

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

February 25, 2014

Meeting was commenced at 7:00 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; Public Utilities Director Shane Pace, Public Works Director Rick Smith, Economic Development Director Nick Duerksen; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Rosenkrantz, Parks & Recreation Director Scott Earl; Assistant Administrative Services Director Brian Kelley; Council Office Director Phil Glenn; Boy Scout Troops, several citizens

1. OPENING REMARKS/PRAYER/PLEDGE:

- **Chairwoman Saville** recognized **Todd Kiser** who was in the audience. Mr. Kiser once served on the Sandy City Planning Commission and as a State Legislator and is currently serving as the State Insurance Commissioner.
- The prayer was offered by **Public Utilities Director Shane Pace** and the Pledge was led by **Community Development Director Mike Coulam**.

2. SPECIAL PRESENTATION(S):

a. Proclaiming the third Friday in April as “Identify Your Pet Day” – Jennifer Hines, Girl Scout Ambassador

Mayor Dolan and Chairwoman Saville presented Girl Scout Ambassador Jennifer Hines with a resolution proclaiming the third Friday in April as “Identify Your Pet Day.”

Jennifer Hines thanked the Council and Mayor for their support in helping her with this initiative.

b. Byron Jorgenson and the Mayor presented retiring Fire Chief Don Rosenkrantz with a replica of Union Colonel Joshua Chamberlain’s sword, used during the Civil war, as a token of appreciation for his many years of service in Sandy. Mr. Jorgenson said that Chief Rosenkrantz was one of four leaders from Sandy City that have attended/made presentations in a training course called “Leadership Lessons from Gettysburg.” Those leadership principles are now offered to the various leaders in Sandy’s administration/operational organizations. Chief Rosenkrantz has served in the Sandy Fire Department for 38 years.

Mayor Dolan said that during the past twenty years he has worked with the Chief, there has not been a more upbeat, positive person than Chief Rosenkrantz. He said Sandy couldn’t have been better served than with that of Chief Rosenkrantz during the past 38 years. He wished him well in his retirement.

Chief Rosenkrantz, and his wife Diana, expressed their appreciation to the Council, Mayor and Administration. Chief Rosenkrantz said he has had a great career and has had a great time serving Sandy City.

3. CITIZEN(S) COMMENTS:

a. Brooke Christensen, 465 East 8800 South, lives in the Historic Sandy district and is concerned with some of the recent amendments to that historic zone. She said that in September the zoning for Historic Sandy was amended to allow community centers as an allowed land use. In November, she stated that a piece of City owned property was sold to the Sandy Club for Boys

& Girls in Historic Sandy, with Sandy City agreeing to hold the note for the sale of the land. She also said that in December a conditional use permit was applied for, by the Sandy Club for Boys & Girls, for that property. She reported that many concerns were brought up during community meetings, and the same concerns were again brought up at the February 6, 2014 Planning Commission public hearing and at the February 20, 2014 Planning Commission meeting. Her two major concerns with the conditional use development are the hours of operation and parking, which she feels is inadequate. She said some conditions were added to address the hours of operation, but not the parking issues. She is worried the proposed building would create more unwanted traffic in an already busy area. She asked that the Council look into this matter, and focus on the impacts that will be made to the neighborhood. She said she would like the Sandy Club for Boys & Girls to stay in or near their current location on 8680 South 440 East.

b. Katie Bradshaw, 8741 South 250 East, lives in the Historic Sandy area and is very concerned with the proposed Sandy Club for Boys & Girls building. She said her main concerns are the size of the building, increased traffic to their neighborhood, lack of appropriate parking, and the hours of operation. She said that some of the concerns were addressed by the Planning Commission but feels that the potential parking issue was made worse; moving the flow of traffic next to the homes instead in the streets. She feels actions could have been made in the beginning to make this process easier.

PUBLIC HEARING(S):

4. Ferran Townhomes Rezoning

Public Hearing to consider a request submitted by Mr. Troy Ferran, of Ferran Construction, to rezone approximately 2.39 acres from the SD(PO-Alvey) “Special District” to the RM-8 “Multi-Family Residential District.” The property is located at approximately 10707 South 1300 East.

Discussion:

Jared Gerber presented the proposed rezoning for the Ferran Townhomes project.

PROPERTY CASE HISTORY	
Case Number	Case Summary
ZONE-2-13-2785	On May 14, 2013, The City Council denied a request to rezone the property to RM-12 (Recommended approval to RM-10 by the Planning Commission) based upon concerns regarding density and traffic.
CA#96-L/R#96-06	On June 18, 1996, the City Council created the SD(PO-Alvey) zone and applied it to approximately 2.39 acres. This zone established specific use and development regulations for specific property. This was in response to a request to rezone the property to PO. After hearing the item, the Planning Commission tabled it and directed staff to create an SD zone to address concerns regarding high traffic uses on the property.
R#94-11	On June 21, 1994, The City Council denied a request to rezone the property from R-1-20A to either RM(6) or PO based on a recommendation by the Planning Commission that they wait until the update the General Plan was completed. The subsequent update did not address these properties specifically.

BACKGROUND

Mr. Troy Ferran, of Ferran Construction, is requesting to rezone approximately 2.39 acres from the SD(PO-ALVEY) Special District” to the RM-8 “Multi-Family Residential District”. The property is located at approximately 10707 South 1300 East.

The subject property is bordered on the north by PO (currently a bank); on the west by 1300 East with PO (currently a bank and veterinary office) beyond; on the east by R-1-30A; and on the south by R-1-30A.

A neighborhood meeting was held on January 22, 2014 at City Hall. Residents within 300 feet were notified of the meeting. A copy of the minutes and a summary by LaMar Beckstead (Community Coordinator) are attached. The minutes indicate that nine residents were in attendance. Concerns were raised regarding the bridle path on the east and south property lines, traffic impacts on the neighborhood to the east, and construction noise. The applicant addressed these concerns and let the residents know that he intends to construct a fence between his project and the bridle path and that construction is anticipated to last 12 to 18 months.

ANALYSIS

The applicant is requesting to rezone to the RM-8 designation in order to construct 18 residential units (in 9 buildings) on the site. The homes would be for sale, not rental units, and be priced in the \$300,000 range. A full fence without gates or other access points will be constructed along the east and south property lines in order to protect the existing 25 foot wide bridle path separating this property from Bell Canyon Estates. All ingress and egress will be from 1300 East with no direct access to the existing single-family subdivision. The final layout and design of the project will be contingent upon an approved subdivision plat requiring additional Planning Commission review and approval.

Earlier rezoning requests (in 1994, 1996, and 2013) raised concerns regarding specific uses on the property. In 1994, the City Council denied a request to rezone to either Professional Office or Multi-Family uses, citing the desire to await pending amendments to the General Plan. The adopted amendments did not discuss this specific property, but recommended single-family residential uses fronting 1300 East.

The request in 1996 was to rezone to Professional Office. Because of concerns regarding specific uses, staff was directed to create a Special District zone to restrict those uses to business and financial services, medical and health care offices, day care, or a public utility station. It also established maximum heights and setback regulations (compared below to the currently requested zone).

In 2013 another request was received to rezone the property to allow for 24 multi-family units on the site. Upon review, the Planning Commission recommended a slightly less dense zoning of RM-10 which would allow for 23 units and potential additional open space. This item was then heard by the City Council at 5 different meetings where concerns over density, traffic generation, open space, and use were discussed. It was eventually denied by the City Council on May 14, 2013.

The following is a table of the changes in setback and height that would result in a zone change to a multi-family district from the PO(SD-ALVEY):

ZONE	HEIGHT	FRONT	REAR	SIDE
PO(SD-ALVEY)	35 feet (20 feet within 100 feet of residential)	30 feet	30 feet	10 feet (30 feet adjacent to residential)
RM-8	35 feet	20 feet	20 feet	15 feet

Rezoning to RM-8 would create the possibility of increased height (closer to the residential property) and reduced setbacks that may impact the adjacent single-family residences; however the existing bridle path provides an additional 25 foot buffer between this property and the existing homes. Concerns of new residential uses impacting the existing quality of life provided by the Bell Canyon Estates subdivision must also be considered, particularly the possibility of complaints regarding the noise and smells that accompany the more rural lifestyle and animal uses that currently exist. Considering this, staff believes that the preliminary proposal would still be a compatible use for the site with adequate mitigation for any impacts on the adjacent single-family residential neighborhood (including the construction of a fence between the site and the bridle path).

The property fronts 1300 East and would have no direct access to the existing neighborhood. Each of the

adjacent single-family lots face inward toward the neighborhood and have no direct access to 1300 East. In addition, the subject property has little to no future opportunity for access into the subdivision and single-family lots would not be feasible with access limited to 1300 East. The property has remained in the same state since the approved rezoning to office use in 1996, with little to no change in over 16 years. Redevelopment of this land would eliminate multiple existing structures that have been utilized as rental properties for several years and create a new, vibrant residential project with for sale units.

While this property is not adjacent to any other multi-family development, the City did approve the development of The Village on Dimple Dell in 2006. This was a mixed-use development, one phase of which has been developed with 70 units on approximately 8.79 acres (roughly 8 units to the acre). This development is located north and east of the proposed site, on Dimple Dell Road, just across the street to the north of Bell Canyon Estates.

The requested change is in compliance with the City's General Plan. The following Goals and Policies from the recently adopted Housing Element, are examples of how this rezoning may fulfill the overall objective of the General Plan:

4.1 – Goals – Quality Growth

Goal 1.1 – Develop infill options that complement existing housing stock and neighborhood characteristics

Goal 1.4 – Ensure a range of housing options to accommodate an aging population and growth trends

Goal 1.5 – Encourage various housing types and sizes including carriage homes, lofts, live-work spaces, and other options as appropriate

Goal 1.6 – The City should encourage a range of housing opportunities targeted towards all segments of the community when considering new development and redevelopment

The proposed rezoning follows the policies listed under the goals stated above by providing additional housing opportunities in the area. These goals call for the encouragement of infill and redevelopment by considering various housing types that are compatible with the existing housing stock. The proposed development would provide high quality housing options that would develop a difficult piece of property and still be considerate of the existing single-family neighborhood in design and use.

Further staff level approvals will be required prior to any new development on the site, dictating the requirements of design and construction and ensuring conformance to the standards outlined in the Development Code. If the project moves forward as a for sale product, a Subdivision Plat approval by the Planning Commission would be required.

STAFF RECOMMENDATION

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the SD(PO-ALVEY) "Special District" to the RM-8 "Multi-Family Residential District". On February 6, 2014, the Planning Commission forwarded a positive recommendation to the City Council, 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.

Tory Ferran, 1711 Ellerbeck Lane, Draper, spoke to the Council regarding his proposed project at approximately 10707 South 1300 East. He feels the density of the project makes sense for this property.

He said his plan is to construct 18 different town homes, with main floor living and a basement. He feels this project will complement the area and be a great addition in Sandy.

Chairwoman Saville opened the public hearing.

Comments:

- a. **Lamar Beckstead**, 10665 Willow Way Lane, is the Community Coordinator for Community 22, whose geographic boundary includes this proposed project. He asked if the City Traffic Engineer could further look at the traffic flow issue on 1300 East, he feels this is a big problem in the area.

Chairwoman Saville closed the public hearing.

Council Comments:

Chris McCandless asked if the existing pedestrian based bank access on the property will remain? **Jared Gerber** said he was unsure if that access would remain, but will look into the matter.

Chris McCandless said that with a pervious application he had a hard time with the proposed density; one of the reasons was the lack of parking. He was happy to see that the new proposed project has two parking stalls in addition to the garages associated with the site plan. He feels it would be safer for this project to have a deceleration and acceleration lane on 1300 East, to allow for traffic to get into and out of the development on 1300 East. He is in favor of the proposed rezone for the property.

Stephen Smith asked how the nearby horse bridle path will be integrated in to the project.

Jared Gerber said the bridle path is a 25 foot easement that runs along the property. He said that Mr. Ferran agreed to install a solid fence along the path, with no access from the development.

Steve Fairbanks had concerns that the developer won't be able to get as many townhomes on the property, as he would like, after the road issues are resolved. He said he would be in favor of the project, if the project still works after the issues are resolved.

Jared Gerber said that he will pass along the traffic concerns to Ryan Kump and have him look at those concerns during the site plan review.

Motion: **Steve Fairbanks made a motion to have paperwork brought back for the rezoning of the proposed Ferran Townhomes at approximately 10707 South 1300 East from the SD(PO-ALVEY) "Special District" to the RM-8 "Multi-family Residential."**

Second: **Dennis Tenney**

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

5. Cottonwood Place Rezone

Public Hearing to consider a request submitted by Mr. Derek Coulter to rezone approximately 1.06 acres from the R-1-40A "Single-Family Residential District" to the R-1-10 "Single-Family Residential District." The property is located at approximately 543 East 10735 South.

Discussion:

Jared Gerber presented the proposed Cottonwood Place Rezone at approximately 543 East 10735 South.

PROPERTY CASE HISTORY	
Case Number	Case Summary
S#91-20 S#92-10 S#93-08	While these three cases did not directly impact the subject property, they are important to consider as they were the approvals for the adjacent R-1-10 and SD(R-1-8) subdivisions (Cottonwood Place 1, 2, and 3). These subdivisions were approved in the early 1990's with similar zoning and development impacts as the proposed project.

BACKGROUND

Mr. Derek Coulter is requesting to rezone approximately 1.06 acres from the R-1-40A “Single-Family Residential District” to the R-1-10 “Single-Family Residential District”. The property is located at approximately 543 East 10735 South.

The subject property is bordered on the north and west R-1-40A and on the south and east by R-1-10.

ANALYSIS

The property is a single parcel that was annexed into Sandy City as part of a larger area in 1969 and contains a single home on the corner of 10735 South and 580 East (fronting 10735 South). The western property line follows the old canal channel which appears to have also been the dividing line between the rural properties to the west and the original Cottonwood Place Subdivision developments.

A community meeting was held on January 8, 2014 with 58 people in attendance (representing 42 homes in the area). Several concerns were expressed in regards to buffering those with animal rights and smaller lots (and nuisance complaints that may arise from animal smells, noise, etc.), the precedent that may be set by allowing smaller lots, and the impact on 580 East with additional traffic and parking. Minutes from this meeting are attached.

Mr. Coulter’s proposal includes a plan to eventually divide the lot into three separate parcels to allow for development of single-family homes. These parcels range in size from just over 10,000 square feet to nearly 20,000 square feet (a possible plat is attached for reference only). In reviewing the request, staff is considerate of the concerns raised at the community meeting, but feels the impacts to the area would be minimal and can be mitigated during the review process for development.

The proposed rezoning would allow for similar development on both sides of 580 East and 10735 South at this location and would fit seamlessly with the original Cottonwood Place development. Traffic and parking may be a legitimate concern that will need to be addressed during review of the subdivision plat and may require mitigation and site improvements to be determined at that time.

In reviewing the previous approvals for the original Cottonwood Place subdivisions, staff found a condition of approval on the Subdivision for Cottonwood Place #2 (S#92-10) that stated, “Properties bordering the existing R-1-40A lots will be required to have a property deed notation stating that they are adjacent to property with animal rights.” Staff feels that considering a similar condition when reviewing the subdivision plat for this project will help to mitigate the corresponding concerns raised at the neighborhood meeting.

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.

STAFF RECOMMENDATION

Staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the R-1-40A “Single-Family Residential District” to the R-1-10 “Single-Family Residential District”. On February 20, 2014, Planning Commission forwarded a negative recommendation to the City Council.

Jared Gerber said that Mr. Coulter spoke with him after the Planning Commission meeting and said he would be willing to revise his proposal to an R-1-20A with two lots instead of an R-1-10. Mr. Gerber said the legal department explained that the Council could consider the R-1-20A zone even though the hearing was noticed for an R-1-10, since the R-1-20A could be considered less of an impact on the area’s existing land uses.

Derek Coulter said that when he initially purchased the property, the City staff suggested rezoning the property to an R-1-10 to be consistent with the lots to the East of 580 East. His initial idea for the property was to make it more consistent with the neighborhood. After meeting with citizens, he heard many concerns about changing the 1.06 acre lot into multiple lots. He said the residents are concerned about preserving their animal rights on the rest of the lots, to the west of the proposed property. He said the half acre lot (R-1-20A), he is proposing now, is consistent with what he initially proposed back in October 2013. He feels his proposal will help clean up the property and keep the neighborhood feel. He said the Planning Commission gave a negative recommendation to the Council regarding the R-1-10 zoning request.

Chairwomen Saville opened the public hearing.

Steve Fairbanks said that if speakers have the same argument, one person could be a spokesperson and that only new concerns or arguments be brought forward.

Comments:

- a. **Colleen Stutznegger**, 529 East 10735 South, said that she has been involved in the community for close to 35 years because developments keep happening around her. She read into the record her brief account of the history of the property and her many concerns about the proposed rezone. [copy of concerns and petition on file in the Sandy City Recorder’s Office]
- b. **Todd Kiser**, 10702 South 540 East, told a story of when he was first on the Planning Commission many years ago. He said that Mike Coulam took him on a tour of the many different types of homes and developments in the City. He understands that not everyone always want the same thing, however, those who live in his neighborhood, which is the neighborhood of the proposed rezone, all feel similarly. He is against the rezone whether it be R-1-10 or R-1-20A.
- c. **Aaron Jeppson**, 10660 South 540 East, said he disagrees with Mr. Coulter, this rezone would not be consistent with the neighborhood. He said that he has lived in Sandy for 28 years and feels the Mayor and City Council do a great job. He feels that the City Council has been consistent in denying increased density in his community. He stated that there have been numerous requests to raise the density of the one acre lots in this neighborhood over the past several years, and the Council has denied those requests. He urged the City Council do deny this requested rezone.
- d. **Bruce Black**, 10727 South 455 East, has lived at this location for 40 years. He said he moved here 40 years ago, because of the zone allowing for animals. He asked the Council to deny the rezone request.
- e. **Reid Stallings**, 10661 South 540 East, voiced his concern over the recent change of the requested zoning from R-1-10 to R-1-20A without any notice to the neighbors. He feels this process has been purposely vague to the community on what was going to happen. He said this issue is very important to the community. He would like to keep this neighborhood as is, with no zoning changes.

Chairwoman Saville closed the public hearing.

Derek Coulter said that what he is proposing is exactly consistent with the neighborhood. Many of the properties are half acre lots that surround the property. He feels the expressed concerns are not valid, since most of the concerns are answered in the engineering documents that were presented to the city with

the rezone request.

Council Comments:

Mayor Dolan said that if the neighborhood is having power outages (one of Mr. Stutznegger's concerns), he will bring up the issue to the Rocky Mountain Power area representative and ask them to correct the problem.

Steve Fairbanks asked if city staff had any concerns with the potential placement of a house on the property and meeting the required setbacks.

Jared Gerber said that the City does not require developers to go through the engineering process and costs for the rezone. He said they do like to see the project proposal and try to verify the project would fit. He has spoken with Mr. Coulter's engineer to make sure he understood the required setbacks. He said Mr. Coulter's engineer assured him the home would fit on the property.

Steve Fairbanks said he drove through the neighborhood today; it was a very nice neighborhood, but feels, after looking at the property that two half acre lots would fit within the neighborhood. He feels that the residents should not fear that the City would allow additional divisions in the rest of their subdivision, because of the property lines. He doesn't feel that this rezone would have a negative impact on the community.

Dennis Tenney expressed his appreciation for all the comments that have been made regarding this issue. He said that he can sympathize with all of the comments and concerns. He is opposed to rezoning the property to an R-1-10 zone but feels that an R-1-20 would be consistent with the neighborhood and keep the nature of the subdivision. He is in favor of a rezone to an R-1-20, as long as the project meets the required setbacks.

Chris McCandless asked if there was additional road dedication that is required for 580 East in order to provide sidewalks.

Jared Gerber said that there would be road dedication to provide sidewalks, which is why he told the applicants engineer the project would need a 52 foot overall right of way, because the City has not measured the proposed site. The engineer assured Mr. Gerber that the project will work within those 52 feet. This would include sidewalk, curb and gutter, park strip, and about 27 feet of asphalt.

Chris McCandless asked if this parcel is a portion of a dedicated subdivision.

Jared Gerber answered that this parcel was not included in either of the original subdivisions surrounding it.

Chris McCandless asked if the City has any zoning requirements similar to those of the Bell Canyon project; requiring places for horses for larger horse acre properties.

Jared Gerber answered that the City zoning does not have these kinds of requirements for horses. The Bell Canyon requirements are in their Restrictive Covenants.

Chris McCandless feels this issue needs to be looked at more thoroughly, and would like to send this back to the Planning Commission to readdress the potential for an R-1-20A zone.

Stephen Smith feels that the R-1-10 was too dense for this property. He understand that site plan review is separate from the rezoning, but has some reservations with moving forward on this particular parcel with the new proposed (R-1-20A) zoning change, especially without knowing exactly what the road width is and what the setbacks would be. He agreed with one of the resident's concerns regarding where the animals would be kept if the "A" zone is added. He is also concerned with how the sidewalks are laid out on the site plan included in the packet, and feels there are some site plan issues that need to be resolved before it is decided if an R-1-20A would work for this property. He agrees with Mr. McCandless's suggestion to have more study on this property.

Scott Cowdell said there are not many horse properties left in Sandy. He remembers that the Crescent area was designed as an area specifically for horse property. He doesn't feel the property should be rezoned and divided. He asked if the proposed two lots would be 20,000 square feet averaged, or each one would be 20,000. **Mr. Gerber** said that on the rough draft from the engineer, one lot would be

20,000 sq ft and the other would be 22,000 sq ft. Mr. Cowdell is opposed to the new zone and also to sending it back to the Planning Commission.

Motion: Scott Cowdell made a motion to deny the rezone request to rezone approximately 1.06 acres from the R-1-40A “Single-Family Residential District” to the R-1-10, or R-1-20A.

***Substitute Motion:** Steve Fairbanks made a motion to send this item back to the Planning Commission for consideration of an R-1-20 or an R-1-20A zone.

Second: Dennis Tenney

Question on the Motion:

Chris McCandless asked if as part of the substitute motion, that the Planning Commission be willing to look at the sidewalk connection issue at the curve of 540 East and 580 East, as part of the rezone. He feels these could be a major impact if the property is rezoned. Mr. Fairbanks accepted his suggestion as part of his substitute motion.

Dennis Tenney also supported that suggestion. He doesn't feel that this property owner should have to be required to submit a site plan review before the rezone is done, since no other property owner is required to do so. He feels the owner needs to meet with the planning staff to look into these issues. He is in favor of an R-1-20A zone for the property, but supports sending it back to the Planning Commission.

Steve Fairbanks suggested an R-1-20 over an R-1-20A because the properties to the east are not horse properties. If that is what is needed to have this divided, it should be considered.

Scott Cowdell said that this property already is zoned for animal property, and doesn't feel it needs to change.

***Steve Fairbanks called the question. Dennis Tenney seconded.**

[Mr. Glenn asked Mr. Tenney if his second accepted consideration of both zones]

Vote on call the question:

Fairbanks – Yes, Tenney – Yes, Nicholl – Yes, Cowdell – No, McCandless – Yes, Smith – Yes, Saville – Yes.

Motion Approved: six members in favor, one member opposed

Question on the Motion:

Stephen Smith would like the Planning Commission to report back to the Council their detailed reasoning on their new recommendation.

Vote on the Substitute Motion:

Fairbanks – Yes, Tenney – Yes, Smith – Yes, McCandless – Yes, Nicholl – Yes, Cowdell – No, Saville – Yes.

Motion Approved: six members in favor, one member opposed

COUNCIL ITEM(S):

6. Splash Pad Update 9400 South 1300 East Amphitheater Park

Discussion:

Scott Earl reviewed the proposed splash pad at the Amphitheater Park on 9400 South 1300 East. He said that the splash pad has to be located within 150 feet of a restroom, and will be regulated through Salt Lake County, who will maintain and test the water. He said that the project would include sun shades for the families and feels this is the best location, it is centrally located in Sandy City with ample parking.

Mayor Dolan said he asked Mr. Earl to present this project to the Council because there will be some opposition by the community. He said there are a few homeowners who may feel impacted by this splash pad. He said that concerns will need to be addressed in terms of what buffering can be done for those homes. He said splash pads are highly popular in communities, and feels this is an important addition to

our parks.

Scott Earl said that there are some landscaping possibilities to help buffer the project from the homes.

Dennis Tenney asked for the cost of the project and when it will be finished.

Scott Earl said the project has been included in the current budget and we are hoping to have it completed by this summer, 2014.

Kris Nicholl thanked Mr. Earl for taking her suggestions for sun shades for the families.

7. **Appointing a Regular Member to the Sandy City Planning Commission**
Resolution #14-02M – appointing Gayle Willardson as a Regular Member to the Sandy City Planning Commission, also providing the advice and consent of the City Council of Sandy City, Utah.

Motion: Dennis Tenney made a motion to consent to the adoption of Resolution #14-02M appointing Gayle Willardson as a regular member to the Sandy City Planning Commission as recommended.

Second: Chris McCandless

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

Motion Approved: all members in favor

8. **Funds Transfer: General Fund (\$45,000)**
Resolution #14-06C – transferring funds within the General Fund for the Half Marathon and Freedom Memorial.

Motion: Dennis Tenney made a motion to adopt Resolution #14-06C transferring funds, \$45,000 within the General Fund for the Half Marathon and Freedom Memorial

Second: Chris McCandless

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

Motion Approved: all members voted in favor

*Chris McCandless was excused from the meeting.

9. **Funds Transfer: Alta Canyon Sports Center Fund (\$36,200)**
Resolution #14-07C – transferring funds within the Alta Canyon Sports Center Fund.

Motion: Dennis Tenney made a motion to adopt Resolution #14-07C transferring funds within the Alta Canyon Sport Center Fund, of \$36,200 as recommended.

Second: Steve Fairbanks

Vote: Tenney – Yes, Fairbanks – Yes, Smith – Yes, Nicholl – Yes, Cowdell – Yes, Saville – Yes, McCandless – absent.

Motion Approved: six members in favor, one member absent

10. **Update of National Pollution Discharge & Eliminations Systems – Discussion/Decision Storm Water Management Plan**
Resolution #14-09C – approving an update to the Storm Water Management Plan for Sandy City.

Motion: Steve Fairbanks made a motion to adopt Resolution #14-09C the update of the National Pollution Discharge & Eliminations Systems, Storm Water Management Plan, as recommended by staff and the Public Utilities Advisory Board.

Second: Kris Nicholl

Vote: Fairbanks – Yes, Nicholl – Yes, Smith – Yes, Tenney – Yes, Cowdell – Yes, Saville –

Yes, McCandless – absent.

Motion Approved: six members in favor, one member absent

11. Conditional Use or Permitted use with the SD(X) Zoning District

Ordinance #14-01 – amending Title 15A of the revised ordinances of Sandy City (the Land Development Code), 2008, by amending Chapter 19, “Special Development Districts” to allow the Land uses change to a Conditional Use or Permitted use within the SD(X) Zoning District.

Motion: Dennis Tenney made a motion to adopt Ordinance #14-01 amending title 15A of the revised ordinances of Sandy City, by amending Chapter 19, “Special Development Districts” to allow the land uses change to a Conditional Use or Permitted use within the SD(X) Zoning District, as recommended by staff and Planning Commission.

Second: Kris Nicholl

Question on the Motion:

Stephen Smith asked to be reminded where the SD(X) zone is. It was explained that it was the zoning for Quarry Bend and the Ski Connect.

Vote: Tenney – Yes, Nicholl – Yes, Cowdell – Yes, Fairbanks – Yes, Smith – Yes, Saville – Yes, McCandless – absent.

Motion Approved: six members in favor, one member absent

12. Discussion & Implementation of Pending Ordinance Doctrine on licensing ordinances regarding Business Licensure

Resolution #14-08C – invoking pending ordinance doctrine pertaining to massage establishments in Sandy City and providing an effective date.

Discussion:

Walter Miller said that a lot of cities have been having problems with massage establishments not operating legally. He said that there is some current legislation that is pending regarding this issue. He said he wanted to revisit Sandy’s ordinances to make sure they adequately address with this issue.

Motion: Dennis Tenney made a motion to adopt Resolution #14-08C invoking pending ordinance doctrine pertaining to massage establishments in Sandy City and providing an effective date.

Second: Stephen Smith

Vote: Tenney – Yes, Smith – Yes, Fairbanks – Yes, Nicholl – Yes, Cowdell – Yes, Saville – Yes, McCandless – absent.

Motion Approved: six members in favor, one member absent

MINUTES

13. Approval of the January 28, 2014 and the February 4, 2014 Council Meeting Minutes.

Motion: Steve Fairbanks made a motion approve the January 28, 2014 and the February 4, 2014 City Council Meeting Minutes.

Second: Dennis Tenney

All members voted in a verbal affirmation.

14. Approval of the January 21, 2014 Council Planning Meeting Minutes.

Motion: Steve Fairbanks made a motion to approve the January 21, 2014 Council Planning Meeting Minutes.

Second: Dennis Tenney

All members voted in a verbal affirmation.

15. Completion of reports not held in Planning Meeting.

All reports were given in Planning Meeting.

At approximately 9:00 p.m., Dennis Tenney made a motion to adjourn Council Meeting and reconvene into Redevelopment Agency Meeting, motion seconded by Steve Fairbanks.

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**

**Phil Glenn
Council Office Director**

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