

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 20th 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 20th 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 20th 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,
Coddell-no,
Saville-no,
Nicholl-no **Motion Fails** 3 in favor, 4 opposed

Motion: **Scott Coddell** 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 Coddell's motion:

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

Second: **Stephen Smith**

Vote:

Coddell-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,
Coddell-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 Coddell 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:

Coddell-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

would also like the Spirit of Christmas Award to continue.

Steve Smith- Sandy Journal is conducting a year end review and would like the Council's thoughts on the past year and their vision for the upcoming year. [5:26:29 PM](#)

C. **Council Office Director's Report** [5:27:12 PM](#)

Mike Applegarth- Granicus kick off call is scheduled for tomorrow. Oath of Office Ceremony will be held on Monday, January 4, 2016. Two additional items came into the Council Office today regarding items F in the Work Session and Item 5 on the Agenda.

D. **Mayor's Report**[5:28:20 PM](#)

Mayor Dolan reported on the following meetings: Discussion with Lobbyists for funding of the 106th South off ramp, Envision Utah to participate on a funding request for a marketing study on anticipated growth from Sandy to Lehi, Mountain Accord to focus on solutions to limit cars and move more people in the Canyons, and Utah League of Cities and Towns to discuss funding mechanisms to help cities become more healthy.

E. **CAO Report** [5:34:22 PM](#)

Mike Coulam-asked for Council insight regarding a request from residents' whom wish to install an 8 foot fence along the canal trail between 110th and 114th South. City ordinance allows for 6 foot fences.

Scott Earl updated the Council on Hidden Valley Park, Bear Canyon Bridge, and dogs on the Bonneville Shoreline trail.[5:36:32 PM](#)

Chief Thacker updated the Council on the recent homicide that occurred in the City. [5:39:14 PM](#)

F. **Update from Boulder Ventures** on traffic related issues from rezone request [5:42:39 PM](#)

Chairman Smith noted that this was a follow-up to a potential rezone. Questions were raised regarding traffic flows between 102nd South and 106th South.

Ryan Hales, Hales Engineering, complimented City Traffic Engineer Ryan Cump for his help. Mr. Hales presented a power point and addressed questions on ground rules, adjacent developments to the subject property, Beet digger Drive, connections and safe access points between 102nd South and 106th South. [5:43:34 PM](#)

Boulders Ventures will be addressed at the January 12, 2016 City Council Meeting

Council discussion followed. [5:55:20 PM](#)

G. **Pepperwood View Rezone Discussion** [6:43:48 PM](#)

Mike Wilcox introduced the developer of the Pepperwood View Rezone. They were invited to come before the Council and review their item prior to the January 12, 2016 Public Hearing.

Skyler Tobler, Ivory Development, presented an overview of the proposed project located on the corner of Pepperwood and Highland Drive (north-east corner). The property is approximately 3.49 acres. The proposal is a gated, active adult community.

Council questions followed. [6:48:31 PM](#)