

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chambers #211
10000 Centennial Parkway
Sandy, Utah 84070

August 12, 2014

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Steve Fairbanks, Scott Cowdell, Kris Coleman Nicholl, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, 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; Zoning Administrator Brian McCuiston; Public Utilities Director Shane Pace, Public Works Director Rick Smith, Economic Development Director Nick Duerksen; Deputy to the Mayor John Hiskey; Police Chief Kevin Thacker; Fire Chief Bruce Cline, Parks & Recreation Director Scott Earl; Administrative Services Director Art Hunter; Assistant Administrative Services Director Brian Kelley; Council Office Manager Pam Lehman

Absent/Excused

Phil Glenn (Vacation)

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

The prayer was offered by Boy Scout Kevin Metcalf of Troop #1531, and the Pledge was led by Boy Scout Tanner Rapoza, also of Troop #1531.

2. **SPECIAL PRESENTATION:** Chairman Steve Fairbanks along with Mayor Tom Dolan presented a resolution honoring **Art Hunter, Former Administrative Services Director** for his 43+ years of service as the Administrative Services Director of Sandy City.

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

- a. **Salt Lake County Councilman Max Burdick** and **Salt Lake County Councilman Richard Snelgrove** asked the Council for their support in the reauthorization of the ZAP Tax on this November's ballot. Mr. Burdick suggested having the Council show their support through a resolution.

Mayor Dolan noted that the ZAP tax has been an asset to the City. It helped to fund the Amphitheater and Real Soccer Stadium projects.

Steve Fairbanks spoke on behalf of the Council in supporting the ZAP tax and the benefits the City has received.

- b. **Dawn Sidwell**, 8651 South 120 east, approached the Council a few months ago regarding her neighbor's floodlight that shines directly onto her front porch. She was told by the Planning Department that there was no ordinance to regulate or restrict the use of floodlights. She is frustrated that nothing can be done to minimize the impact. [7:15:39 PM](#)

Mike Coulam reported that the Planning Department contacted other communities to see how flood lights were regulated. They learned that very few communities regulate them. The findings were presented to the City Council during a Planning Meeting. The Administration told

the Council they would not be pursuing any regulations at this time.

Dawn Sidwell asked if she had any recourse.

Mike Coulam noted that this could possibly fall under the nuisance law which would fall under the Police Department's jurisdiction.

Kevin Thacker told Ms. Sidwell to call the Police when the flood light is on. Officers need to visit the home when the light is on in order to determine if it is a nuisance and if a citation can be issued.

Dawn Sidwell also asked how many cars are allowed to be parked in front of a home at any given time. The road she is referring to is narrow and a dead end street. It would be impossible for an emergency vehicle to access the area. She claims that the homeowner has 5-7 cars parked in front of his home.

Chief Thacker asked if she had called and complained.

Dawn Sidwell stated "no". She said that she did call the neighbor once and he moved some of the cars.

Scott Cowdell asked if the cars were part of a business.

Dawn Sidwell stated "yes". The business is a body and fender business run from his residence.

Chief Thacker noted that since this is a business, it could fall under the jurisdiction of the City's Code Enforcement Department.

Chairman Fairbanks closed Citizen Comments.

At approximately 7:22 p.m., **Stephen Smith** made the motion to reconvene into Redevelopment Agency Meeting motion seconded by **Kris Nicholl**.
[See Separate Agenda]

At approximately 7:23 p.m. **Stephen Smith** made a motion to adjourn Redevelopment Agency meeting and reconvene into City Council Meeting. Motion Seconded by **Dennis Tenney**.

PUBLIC HEARING(S):

4. **Amend Sandy City Land Development Code: Sensitive Area Overlay Zone**

Public Hearing to consider the following: Amend Title 15A, Chapters 15, Sensitive Area Overlay Zone, 21, Subdivision Design Standards, 30, Subdivision Review, and 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the regulations related to private roads and associated development improvements for new subdivisions.

Discussion: Chris McCandless informed that Council that he would like to make a motion, at the end of the presentation, to table further discussion of the Sensitive Area Overlay zone to a later date. He would like to sit down with Staff to discuss some of his questions.

Zoning Administrator Brian McCuistion presented a brief summary of the following Staff report.

BACKGROUND

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapters 15, Sensitive Area Overlay Zone, 21, Subdivision Design Standards, 30, Subdivision Review, and 37, Definitions, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the regulations related to private roads and associated development improvements for new subdivisions.

PROPOSAL

Representatives from the Community Development, Public Works, Public Utilities, Fire, and Attorney's Office have been meeting over the last couple of months to propose this Code Amendment dealing with the design standards for private and public roads. This committee started meeting in order to review the current standards and make sure that the City is getting the best possible developments.

The following are the main points of consideration:

1. Identifying specific circumstances when the Planning Commission can consider only one point of ingress/egress.
2. Increasing the right-of-way width for a private street from 27' to 32' in order to allow for appropriate curb and gutter.
3. Giving the Planning Commission authority to grant a special exception for less than a full-width dedication and/or granting park strip and sidewalk waivers, under specific circumstances.
4. Prohibiting private gates which restrict access to any public or private right-of-way.
5. Requiring public streets unless the developer can demonstrate that a public street is not possible based upon certain factors.
6. Not allowing the square footage within a private right-of-way to be included in the overall lot square footage (similar to a flag lot).
7. Existing roads that provide access to legally subdivided lots may be allowed to remain at current widths, unless it does not meet current Fire Code Standards. If the road does not meet current fire standards, upon any new development application, subject property would be required to comply with all new standards.
8. Allowing the Planning Commission to grant a special exception for private lanes that exceed 150 feet in length based upon certain factors.
9. Prohibiting the use of flag lots when amending an existing recorded subdivision.
10. Giving the Planning Commission authority to exceed 600 feet for a cul-de-sac in the Sensitive Area Overlay Zone based upon recommendation of City Engineer and Fire Marshal under specific circumstances.

NON-CONFORMING USES

There will be some existing subdivisions that will not comply with all of the requirements. One of the main issues will be lots that have been able to include the square footage of any private right-of-way as part of the overall square footage. The majority of the changes will be clarifying when the Planning Commission can grant special exceptions for a variety of improvements.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General
 - a. To facilitate the orderly growth and development of Sandy City.
 - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
 - c. To stabilize property values.
 - d. To enhance the economic well being of Sandy City and its inhabitants.
2. Implementation of General Plan
To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
3. Comprehensive, Consistent and Equitable Regulations
To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
4. Efficiently and Effectively Managed Procedures
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards and procedures for review and approval of all new residential developments within Sandy City. In addition is the ability to facilitate orderly growth and development within Sandy City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use

decision making; and efficiency in development review and land use administration (R.O.S.C. Sec. 15A-01-03(A)).

STAFF RECOMMENDATION

The Community Development Department respectfully requested that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards and procedures for review and approval of all new residential developments within Sandy City. In addition is the ability to facilitate orderly growth and development within Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Brian McCuistion noted that currently there are 39 crash and private gates located in the City. Staff's proposal is to allow the gates with a condition that a yearly inspection be required to verify that the gates are operational. The Fire Marshall and his team have inspected the gates and found that some are not functional. They do not have contact information on the owners of the gates.

Chairman Fairbanks opened the public hearing.

Steve Van Maren, 11039 Lexington Circle, asked if gates where required to have battery back-up in the event of a power outage.

Brian McCuistion stated that private gates are required to have battery back-up.

Chairman Fairbanks closed the public hearing.

Mike Coulam noted that Homeowner Associations come to the City asking them to take over their dilapidated roads because residents can no longer afford to maintain them. Staff believes they have implemented appropriate standards and would be willing to meet with the Council to explain the changes.

Chris McCandless stated that he would like an opportunity to sit down with Staff to discuss his concerns.

Motion: **Chris McCandless** made the motion to table further discussion of the Sandy City Land Development Code Sensitive Area Overlay Zone to a later date in order for Staff to review the changes with the Council members, and to schedule a discussion for an upcoming City Council meeting at tomorrow's Agenda Planning Meeting.

Question on the Motion:

Steve Fairbanks noted that a field trip was scheduled for next Tuesday. He would hold an Agenda Planning meeting a week from tomorrow to set a date to further discuss the Sensitive Area Overlay Zone.

Dennis Tenney clarified that the language in the motion should state that the discussion on the Sensitive Area Overlay would be a scheduled discussion and/or final decision two weeks from tonight.

Second: **Linda Martinez Saville**

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

5. **Code Amendment: Amending regulations related to developments within the Central Business District**

Public Hearing to consider the following: Amend Title 15A, Chapters 23, Commercial, Office, Industrial, & Transit Corridor Development Standards, 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the regulations related to developments within the Central Business District. This Code Amendment will look at the number of stories allowed, landscaping requirements, as well as front setbacks for all commercial zoning districts.

Discussion: Zoning Administrator Brian McCuistion presented a brief summary in the following Staff report.

BACKGROUND

Mr. Dan Simons, President of Charleston Investment Group, LLC, has filed a request to amend Title 15A, Chapter 8, Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts; Chapter 23, Commercial, Office, Industrial, & Transit Corridor Development Standards; and Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the regulations related to allowing residential developments within the Central Business District. This Code Amendment as proposed will look at building height, and landscaping requirements, as well as front setbacks for all commercial zoning districts.

PROPOSAL

Mr. Simons purchased the home that is located at 10510 South State Street in October 2013. His intentions are to rezone this half-acre parcel from the R-1-20A Zoning District to the Central Business District (CBD). The applicant is proposing to build a 60 unit multi-family development on the site. When viewed as horizontal mixed-use with the surrounding commercial property this would be an allowed use under the current code. However as a stand-alone multi-family project, it would require amending the Land Use Development Code to include this as an allowable use. Both interpretations of the project would require altering the side and rear setbacks, number of floors allowed, and landscaping requirements for development within the CBD.

In addition, as the City looks at amending Chapter 23, staff would like to amend the front setbacks for all commercial zones. It is Staff's recommendation that the front setback be reduced from 39' from the top back of curb to 25' from top back of curb. This change would allow commercial buildings to be closer to the street and improve the overall use of water in maintaining large open spaces of grass. This would also discourage the development of parking lots in front of the buildings.

HISTORY

Sandy City recently adopted the Sandy City Civic Center 30-Year Development Plan. This plan addressed development issues from approximately 9000 South to 10600 South and from Interstate 15 to the TRAX corridor. Associated with this Master Plan are the Development Implementation Guidelines (DIGS) and Standards which address land use, building design, community space, trails and street design.

STAFF CONCERNS

1. Lot Size. This is a challenging narrow and deep lot (64.5 feet to 74.5 feet wide and 300 feet deep) and sits below the developed finished elevation of South Towne Center (up to 11 feet in some areas). The

applicant's original development idea was to build 96 residential units. This has been reduced to 60 units with a 2 level parking structure with residential units built in front of the parking structure. The parcel that Mr. Simons is proposing to develop is .51 acres (22,215.6 square feet).

2. Adjacent Owner. This parcel is surrounded by property that is currently held by Macerich St Marketplace Limited Partnership, which owns the South Towne Center Mall. The applicant, at both the request of staff and on his own behalf, has made repeated attempts to work with the adjacent property owner (Macerich) on a joint development, to gain access to the existing private road system, or to sell the parcel to them. They have been unwilling to work with the applicant on any proposal or provide access from the private road system to his parcel.

3. Mixed Use Development. A Mixed Use Development is a development project that includes residential and one or more of the following land uses: retail, service, commercial, or office; and which, vertically or horizontally, integrates critical massing of physical and functional components into a coherent plan that promotes walk ability through uninterrupted pedestrian connections, and reduces traffic and parking impacts.

Due to the limitations of the parcel, the intent of the applicant is not to develop a vertical mixed use project. If this particular project is viewed as a horizontal mixed use project, staff would like to see a Master Plan that illustrates how this development could be integrated with surrounding properties as an overall mixed use area that promotes walk ability through pedestrian connections, and reduces traffic and parking impacts.

If this project is considered a horizontal mixed use development, amending the CBD Zoning District to allow a multi-family development is not necessary. A mixed use development is a permitted use currently within the CBD Zoning District.

4. Setbacks. The applicant request is to have a zero foot setback on the side and rear for the parking structure. Anytime there is a zero foot setback there is some concern about making sure the proposed development complies with the International Building and Fire Codes.

5. Building Height. The Sandy City Civic Center 30-Year Development Plan does envision residential development happening within the Civic Center area. In fact, within the General Guiding Development Principles (2.2.3, page 17) of the Sandy City Civic Center 30-Year Development Plan it states the following:

.04 The Area should provide higher density residential, office and retail opportunities. This creates energy and vitality needed to support proposed uses in the Area outlined in this Plan.

The current CBD Zoning District, on the west side of State Street, limits the building height to no more than 140 feet or no more than 10 stories. The proposed development would comply with the 140 feet, but would need to alter the number of stories allowed to comply with the current CBD Zone regulations.

Although the Development Implementation Guidelines and Standards (DIGS) have not been adopted as ordinance yet, staff reviewed this document when analyzing this particular code amendment. The Development Implementation Guidelines and Standards have identified this particular parcel as being within an area that would allow a wide variety of building types, including residential. However, because of the location right on State Street, the draft plan calls for a maximum building height of 8 stories. The intent is to transition building heights from low to high, starting at the eastern edge of the East Village, which should be more in scale with the surrounding neighborhoods, to taller buildings defining the Festival Street and bordering I-15.

NON-CONFORMING USES

Approving this code amendment would not result in the creation of any legal non-conforming uses. Multi-family development would become a new approved land use with the CBD zone.

A change to the front yard setback, for all commercial districts, would not create any new legal non-conforming setbacks because we are proposing to reduce the setback. There may be some existing legal non-conforming setbacks that will be allowed to continue in their current state.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

15A-01-03 Purpose

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 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards under which current and future developments within all of the CBD Districts will be evaluated.

GENERAL PLAN COMPLIANCE

The Sandy City General Plan encourages the constant review and updating of the City's Ordinances to ensure compliance with the stated goals and policies of said plan. The General Plan also encourages the City to implement new development practices and standards, and to incorporate those into ordinance form where applicable.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land

use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration (R.O.S.C. Sec. 15A-01-03(A)).

FUTURE CONSIDERATIONS

Sandy City Administration has been approached by a couple of different developers who have expressed an interest in developing residential projects within the Civic Center area. These new projects are located in other Sub-districts of the Central Business District area. There may be other code amendments requesting new multi-family developments in the near future.

STAFF RECOMMENDATION

After analyzing the current development proposal, the Community Development Department would prefer to wait for this development to happen once a decision was made on the sale of the South Towne Center Mall. If the adjacent property does come under new ownership, there may be more potential for a cohesive mixed use development.

However, Staff does understand that the applicant has submitted an application in order to start this development right away. Should the Planning Commission decide to forward a recommendation to change the Land Use Development Code for this particular proposal, staff has included suggested changes that would implement this multi-family development, as shown in exhibit AA attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards under which current and future developments within all of the CBD Districts will be evaluated.
2. Compliance with the Goals and Policies of the Sandy City Civic Center 30-Year Development Plan by providing higher density residential, office and retail opportunities. This creates energy and vitality needed to support proposed uses in the Area outlined in this Plan (General Guiding Development Principles (2.2.3, page 17) of the Sandy City Civic Center 30-Year Development Plan).

The Planning Commission reviewed this on July 17th. They did not want to consider the mixed use with the mall's property. They are forwarding a negative recommendation.

They did not discuss changes dealing with setbacks and building heights and the commercial front yard setbacks.

Dennis Tenney disclosed that he could be a direct beneficiary of the project that Mr. Simons is involved in. He felt it was important to mention since it could pose a conflict of interest. He stated that it was up to the discretion of the City Council as to whether he should participate or recues himself.

The City Council stated that they supported Mr. Tenney in participating in the hearing.

Dan Simons, 250 West Sege Lily Drive, Suite 250, Developer, stated that he is asking for a change in zoning in order to allow a 12 story multi- family unit on the property. The reason for the zero foot setbacks on the side yard is based on a dirt slope which will need to be retained. He has approached

Macerich to see if they would be interested in working jointly on the project; however, they have expressed no interest at this time. The proposed development would also include commercial on the bottom floor.

Steve Fairbanks opened then closed the public hearing as there were no comments.

Scott Cowdell asked where the parking structure would be located.

Dan Simons stated that the parking would be a one level structure behind the building with access on the south side.

Scott Cowdell asked if the lot was large enough to accommodate this proposal.

Dan Simons said they would be able to accommodate the project by doing a zero setback on the side yards.

Scott Cowdell did not have a problem with zero setbacks. He believes residential is a good idea, but feels that the building would be too tall for the area. He asked what types of commercial uses are planned for the retail portion of the project.

Dan Simons stated that they plan on low impact commercial uses i.e. insurance or tax offices.

Scott Cowdell stated his concerns regarding properties that have been rezoned then the proposed developments never come to fruition. He would like to see the zone change tied in with the proposed development. In the event the project is not built, and the developer backs out, the property would revert back to the original zone.

Steve Fairbanks thought that the mixed use zone was already in place along the State Street corridor.

Brian McCuistion verified that this area is currently zoned mixed use.

Scott Cowdell thought the current zone was a residential R-1-20A Zone.

Brian McCuistion stated that it is currently zoned residential. The Labyrinth Rezone, which is the next item to be addressed on the agenda, would deal with the zone change.

Scott Cowdell would like a study conducted on the number of developments that have come before the Council for a zoning change where the developer has backed out and sold the property for a higher price based on the new zone, or where the project the Council approved is never built. He would like the code changed so that a new developer has to start over with the process and the original zone.

Steve Smith felt that the City could be opening a "Pandora's Box" by allowing zero setbacks in side yards. Changing front setbacks from 39 feet to 25 feet with no landscaping requirements would diminish soft landscaping by some 40%; which could change storm water requirements and calculations to the Impact Fee Study. He would like to spend time discussing the implication of the zone change on other projects in the City.

Chris McCandless asked why there was a height limitation on the property.

Brian McCuistion noted that the allowable height in the Commercial Business District is 100 feet or 10 stories high.

Mike Coulam reported that the ten story height in the CBD Zone came from a master plan study several years ago that was conducted by a City hired consultant named Richard Chong and Associates. They looked at various building scenarios: high rise, mid rise, and low rise buildings. A new master plan has since been created for the STEPS project which will create a downtown area for the City with zero lot lines.

Chris McCandless favors the zone change. Zero lot lines are needed to create a downtown area. He believes the 25 foot setback may be too large.

Mike Coulam noted that the setback was from the back of curb and not from the property line.

Brian McCuistion clarified that the changes to the zone and rear setbacks were for parking structures only. The proposed parking structure would be one story above grade.

Kris Nicholl stated she was not opposed to the zoning change or setbacks; however, she does not believe this is the right project for this location.

Steve Fairbanks was comfortable with a 25 foot setback based on the width of State Street and the traffic on the road.

Dan Simons reported that a traffic impact and accident study was conducted at the request of UDOT and the City. It was determined that there would be no negative impacts from the proposed project.

Motion: **Chris McCandless** made a motion to have documents brought back to approve the amendment to Title 15A, Chapters 23, Commercial, Office, Industrial, & Transit Corridor Development Standards, 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider amending the regulations related to developments within the Central Business District as well as front setbacks for all commercial zoning districts from 39 feet to 25 feet with a zero setback for parking structures.

Second: **Scott Cowdell**

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

Scott Cowdell felt that the ten story Jordan Commons building along with the apartment complex on 700 East which has zero setbacks, is much more obtrusive that the proposed project on State Street.

6. **Labyrinth Rezone**

Public Hearing to consider a request submitted by Mr. Dan Simons, of Charleston Investment Group LLC, to rezone approximately 0.50 acres from the R-1-20A “Single Family District” to the CBD “Central Business District”. The property is located at approximately 10510 South State Street.

Discussion: **Jared Gerber** reported that Mr. Dan Simons is requesting to rezone approximately 0.50 acres from the R-1-20A “Single Family District” to the CBD “Central Business District” located at approximately 10510 South State Street. Staff recommended approval since they felt it would be appropriate regardless of which projects locate on the property. The zone change would bring the property into conformance with the surrounding property that is zoned in the CBD Zone. The Planning Commission also forwarded a positive recommendation.

Steve Fairbanks opened then closed the public hearing as there were no comments.

Motion: **Chris McCandless** made the motion to have documents brought back to approve the request submitted by Mr. Dan Simons, of Charleston Investment Group LLC, to rezone approximately 0.50 acres from the R-1-20A “Single Family District” to the CBD “Central Business District”. The property is located at approximately 10510 South State Street as presented by Staff and the Planning Commission.

Second: **Linda Martinez Saville**

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

COUNCIL ITEM(S):

7. **Loridan Lane Rezoning**

Ordinance #14-21- rezoning approximately 11.91 acres from the R-1-12 “Single Family District”, located at approximately 10310 South Loridan Lane (Comprising lots and property to the west of Loridan Lane, and 4 lots on the east side of 2505 East/Sunderland Circle).

Motion: **Dennis Tenney** made the motion to adopt **Ordinance #14-21**, rezoning approximately 11.91 acres from the R-1-12 “Single Family District”, located at approximately 10310 South Loridan Lane (Comprising lots and property to the west of Loridan Lane, and 4 lots on the east side of 2505 East/Sunderland Circle) as recommended by Staff and the Planning Commission.

Second: **Linda Martinez Saville**

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

8 **Establishing a Street Light Utility**

Ordinance #14-19- amending Title 13, Chapter 7, “Street Lighting” of the revised ordinances of Sandy City; to establish a Street Light Utility.

Discussion: **Chris McCandless** proposed a change on the cap for non-residential services. He feels it is important to treat both residential and commercial users fairly.

Motion: **Chris McCandless** made a motion to approve **Ordinance #14-19-** amending Title 13, Chapter 7, “Street Lighting” of the revised ordinances of Sandy City; to establish a Street Light Utility subject to a cap on the non residential service charges from a maximum ERU for an individual property from 10 to 15.

Question on the Motion:

Shane Pace stated that the only downside to changing the maximum ERU for commercial properties is that the first billing has already gone out to customers. There would be an increase in the next billing cycle if the Council implemented the change.

Scott Cowdell asked why customers were sent a bill prior to the Council approving the fee change.

Shane Pace noted that the Council approved the fee during the budget process. The fee became effective on July 1, 2014.

Scott Cowdell is not opposed to the increase of the ERU for commercial properties. He questioned how the process has been carried out.

Chris McCandless explained that a discussion was held during the budget process on the cap being changed. The actual ordinance would approve the ERU cap change from 10 to 15 ERU's.

Shane Pace noted that the cap of 10 ERU's was included in the budget.

Chris McCandless felt that the Council has an opportunity now to increase the cap if they choose.

Substitute Motion:

Chris McCandless made the motion to approve **Ordinance #14-19** amending Title 13 Chapter 7 Street Lighting of the revised ordinances of Sandy City; to establish a street light utility with a modification to the non residential service charges; that the last line in the ordinance be changed to state that the maximum ERU's for commercial properties go from 10 ERU's to 15 ERU's.

Second: Kris Nicholl

Discussion on the Motion:

Dennis Tenney stated that he would be voting "no". He voted for the original street lighting fee several years ago and made a commitment to his constituents that he would not support another street lighting fee increase.

Stephen Smith indicated that he would also be voting "no". He does not believe that the justification for the larger street light fee passes the "smell test". This is the classic exercise of big government. The City is off loading things from the general budget into special service funds. This is how the Unified Fire and Police Departments were created. He is not going to be a part of it.

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

Motion Fails: 3 in favor, 4 opposed.

Scott Cowdell felt that the Administration disrespected the Council in their decision. This was an ongoing discussion and should not have been processed until the discussion with the Council was completed.

Dennis Tenney clarified that the street lighting fee was approved during the Budget adoption in June. The issue is the establishment of a street light utility fund. The administration has the authority to impose this fee since the Council approved it as part of the budget.

Scott Cowdell asked why the Administration brought this before the Council if they still needed to make a decision.

Shane Pace stated the greater purpose of the ordinance is to implement an appeals process.

Chris McCandless stated that this is to administer a fee that has already been approved. This provides an opportunity for citizens to appeal if they feel they have been billed improperly.

Motion #2: Chris McCandless made the motion to approve....

Stephen Smith called a point of order. If Mr. McCandless's voted yes in the original motion, he could bring this back with a new motion to reconsider.

Dennis Tenney moved that the Council reconsider the vote since the fee has already been established in the budget and the action is to provide an appeals process for citizens.

Motion #3: Dennis Tenney made the motion that the City Council approve the Street Lighting Utility Ordinance amending Title 13, Chapter 7, and "Street Lighting" of the revised ordinances of Sandy City; to establish a Street Light Utility.

Second: Chris McCandless

Point of Order:

Stephen Smith clarified that this needed to be done with two votes. The Council needs a motion to reconsider the original motion, then a motion to approve the Street Lighting Utility Ordinance.

#4Motion: Dennis Tenney made a motion to reconsider the original motion.

Second: Chris McCandless

Vote: The Council responded verbally in the affirmative.

#5Motion: Dennis Tenney made the motion to establish and adopt the Street Lighting Utility Ordinance as it was formally approved during the budget process, providing an appeals process.

Second: Chris McCandless

Question on the Motion:

Scott Cowdell stated that he was confused. He asked what the difference was between this motion and the original motion.

Dennis Tenney stated that his motion is to establish an appeals process. He also noted that he would be changing his is “no” vote since there is no fee increase.

Scott Cowdell asked if the ordinance was to establish an appeals process.

Shane Pace stated that the ordinance would establish an appeals process for anyone who is charged the street lighting fee and believes they are being charged unfairly.

Clarification on the motion:

Steve Fairbanks asked if Mr. Tenney’s motion was to approve the Street Lighting Utility fee as presented by Staff.

Dennis Tenney stated “that is correct.”

Chris McCandless asked Mr. Tenney if he would consider amending his motion to increase the maximum ERU’s from 10 ERU’s to 15 ERU’s.

Dennis Tenney agreed.

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

Motion Carries: 4-3.

9. **Title 7, “Public Peace and Safety”**

Ordinance #14-22 – amending Section 7-2-7 of the revised ordinances of Sandy City relating to the “Exemptions”, Title 7, “Public Peace and Safety”.

Motion: Dennis Tenney made the motion to adopt Ordinance #14-22, Public Peace and Safety amending Section 7-2-7 of the revised ordinances of Sandy City relating to the “Exemptions”, Title 7, “Public Peace and Safety”.

Second: Chris McCandless

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

10. **Interlocal Agreement: Salt Lake County/Sandy Highway Construction, Reconstruction, or Maintenance Projects**

Resolution #14-49C- authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City to provide for some of the revenue from local option highway construction and transportation corridor preservation fees to be transferred to the City to pay for highway construction reconstruction, or maintenance projects.

Motion: Chris McCandless made the motion to adopt **Resolution #14-49C**, authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City to provide for some of the revenue from local option highway construction and transportation corridor preservation fees to be transferred to the City to pay for highway construction reconstruction, or maintenance projects.

Second: Kris Nicholl

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

11. **Consideration/Adoption of Impact Fees**

Ordinance #14-12 – amending and updating Sandy City’s Impact Fee Facilities Plan and Impact Fee Analysis for Parks and Recreation, Fire, Police, Water, and Storm Water Facilities and improvements; amending the revised ordinances of Sandy City by amending Title 16, “Revenue and Finance”, Chapter 14, “Development Impact Fees”; adopting an amended and updated Impact Fee for Parks and Recreation, Fire, Police, Water, and Storm Water; establishing certain policies related to impact fees for Parks and Recreation, Fire, Police, Water, and Storm Water Facilities; establishing service areas; and/or other related matters.

Motion: Chris McCandless made the motion to adopt **Ordinance #14-12** – amending and updating Sandy City’s Impact Fee Facilities Plan and Impact Fee Analysis for Parks and Recreation, Fire, Police, Water, and Storm Water Facilities and improvements; amending the revised ordinances of Sandy City by amending Title 16, “Revenue and Finance”, Chapter 14, “Development Impact Fees”; adopting an amended and updated Impact Fee for Parks and Recreation, Fire, Police, Water, and Storm Water; establishing certain policies related to impact fees for Parks and Recreation, Fire, Police, Water, and Storm Water Facilities; establishing service areas; and/or other related matters.

Second: Dennis Tenney

Question on the Motion:

Brian Kelley suggested that the Council add clarifying language to incorporate the changes to Exhibits A, B, and D, as presented to the City Council.

Chris McCandless agreed to include the clarifying languages as presented by Staff for Exhibits A,B,and D.

Substitute Motion:

Stephen Smith made a motion asking that the storm water fees be recalculated based on changes to the setbacks in the CBD zone which would increase storm water needs especially in the central business district. He would like that to be reflected in the Impact Fees.

Motion fails for lack of second.

Chris McCandless questioned whether the change to the setbacks would have that much of an impact on the Impact Fees.

Steve Smith noted that this change would impact all commercial zones in the City.

Jared Gerber did not believe it would have an impact.

Shane Pace noted that percentages were based on locations and would be difficult to pinpoint.

Steve Fairbanks asked the Council for a vote on the original motion that was made by Chris McCandless and seconded by Dennis Tenney.

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

12. **Interlocal Agreement: Redevelopment Agency of Sandy City/Sandy- New Car Dealership Resolution #14-50C**- authorizing the execution of an Interlocal Cooperation Agreement between Redevelopment Agency of Sandy City and Sandy City to encourage a new car dealership to locate in Sandy City.

Motion: Dennis Tenney made the motion to adopt **Resolution #14-50 C** authorizing the execution of an Interlocal Cooperation Agreement between Redevelopment Agency of Sandy City and Sandy City to encourage a new car dealership to locate in Sandy City.

Second: Linda Martinez Saville

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

MINUTES:

13. Approving the July 1, 2014 Council Meeting Minutes.

Motion: Chris McCandless made the motion to approve the July 1, 2014 Council Meeting Minutes.

Second: Dennis Tenney

All members voted in a verbal affirmation.

14. **MAYOR'S REPORT**

- a. Inaudible

15. **CAO'S REPORT**

- a. No report was given

16. **COUNCIL MEMBER'S REPORT**

- a. **Scott Cowdell** noted that the pine trees along 700 east near the cemetery appear to be dying.
b. Landscaping on certain commercial areas along 700 East are starting to look dilapidated.
Mike Coulam stated he would have Code Enforcement look into this.
c. **Scott Cowdell** would like a discussion scheduled to discuss the saturation of multi-family housing on remaining parcels of property in the City along with a discussion on properties that have been rezoned for particular developments that never come to fruition.
e. Tree limbs along the Main Street Park are dead. **Scott Earl** said that he would take care of that.

At approximately 8:44 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.

Steve Fairbanks, Chairman
Sandy City Council

Pam Lehman
Council Office Manager

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