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# City Council

January 12, 2016



City Council Chambers  
10000 Centennial Parkway, Ste. 211  
Sandy, Utah 84070

Scott Cowdell	District 1
Maren Barker	District 2
Kristen Coleman-Nicholl	District 3
Chris McCandless	District 4
Steve Fairbanks	At-large
Linda Martinez Saville	At-large
Stephen P. Smith	At-large

## Minutes

Web address to view complete packet: <http://sandy.utah.gov/government/city-council.html>

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The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: <http://sandy.utah.gov/government/city-council/procedure-guidelines.html>. Public comments during the Citizen Comment portion of the City Council meeting, or those offered during a Public Hearing may not exceed 3 minutes. If you wish to comment on an agenda item(s), please hold your comments until that item is being discussed. Work Session items may or may not occur prior to 7:00 PM. Items not concluded during the Work Session will occur in the regular Council Meeting at the conclusion of other official business. Consent Calendar items have been previously considered or are otherwise routine in nature and will be considered in a single motion unless a Council Member wishes to discuss an item separately. In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

**Present: City Council:** Council Chairwoman Kris Coleman Nicholl, Maren Barker, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen P. Smith.

**Administration:** Mayor Tom Dolan, CAO Byron Jorgenson, City Attorney I.Rob Wall, Deputy Mayor John Hiskey, Assistant CAO Scott Bond, Assistant CAO Korban Lee, Redevelopment Agency Director Nick Duerksen, Assistant Community Development Director James Sorensen, Long Range Planning Manager/CDBG Mike Wilcox, Parks and Recreation Director Scott Earl, Public Works Director Rick Smith, City Traffic Engineer Ryan Kump, Public Utilities Director Shane Pace, Police Chief Kevin Thacker, Fire Chief Bruce Cline.

**4:30 Dinner**

**5:15 Work Session**

- A. **Sandy City Police K-9 Demonstration** [5:17:12 PM](#)  
Officer Erica Smith, Officer Amanda Walton, Officer Jacob Knight, and Officer Clayton Swenson, with the Sandy K-9 Unit, were present to demonstrate how the K-9 units are trained and how they perform in various situations. The four K-9's that are assigned to the Sandy Police Department generally work late afternoon and graveyard shifts during peak crime hours. The names of the Officers (handlers) and their Dogs are as follows:  
Officer Jacob Knight (Joker),  
Officer Erica Smith (Fox),  
Officer Amanda Walton (Jag)  
Officer Clayton Swensen (Hook).

- B. **Agenda Planning Calendar Review**  
**Chairwoman Kris Coleman-Nicholl** reviewed items on the Agenda Planning Calendar.
- C. **Council Member Business**  
No Reports.
- D. **Council Office Director’s Report** [6:40:10 PM](#)  
No Report was given.
- E. **Mayor’s Report** [6:34:37 PM](#)  
**Mayor Dolan** briefed the Council on the following: issues for the 2016 Legislative Session, Mountain Accord legislation, Visit from Senator Lee, Gardner Building, Hamilton Partners/UTA property, importance for Council to receive pertinent information on projects to make informed decisions.
- F. **CAO Report** [6:40:30 PM](#)  
**Byron Jorgenson** asked for the following updates:
  - Chief Bruce Cline** reported that the fire at Johanna’s Kitchen was caused by an accidental gas leak.
  - Chief Thacker** presented information requested by the Council on snow removal citations. [6:42:19 PM](#)
  - Scott Earl** reported on grants received for completion of the Canal trail (110<sup>th</sup> South to 114<sup>th</sup> South), trail near I-15 and 10000 South; and notification from State Lands for stabilization on the 10<sup>th</sup> and 11<sup>th</sup> holes at the River Oaks Golf Course. [6:46:22 PM](#)
  - Korban Lee** reported that Wasatch Front Waste and Recycling District was looking for a Council member to serve on their Board. [6:47:15 PM](#)
  - Korban Lee** reported that April 1<sup>st</sup> is the effective date for the recent five county islands who annexed into Sandy. [6:50:44 PM](#)
  - Mayor Dolan** reported that UDOT will pay for remaining costs on the construction of the 106<sup>th</sup> South overpass.
  - Scott Coddell** made a motion to adjourn Work Session; motion seconded by **Chris McCandless**.  
The Council responded verbally in the affirmative to the motion.

**7:00 Council Meeting**

1. **Opening Remarks/Prayer/Pledge of Allegiance**  
**Edmond Elsworth** offered the invocation. **Fisher Bradley** led the audience in the pledge. They both represented Boy Scout Troop 927.
2. **Citizen Comments** [7:02:11 PM](#)  
**Armando Alvarez** complimented the Community Development Department for their service and knowledge in helping with a development in the City. He stated that it was a “great experience”.

Citizen Comments was closed.

**7:05 Public Hearings**

3. Mr. Skylar Tobert of Ivory Development requesting the City Council rezone approximately 3.5 acres from the CvC “Convenience Commercial District” to the PUD(8) “Planned Unit Development District.” The subject property is located at approximately 2031 E. Pepperwood Drive. The resulting application of zoning would allow for a Planned Unit Development subdivision proposal on the property creating approximately 24 housing units. [7:04:34 PM](#)

Page 3

**Mike Wilcox** reviewed the Staff report for the rezoning request. [7:04:54 PM](#)

**Skylar Tobert**, Applicant, presented a summary of their zoning proposal addressing concerns and questions discussed at neighborhood meetings. [7:06:02 PM](#)

**Dave Evans**, representing Terramerica, presented some history on the subject property. He read a statement from the Horman Family, property owners, and reasons they are requesting a down zone for the property. [7:06:21 PM](#)

**Charles Horman**, property owner and one of the first families to locate in the Pepperwood area, has a goal to create a beautiful development for the area. [7:26:52 PM](#)

**Mike Wilcox** reviewed existing zonings surrounding the subject property. Staff recommended the PUD 8 zone. The Planning Commission recommended a PUD 4.5 zone. [7:29:11 PM](#)

**Skylar Tolbert** asked the Council to motion for or against the propose PUD 8 Zone; nothing greater or less. [7:31:47 PM](#)

**Chairwoman Kris Coleman Nicholl** opened the Public Hearing.

a. **Sherry Strickland**, 2063 East Pepperwood Drive, voiced concern with elevation, height, and parking for the proposed development. She begged the Council to not allow for a high impact development in the area. [7:34:34 PM](#)

b. **Bob Strickland**, 2063 East Pepperwood Drive, also expressed concern with density and traffic. He presented a letter that he wrote to the Council suggesting that homes be built on the property instead of a planned unit development. [7:36:07 PM](#)

As there were no further comments, the Hearing was closed.

**Steve Fairbanks** disclosed that his wife was related to Chuck Horman. He did not believe this caused a conflict of interest. The Council agreed. [7:39:29 PM](#)

Council questions and discussion followed. [7:40:22 PM](#)

**Motion: Steve Fairbanks** made a motion to approve the PUD 8 Zoning as requested and recommended by Staff.

**Second: Chris McCandless** seconded the motion **with amendments**.

**Amendments to the motion:**

**Chris McCandless** asked that the height be restricted on the homes to the east of the project to 25 feet top back of curb, that the top back of curb on the specific road be 4,868 feet above sea level, that they align the Pleasant Hills Drive intersection with their access point, and that the developer attempt to make an access onto 20<sup>th</sup> East as a secondary access instead of the second access on Pepperwood Drive, if feasible. [7:59:54 PM](#)

**Steve Fairbanks** stated that he strongly disagrees with adding site plan issues into zoning requests.

**Mr. McCandless withdrew** his **second** to the motion.

**Councilwoman Barker** then **seconded the motion**.

**Vote:**

Fairbanks-yes

Barker-yes,

Smith-no,

McCandless-no,-

Cowdell- no,

Saville- no,

Nicholl-no **Motion Fails** 2 in favor, 5 opposed

**Motion: Chris McCandless** made the motion to approve the PUD 8 Zone as recommended and presented by Staff with recommendations to the Planning Commission with the following four provisions:

1. That a height restriction on the east boundary for all homes being constructed be limited to 25 feet in height to the top of the roof pitch.
2. That an access onto 20<sup>th</sup> East be attempted to be made if at all possible instead of the second access as demonstrated by the applicant's site plan.
3. The developer align Pleasant Hills Drive
4. Elevation of the new street on the east side has a maximum top back of curb elevation of 4,868 feet.

**Motion fails for lack of a second.**

**Motion: Kris Coleman Nicholl** made the motion to deny the PUD 8 Zoning request.

**Second: Scott Cowdell**

**Vote:**

Nicholl-yes,  
Cowdell-yes,  
Saville-yes,  
McCandless-no,  
Smith-no,  
Fairbanks-no  
Barker-no. **Motion Fails-** 3 in favor, 4 opposed.

**Motion: Steve Fairbanks** renewed his motion to approve the PUD 8 Zone as requested and recommended by Staff.

**Second: Maren Barker**

**Vote:**

Fairbanks-yes,  
Barker-yes,  
Smith-no,  
McCandless-no,  
Cowdell-no,  
Saville-yes  
Nicholl- no. **Motion Fails** 3 in favor, 4 opposed.

**Motion: Maren Barker** made a motion to adopt the PUD 8 Zone with the height restriction on the east boundary for all homes being constructed and that the height be limited to 25 feet to the top of the roof pitch, and that the elevation of the new street to the east side have a maximum top back of curb elevation of 4,868 feet, and eliminate the optional access onto 20<sup>th</sup> East (Highland Drive)

**Second: Chris McCandless**

**Discussion on the motion:**

**Steve Fairbanks** was not comfortable that the Council was taking a zoning request and turning it into a site plan review. Recommendations to the Planning Commission should not be part of the rezone.

**Chris McCandless** felt that once the Planning Commission has reviewed the Council's recommendations and sent their site plan reviews back to the Council, the Council could ask for documents to come back adopting the rezone. He did not believe that the Council would circumvent the Planning Commission's authority.

**Steve Fairbanks** stated that he would probably bend on this because this was the direction the Council needed to take.

**Vote:**

Barker- yes,  
 McCandless-yes,  
 Fairbanks-yes  
 Smith-no,  
 Cowdell-no,  
 Saville-no,  
 Nicholl-no **Motion Fails** 3 in favor, 4 opposed

**Motion: Scott Cowdell** made a motion to rezone the property to an R-1-8 single family zone.

**Second: Stephen Smith**

**Question on the motion:**

**City Attorney Rob Wall** advised the Council to not approve a zone that has not been applied for by the applicant. The Council should simply vote for the PUD 8 Zone as requested by the developer.

**Amendment to Scott Cowdell's motion:**

**Motion: Scott Cowdell** amended his motion to deny the proposed PUD 8 Zone.

**Second: Stephen Smith**

**Vote:**

Cowdell-yes,  
 Smith-yes,  
 Fairbanks-no,  
 Barker-no,  
 McCandless-no,  
 Saville-no,  
 Nicholl- no. **Motion Fails-** 2 in favor, 5 opposed.

**Motion:** **Kris Coleman Nicholl** made the motion to table the rezone until something comes back to the Council that they have some form of consensus on.

**Second:** **Scott Cowdell**

**Vote:**

Nicholl-yes,  
Cowdell-yes,  
Barker-no,  
Smith-no,  
McCandless-no,  
Fairbanks-no,  
Saville- yes. **Motion Fails** 3 in favor, 4 opposed.

**Motion:** **Steve Fairbanks** made the motion to approve the PUD 8 as requested by the applicant and as recommended by Staff.

**Question on the Motion:**

**Chris McCandless** asked if his four recommendations that he made in his previous motion could be included in the motion as recommendations to the Planning Commission, and not have paperwork brought back until these items are ratified. The restrictions were:

1. Height restriction on the east boundary that homes can be constructed no greater height of 25 feet.
2. Alignment of Pleasant Hills Drive be constructed
3. Elevation of the top back of the curb on the street to the east is 4,868 feet above elevation.
4. Zoning cannot be ratified until the Council sees the report and results from the Planning Commission.

**Steve Fairbanks** stated that he would “throw” Mr. McCandless a “bone” because “his motion was better than where the Council has been”.

**Second:** **Chris McCandless**

**Discussion on the Motion:**

**Stephen Smith** believes delaying approval of the zone until after site plan approval puts an undue burden on the applicant and may in fact increase costs of the planned project. The Council needs to determine a zone and not condition it on site plan issues which may change as it goes through the approval process.

**Chris McCandless** did not believe it would be an undue delay or expense on the applicant.

**Vote:**

Fairbanks-yes,  
 McCandless-yes,  
 Cowdell-no,  
 Saville-yes,  
 Barker-yes,  
 Smith-no,  
 Nicholl-no. **Motion Carries** 4 in favor, 3 opposed.

4. Mr. Kirk Gilger of Patharsam, LLC requesting the City Council rezone approximately 4.34 acres from the R-1-40A “Single-Family Residential District” to the R-1-10 “Single Family Residential District.” The subject property is located at approximately 223 East 11000 South. The resulting application of zoning would allow for a single-family residential subdivision of the property creating approximately 10 lots. [8:15:57 PM](#)

**Mike Wilcox** reported that the applicant had submitted a new rezoning request to rezone approximately 4.34 acres from the R-1-14 A Single Family District to the R-1-10 Single Family District as requested by the City Council. The original request from the applicant was for a PUD Zone.

Mr. Kirk Gilger, 271 West Golden Harvest Road, Draper, Utah, Applicant, explained his request for an R-1-10 Zone rather than a PUD zone. [8:21:18 PM](#)

**Chairwoman Kris Coleman Nicholl** opened the Public Hearing. As there were no comments, the hearing was closed.

**Motion: Scott Cowdell** made a motion to have documents brought back approving the R-1-10 “Single Family Residential District.” Zone, located at approximately 223 East 11000 South, as recommended by Staff and the Planning Commission.

**Second: Linda Martinez Saville**

**Vote:**

Cowdell-yes,  
 Saville-yes,  
 McCandless-yes,  
 Smith-yes,  
 Fairbanks-yes,  
 Barker-yes,  
 Nicholl- yes. **Motion Approved Unanimous.**

5. Mr. Jeffery Vitek of Boulder Ventures Development requesting the City Council rezone approximately 19.05 acres from the PUD(8) “Planned Unit



Development District,” R-1-20A, and R-1-10 “Single-Family Residential Districts” to the PUD (10.5) “Planned Unit Development District.” The subject property is located at approximately 300 East 10600 South. The resulting application of zoning would allow for a PUD subdivision proposal of the property creating approximately 200 housing units. [8:25:32 PM](#)

**Mike Wilcox** reviewed the revised rezoning request. The Planning Commission reviewed and recommended 8 units per acre. Staff supports the 9.3 units per acre.

**Jeffery Vitek**, Applicant, Boulder’s Ventures, along with college Dustin Holt, presented a brief presentation on the proposed project. They addressed concerns raised by residents, site plan issues, trails, roads, sidewalks, trax underpass, irregular shaped lot; and extension of Beet Digger boulevard. They believe their proposed project (PUD 9.33 Zone) will highlight the community. [8:35:06 PM](#)

**Chairwoman Kris Coleman Nicholl** opened the Public Hearing. [8:41:16 PM](#)

a. **Lance Brown**, 10269 Sandy Willows Cove, asked for further clarification on the traffic study. He does not believe people will use mass transit, and that crime will increase in the area and along the Porter Rockwell trail. The development does not work based on aesthetics and traffic.

**City Traffic Engineer Ryan Kump** along with **Ryan Hales**, from Hales Engineering, reviewed the traffic study and mitigations on 106<sup>th</sup> South along with concerns with south bound left hand turns and the trax light rail. [8:49:29 PM](#)

Council questions were also addressed. [8:50:07 PM](#)

b. **Roger Neto**, 10296 Weeping Willow, expressed concerns with traffic on 106<sup>th</sup> South between 7<sup>th</sup> East and State Street, density contributing to inner city crime, poverty, unemployment, drugs, and transients. He asked the Council to speak up for the residents and vote the zoning and density down. [9:01:34 PM](#)

c. **David Willey**, 10247 Mountain View Drive, noted that the residents presented over 500 signatures in opposition to the proposed development. He asked the Council to look at something different for this property. [9:04:55 PM](#)

d. **Randy Osborn**, 213 East 10430 South, expressed concern over a high density project that would attract transients to the area, and increase traffic. He asked the Council to think about the safety of residents who

already live in the area. [9:07:36 PM](#)

e. **Wendell Ashby**, 10093 Mountain View Drive, expressed concern over increased tagging that already is taking place in this area. He believes it will only increase. High rental properties will become migratory populations. [9:10:40 PM](#)

f. **Mike Wolfley**, 406 East 10245 South, addressed concerns with density. He believes residents living in this area deserve a quality development. [9:12:50 PM](#)

g. **Colleen Stetsoneger**, 529 East 10735 South, expressed concern regarding traffic that would be generated from the development and left hand turns onto 106<sup>th</sup> South and Beet digger Boulevard. [9:16:17 PM](#)

h. **Rod White**, 10588 South Golden Willow, feels that traffic in this area is already horrendous. They feel that crime has already increased, and a transient effect is already taking place. Residents do not want to see the density increased based on safety and quality of life. [9:19:43 PM](#)

i. **Steve Black**, 10494 South Golden Willow, thanked the City for the traffic survey. No one can predict the amount of traffic that will be generated from this development and all of the development to the north. This will only cause more congestion and safety concerns. [9:21:29 PM](#)

j. **Rob Robinson**, 10706 South Hollow Bend Drive, has seen an influx of robberies in their neighborhood. Adding more people in this area will cause more problems. [9:22:51 PM](#)

k. **Pat Holm**, 210 East Golden Willow, stated “amen” to everything that was said. She also stated that the neighborhood has changed with the increased home burglaries. [9:24:25 PM](#)

l. **Reed Stallings**, 10661 South 540 East, felt that if a PUD zone was granted, the residents would like it to be compatible with the existing neighborhood. He believes the church parking lot would become overflow parking for the development. [9:26:07 PM](#)

m. **Crystal White** 10588 South Golden Willow Drive yielded her time to Mr. Stallings. [9:29:39 PM](#)

**Michael Applegarth** stated that the Council’s rule of procedure does not generally allow for that.

**Chairwoman Kris Coleman Nicholl** allowed Mr. Stalling to address the Council for another 3 minutes. It would be the only time that she would

allow this.

n. **Reed Stallings** talked about buffers and traffic resulting from the proposed development. He stated that their neighborhood is the backbone of the community and Sandy. He pleaded with the Council to protect their neighborhood by denying the high density development.

p. **Karen David**, 229 East 10430 South, noted that her backyard backs onto the canal where people can look into her yard. She feels that her privacy will no longer exist with the high rise apartments. [9:33:28 PM](#)

q. **Dan Hill**, Sandy Willows Cove, expressed concern regarding increased graffiti and crime on the trail, and increased burglaries in the area. He asked the Council to make a long term choice that is good for the community. [9:34:15 PM](#)

As there were no further comments, **Chairwoman Kris Coleman Nicholl** closed the hearing.

Council discussion followed addressing concerns associated with the proposed development and concerns expressed by residents. [9:37:22 PM](#)

**Motion: Scott Cowdell** made the motion to deny the rezone for the Boulder Ventures Development, 19.05 acres from the PUD (8) "Planned Unit Development District," R-1-20A, and R-1-10 "Single-Family Residential Districts" to the PUD (10.5) "Planned Unit Development District." located at approximately 300 East 10600 South. [10:02:18PM](#)

**Second: Maren Barker**

**Vote:**

- Cowdell-yes,
- Barker-yes,
- Fairbanks-no,
- Smith-yes,
- Saville-yes,
- Nicholl-no,

McCandless-no. **Motion approved to deny:** 4 in favor, 3 opposed.

**Council Items**

- 6. Public Utilities Department recommending the City Council adopts **Ordinance 16-03** amending previous ordinances of Sandy City, Utah, specifically Ordinance 07-23 relating to the "Rocky Mountain Power Electric Power Franchise," Title 16, Chapter 35; also providing a saving clause for Page 151

the ordinance and an effective date. [10:04:07 PM](#)

**Shane Pace** updated the Council with a brief history on the Rocky Mountain Power Electric Power Franchise Agreement and the proposed changes.

**Alene Bentley**, spoke favorably with the relationship Rocky Mountain Power has had with Sandy City over the years. [10:09:47 PM](#)

**Motion: Steve Fairbanks** made a motion to **table** Ordinance 16-03 relating to the “Rocky Mountain Power Electric Power Franchise,” Title 16, Chapter 35, to the January 26, 2016 City Council Meeting. [10:10:58 PM](#)

**Second: Chris McCandless**

**Vote:**

Fairbanks-yes,  
McCandless-yes,  
Smith-yes,  
Barker-yes,  
Cowdell-yes,  
Saville-yes,  
Nicholl- yes. **Unanimous**

7. Completion of reports and other items not held in the Work Session.  
No Reports were given.

**Motion** to adjourn City Council meeting was made by **Councilman Scott Cowdell** at 10:15 p.m., seconded by **Chris McCandless**, motion carried unanimously.

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Kris Colemn-Nicholl, Chairwoman  
Sandy City Council

\_\_\_\_\_  
Pam Lehman