation located at approximately 2919 East Granite Hollow.

Second: Kris Nicholl

Vote: Tenney-yes, Nicholl-yes, McCandless –yes, Fairbanks-yes, Smith –yes, Cowdell –yes , Saville – yes. Motion Approved

6. **Intent to Annex Evans Annexation**

Resolution #14-13C- indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice. Evans Annexation located at approximately 10667 South Hidden Ridge Lane.

Motion: Dennis Tenney made the motion to adopt **Resolution #14-13C**, indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice. Evans Annexation located at approximately 10667 South Hidden Ridge Lane.

Second: Kris Nicholl

Vote: Tenney-yes, Nicholl-yes, Cowdell-yes, Smith-yes, Fairbanks-yes, McCandless-yes, Saville – yes.

7. **Research Study- Fiscal Sustainability of Sandy and Sister Cities-**

Consideration of possible expense \$3,000- \$4700 estimate

Discussion: Stephen Smith noted that he had requested additional financial data based on an article he read regarding financial sustainability of State governments. He had asked Phil Glenn [who spoke with the City's auditors] to see if the firm could bid on a study of Sandy City financial sustainability vs. our sister cities. The Administration found out that they could obtain the research study similar data and information through the Government Finance Officers Association at a reduced cost. Staff would be willing to pursue this avenue if approved by the Council. He suggested that a decision be tabled to allow Staff time to look at the data and information on the GFOA website.

Steve Fairbanks asked for a better understanding on what the City was trying to accomplish by doing this research.

Stephen Smith stated that the article he read addresses 11 different financial indicators such as cash flow, budgeting, level of taxation, and sustainability of government levels of service. Mr. Smith's intention is to take this information and compare it to other sister cities. The information could provide a benchmark for the City when it comes to making decisions on taxation and bonding.

Steve Fairbanks appreciated the clarification. He read the article and his conclusion was "that you could gain some bad news with no solutions".

Stephen Smith felt that the study would be a "good steak in the ground" to see where the City stands and provide a reference point to move forward with. He asked Staff to give the Council a timeline as to how long they think this will take once they get signed into the data base.

Byron Jorgenson noted that the Administration would follow up with the Council's request. Also, he noted that the Administration already does quite a bit of bench marking with our sister cities. They will have information coming back to the Council.

8. Review-Citizen Committee Appointments

Discussion: Phil Glenn passed out information on the term expirations for the Citizen Committee appointments. Every two years, different committee assignments for the various citizen committees come due. Staff wanted to show the Council the individuals whose terms are expiring on 3/31/2014. Documents could be brought back next week to reappoint. **All of the Council nodded in agreement.**

MINUTES:

9. Approving the **February 25, 2014** and the **March 11, 2014** Council Meeting minutes, and the **February 25, 2014** and the **March 4, 2014** Sandy City Council Planning Meeting minutes.

Motion: Chris McCandless made the motion to approve the **February 2, 2014**, and the **March 11, 2014** Council Meeting Minutes, and the **February 25, 2014** and the **March 4, 2014** Sandy City Council Planning Meeting Minutes.

Second: Dennis Tenney

Vote: The Council responded verbally in the affirmative to the motion.

MAYOR'S REPORT

a. **Mayor Dolan**- The City is negotiating on the purchase of the Post Office Building. A development group is proposing to build three twelve story buildings on the property.

b. A meeting was held with the development group for the UTA property. They are looking to partner with another group to build office space south of Jordan High School. The development group has also expressed interest in the property fronting along the freeway.

c. **Economic Development Director Nick Duerksen** received a phone call from the potential buyers of the South Towne Mall. They have not yet received financial numbers from Macerich.

d. The Mayor is working with the Chamber of Commerce to re-launch the Central Business District (CBD STEPS) master plan and further brand of the area.

CAO'S REPORT

a. **Byron Jorgenson**- asked Dan Medina for an update on the Skate Park.

Dan Medina- there has been an issue at the Skate Park [Phil Glenn spoke to cabinet about his discussions with Sandy families seriously concerned about rude treatment from skate boarders and the limited use families are allowed at the skate park] between skate boarders and scooter people. Scooters are not regularly allowed in the Skate Park due to the way the park was designed. Police will increase patrols on Saturday mornings during family time, also during evening hours. When summer begins and children are out of school, the Youth Patrol groups will spend more time at the park. They will also do additional monitoring through the Mesh Node system.

Linda Martinez Saville reported that she received a call from a parent regarding the Skate Park. She called to tell her what a wonderful time her children had, and how everyone was very respectful.

Dan Medina noted you have 90% of the kids who are good and 10% who are not. The trick is to control the 10% and make sure they are respectful of others.

b. Byron Jorgenson asked Officer Bill O'Neil to report on the lock down of two schools for three hours today.

Bill O'Neil reported that the Police Department received a report this morning on the sighting of a Mountain Lion in the neighborhood below Alta View Hospital. The lion was noticed by three separate individuals. They looked in the area for approximately four hours but were unable to locate the lion. Wild Life resources were also contacted and continued looking throughout the rest of the day. Wild Life officials noted that it is common for mountain lions to live in a neighborhood or frequent an area for months. They locked down multiple schools as a precautionary standard.

COUNCIL OFFICE DIRECTOR'S REPORT

a. **Phil Glenn** presented an updated copy of the monthly calendar, and a copy of the Departmental Briefs. He asked if any other Council members were planning on attending the Utah League of Cities and Towns Conference in St. George Utah April 9-12th. No one else responded.

OTHER COUNCIL BUSINESS

a. **Dennis Tenney** attended the National League of Cities Conference in Washington D.C. He felt that the conference was productive. They discussed the Market Place Fairness Act, a promotion to impose sales tax on electronic internet sales. He met with Senator Lee, Congressman Chaffetz, and Congressmen Matheson. Congressman Chaffetz spoke in favor of it in front of the Judiciary committee meeting. Last year, 23 billion dollars was uncollected by states and cities as a result of this. People go to stores to look at merchandise, then go home and buy it on line to avoid paying sales tax. They discussed common sense immigration reform, no sales tax being imposed on municipal bonds, and the transportation bill. He will present his information to Mr. Glenn.

b. **Dennis Tenney** is the Chair of the Association of Municipal Councils. Senator Neiderhauser presented a detailed report on the past Legislative Session.

c. **Mr. Tenney** asked what the City's standard was in allowing chickens in residential neighborhoods.

Kris Nicholl thought that the code allowed up to six chickens on a property.

Mike Coulam stated that he would send that portion of the code by e-mail to Mr. Tenney.

d. **Scott Cowdell** informed the Council that Mr. Glenn had arranged a meeting, at Mr. Cowdell's request, with the Salt Lake County Mayor and County Councilman Max Burdick to discuss a community swimming pool on the Mount Jordan Middle school property. Mr. Cowdell talked with Canyon District officials about donating land for the pool. He would like to discuss the possibility of the County being involved. Mr. Cowdell did not commit the City to anything, but feels the City should be involved.

e. **Kris Nicholl**- believes the city will need to look at the feral cat ordinances since the City's ordinance is opposite to what the TNR programs promote. She would like everyone to keep that in mind as discussions continue on the no kill animal shelter.

f. **Kris Nicholl**- a gentleman approached her about the 20th East trail corridor between 9800 South and Se-go Lily. She asked if it was on the City's trail master plan.

Dan Medina stated "yes".

Kris Nicholl stated that the gentleman feels that he is breaking the law when he walks on the trail due to all of the "no trespassing" signs that are posted. The gentleman was wondering if the signs could be

taken down.

At approximately 8:46 p.m., Scott **Cowdell** made a motion to adjourn Council Meeting, motion seconded by **Dennis Tenney**.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Linda Martinez Saville
Council Chairwoman

Pam Lehman
Council Office Manager

Xm032514.min

Exhibit "A"
March 4, 2014 Minutes of the City Council
Meeting of the Redevelopment Agency of Sandy City

March 04, 2014
City Council Chambers, Sandy City Hall
10000 South Centennial Parkway, Sandy, Utah
MINUTES

DRAFT

Council Members: Chairwoman Linda Martinez Saville, Scott Cowdell, Kris Coleman Nicholl, Steve Fairbanks, Chris McCandless, Stephen P. Smith, and Dennis Tenney.

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Assistant CAO Scott Bond; Assistant CAO Korban Lee; Assistant to the CAO Communications Director Nicole Martin; City Attorney Walter Miller; Community Development Director Mike Coulam; Assistant Community Development Director James Sorensen; Public Utilities Director Shane Pace, Public Works Director Rick Smith, Economic Development Director Nick Duerksen; Project Manager Redevelopment Agency Kasey Dunlavy; Police Chief Stephen Chapman; Fire Chief Bruce Kline; Parks & Recreation Director Scott Earl; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

1. Motion was made by Mr. McCandless to recess the meeting of the City Council and convene the Sandy City Redevelopment Meeting. Mr. Tenney seconded the motion with all voting "yes".
2. The Redevelopment Agency Meeting commenced at 7:05 p.m.
3. Background and discussion of the Community Development Project Area Plan for the Sandy TOD Community Development Project Area (Formerly known as the Sandy UTA Community Development Project Area). Nick Duerksen gave a brief synopsis of the draft Sandy TOD Community Development Project Area. Nick also stated the budget portion of the plan would be brought back before the Board for review and approval.
4. Public Hearing on the adoption of a Community Development Project Area Plan for the Sandy TOD Community Development Project Area (Formerly known as the Sandy UTA Community Development Project Area). Linda Martinez Saville asked if there was any public comment.
Steve VanMaren 11039 Lexington Circle approached and questioned the description of the property where it says it is primarily undeveloped and there is a development being done in the project area.

Steve also questioned the UTA land is tax exempt and wondered if the other property is taxable?

Under Development Objectives of the plan, he asked about the meaning of “desire to maintain a high quality transit oriented development”. He questioned if this is a creation of a new TOD saying “maintain” implies it already exists? Nick stated the Civic Center Master Plan identifies this area as a TOD although there is not a lot of housing at this point. Nick suggested the language could include this plan identifies maintaining the Master Plan Objectives of the TOD in the area. Mr. VanMaren agreed with the verbiage.

Mr. VanMaren questioned the sentence which says, “no parks, libraries, or other social gathering places in the Project Area.” He felt that a mortuary could be a social gathering place.

He also had reservation about “offsite improvements”. He feels the benefits should accrue to the site.

Mr. VanMaren questioned the acreage between the table and on the map stating they do not match.

Mr. VanMaren ended stating that he is generally opposed to this and questioned the property on the northeast corner not being included in this area.

Steve Fairbanks asked that he be excused from voting due to a conflict of interest.

5. Approval of Resolution RD 14-03. A Resolution of the Redevelopment Agency of Sandy City adopting an official Project Area Plan for the Sandy TOD Community Development Project Area (Formerly known as the Sandy UTA Community Development Project Area). Nick Duerksen said this resolution for adopting the TOD Project Area Plan with corrections as identified by the public.

Motion was made by Mr. Tenney to adopt RDA Resolution RD 14-03. A Resolution of the Redevelopment Agency of Sandy City adopting an official Project Area Plan for the Sandy TOD Community Development Project Area (Formerly known as the Sandy UTA Community Development Project Area) With the inclusions of the necessary recommendations by Mr. VanMaren. Chris McCandless asked for clarification on the motion why the Hills at Sandy Station were not included in this project? Nick replied that none of the identified improvements allocated for this money occur on the property. Secondly, it would have a negative effect on the base year. Third there has not been a property owner requesting assistance.

Chris also asked what the improvements are that the taxing increment would be used for? Nick said what has been identified would be structured parking, trails, and road improvements. Chris requested that part of the money be used for opening the tunnel to State Street. Mrs. Nicholl seconded the motion.

DRAFT

Vote: Mr. Tenney – Yes, Mr. McCandless – Yes, Mr. Cowdell – Yes, Mr. Smith – Yes, Mr. Fairbanks – abstained from voting, Mrs. Nicholl – Yes, Mrs. Saville – Yes.

6. Approval of minutes for:
February 04, 2014.

Mr. Tenney made a motion to approve the minutes for February 04, 2014. Mrs. Nichols seconded the motion, with all voting “yes”.

7. Motion to adjourn Redevelopment Agency Meeting: Mr. Smith made a motion to recess the meeting of the RDA. Mr. Tenney seconded the motion, with all voting “yes”.

The meeting recessed at 7:19 p.m.

ATTEST:

Linda Martinez-Saville – Chairman

Vickey Barrett - Secretary

 **DRAFT**