

Members of the Sandy City Council,

My name is Michael Sheldon and I own and reside at 10272 S Eagle Cliff Way, Sandy. I am writing to address the issue of rezoning the property located at approximately on 1420 Sego Lily Drive. I have attended the Fratelli Community meeting held on April 18<sup>th</sup>, 2016, both Planning Commission meetings first on May 19<sup>th</sup>, 2016, second on August 4<sup>th</sup>, and the July 19<sup>th</sup>, 2016 City Council meeting. I am sending this information in advance of your August 9<sup>th</sup> meeting so that you will have the opportunity to review the information I have gathered and hear the concerns I have.

You have before you a recommendation to approve rezoning of the property with the temporary address of 1420 Sego Lily Drive to "community commercial."

Regretfully, during both meetings there was no discussion on any positive impact of rezoning to the community:

- no information was given on what the added value to re-zone would provide to the community;
- there was no information or discussion on what the long-term risks/benefits of such a change might be, in fact such discussions of "what if" was deemed to be irrelevant; and
- No information or discussion occurred regarding the impact of the Alta View remodel or other new medical businesses to the area and this parcel.

Rather, the staff and commissioners focused on the applicant's narrow topic of the proposed concept plan and that food in walking distance is a community benefit.

I am a layman and my analyses and comments are not "expert" but I believe them to be factual and ask that you study them intently.

I have attached Appendix 1 (App 1) and Appendix 2 to start.

App 1 is an analysis of land use risk inherent with the re-zone to CC . I did this analysis because I believe it to be important that you consider all the listed Permissible and Conditional you are allowing when rezoning. Your approval for CC zoning of this site and others like it in other parts of Sandy will allow bars, gas stations, auto repair shops, 7-11s, and motels to be built immediately adjacent to homes.

App 2 reviews all "like" properties in Sandy based on the City Data base of Dec 2015. With the exception of one business on State Street which is located in a Strip Mall, NONE of the like businesses face residential sites and all have good buffers. To date, I commend the Council for having done well to protect the communities and not mix these types of business in close proximity to homes. The approval of this rezone, I fear sets a new and worrisome precedent for future CC rezone applications across all of Sandy.

I have no app but let me list just a few sites where commercial options are available. There is land to the immediate north in the CN area, there is space in the shopping center in front, there is space and land to the south just across Dimple Dell, There is land by Costco and land and space off of 94<sup>th</sup> plus more off of Sego Lily and State Street. Do we need more commercial land? Should not you the Councilmen seek to encourage its use this before creating this contestable one?

With those points hopefully clear, my following comments address the concept plan risks presented on May 19<sup>th</sup> and not amended on August 4<sup>th</sup>.

The applicant's presentation on May 19<sup>th</sup> focused on the layout (app 4), building appearance and placement of building on the land parcel along with the building's design that has been created to mitigate the issues of being adjacent to a residential area. The conclusion reiterated at both meetings was that the proposal would be beneficial over "PO" options and be less obtrusive because the building design provided for a "good" aesthetic transition from residential to commercial (Staff report of May 11<sup>th</sup> and Findings 2 & 4 pg 28 of Commission Meeting Minutes May 19<sup>th</sup>). I appreciate that it looks nice but take issue with that finding.

- The parking design is described as the buffer zone for noise abatement. In my mind parking activity is the noise CAUSE!
- The distance of the building is described as being 100 feet from the nearest property line. It is not. It is about 60 feet.
- A business that operates till 10 PM on weekends that has a deli, take out services and corporate functions is not the same as a "Professional Office."
- Putting an eight foot wall with 6 parking spaces abutting the west boundary or "Bedroom Side" of the home located at 10234 Eagle Cliff Way (10234 Property) at 10 PM is not "better" and
- We have no assurance that this business or other future CC businesses will not expand business hours to later times at night or introduce Sunday openings. PO businesses do not pose that risk.

To the issue of right of way I can confirm that the applicant did not include the Questar rights of way to the north and west (App 3 map). The one to the west being of significant concern since it is the 12 inch high-pressure gas line installed last year. I find this omission a bothersome element of due diligence to then present in public. Questar has informed me that they have the right to review any plans and have, through our action, reached out and made contact with both parties. What other questions must you ask?

The August 4<sup>th</sup> meeting had the traffic engineer give an update on traffic changes from his May meeting presentation. He spoke to changes in and around the area, specifically the Buttercup closure, and the resulting added traffic to Segoe Lily and then to the issue of line of sight emerging from the proposed driveway. Unfortunately, the engineer only addressed the line of view concerns on the concept plan on to Segoe Lily. He has yet to address the issues of exiting from Eagle Cliff Way or Petunia onto Segoe Lily during morning and night time rush hours and during key school hours. He has offered no solution regarding the congestion getting in and out of the driveway and will this entice people who cannot easily go west to then turn east, then turn south on to Eagle Cliff to then exit out Firelight either to go west back down Segoe Lily (App 5 map). Our neighborhood is already a very "child busy" development (30 plus kids) during the day and the late night traffic is contrary to the principles of non-obtrusive. Another concern is that drivers may altogether want to avoid the Segoe Lily light and will cut thru to 13<sup>th</sup> east via the access way behind the shopping center significantly increasing the noise factor during late night hours .

Lastly as to the site plan, the concept plan shows 34 parking spaces (app 4). The current Quarry Bend (QB) property is smaller than this proposal. The QB property has a max occupancy of 135 as stated by the Building and Safety Department. Sandy regulations stipulate that parking must accommodate employees and patrons alike. The current license lists 9 employees (how many other 1099s are not known). This means 5 spaces have to be dedicated to them. Regs also say one parking space must be created for every 3 seats (App 6). The numbers do not add up. Either there must be less people or

more spaces. Will this mean parking on Segó Lily bike lanes? This parking on Segó Lily will further aggravate the line of sight issues, entrance and exit access from adjoining streets and shopping center exits and other issues of safety.

As a person that lives 9 units down from Segó Lily, I am well aware of the noise from it and that generated by traffic on the access road. I want to point out a very unique geography that will impact all of the Hearthstone homes. It can be seen when examining the overhead Google Earth (App 7) area in pink). You will note that there are slightly divergent (near parallel walls created by the brick wall of the shopping center and fence-line of the Hearth Stone development causes echo. When you add a building that is of the size proposed that will dramatically reduce the northern entrance and place parking spaces (area in green) between it and the fence line and intensify it with the new 8 foot wall, as well as, put parking at the southern end you now have created an amphitheatre structure and placed parking spots in the orchestra pit. The sum and substance is that this design (App 8) will create and magnify noise all the way down the access road that then reverberates off the 24 Hour Fitness Club. In essence you have the perfect echo generating canyon or megaphone design that will amplify car, truck and motorcycle noises, as well as, evening conversations at the outside tables and/or movement in and out of the parking lots.

To conclude, the request to re-zone is very risky to the surrounding community and precedent setting across all of Sandy for future CC rezone applications. Hopefully, you have information to substantiate a different conclusion than the Planning Commission. This, in part, because of:

- The CC designation opens the door to numerous permissible businesses that are NOT compatible with the site location;
- There are no business of a similar type in Sandy in a like location To change now is to leave open a whole new set of issues;
- There is a long history of agreements with the surrounding neighborhoods, to adopt this is to go back on the faith previously given;
- There are unanswered questions about the rights of way and construction prohibitions around the 12" high-pressure Questar pipeline and other utilities;
- There will be added traffic pattern changes which will affect safety that have not been studied;
- There will be new parking hazards that will impact road safety, street maintenance and the bike lane;
- There are many options already zoned commercial as either space or land;
- The belief that only this site plan is anywhere near viable is based on a dream. Information already demonstrates the need for significant revision regards parking, noise and hinges on successful negotiations with the adjacent shopping center and utility companies; and
- The need to rezone solely for this business application is dangerous. The Alta View expansion, its shift to outpatient services and other new medical businesses introduce a whole element of desirable businesses.

I would therefore propose that you **NOT** approve the request but retain the current zoning with perhaps a clarification that this segment be part of the Area 1 SD 5.7 because that will support compatible businesses as to location and neighborhood.

**Appendices and References**

1. Permissible Use and Standards Analysis (derived from Land Use Matrices in Sandy Codes)
2. Full Bar and beer businesses analysis of Sandy business
3. Questar gas lines schematic of 05/28/2016 of 1420 Segoe Lily area and adjacent properties
4. Schematic in Planning Staff report of May 11
5. Google Map of area streets
6. 5-24 Parking Access Requirements Table 15A-09(B )
7. Google Map of "Canyon Area"
8. Design Concept of an Acoustic Chamber Sheldon simple schematic

# Appendix 1

**PERMISSABLE USE AND STANDARDS**

pages

Chap 15 A-05

1 to 7

8 to 13

Chap 15-A-19

66, 69 to 71

CC

PO

R. 1.8&9

R5.7

	CC	PO	R. 1.8&9
Agriculture	P	N	P
Alcoholic Beverage /Entertainment	C	N	N
Alcoholic Class A Lc	P/C	N	N
Alcoholic Class B Lc	P/C	N	N
Alcoholic Class D Lc	P	N	N
Alcoholic Class E Lc	C	N	C
Ancillary Commercial- stand alone	P	C	N
Animal Hospital- Vet Office	P	N	N
Animal Kennel- Commercial	P/C	N	N
Ancillary Commercial as part of Mixed Use	P	P	n/a
Aquarium	P	N	n/a
Arcade	P/C	N	N
Art Gallery	P	N	n/a
Athletic Club	P	N	N
Assisted Living Facility	P/C	N	P
Automotive Service Lube and Oil	C	N	N
Automotive Parts Sales	P	N	N
Automotive Self Service Station	P/C	N	N
Automotive Self Service Repair-minor	C	N	N
Bed & Breakfast	n/a	n/a	C
Business or Financial Services	P	P	N
Car Wash	C	N	N
Convenience Store	P/C	N	N
Commercial Parking	C	N	N
Commercial Repair Services	P	N	N
Commercial Retail & Services	P	N	N
Commercial, Specialty	P	N	N
Convenience Sales and Service	P	N	N
Day Care Group	P/C	C	C
Drive Up Window ( Non Food Banks etc.)	P	C	n/a
Dwellings, Single	n/a	n/a	P
Equipment Sales and Services	P	N	n/a
Home Health Agency	P	N	N
Hotel	C	N	N
Home Occupation Category I			
Home Occupation Category II			
Medical and Health Care	P	P	N
Motel	C	N	N
Non Depository Institution	C	N	N
Nursing Care Facility			
Office Admin	C	C	N
Park and Ride	C	C	N
Parks Public and Private	N	N	C
Parking Structures/Terrace	C	N	N
Parking Underground	C	N	N
Permanent Make up	P	N	N
Plant Nursery	C	N	N
Play Ground	N	N	C

P= Permitted  
 C= Conditional  
 S= Special Use  
 /C= Conditional because it is 250  
 ft from residential  
 N= Not Permitted

Class B = Beer, Wine Alcohol on  
 Premise Definitions form Chap  
 15-A-37 page 2

P for Area 1 of 5.7

C for Area 2 of 5.7

P for Area 1 of 5.7

most likely P

P for Area 1 of 5.7

C for Area 2 of 5.7

P for Area 1 of 5.7

C for Area 2 of 5.7

Public Space	P	C	C	
Public Utility	C	C	C	
Professional Office	P	P	n/a	P for Area 1 of 5.7
Public Service	P	P	C	
Recreation Center	P/C	N	N	
Recreation Indoor	P	N	N	
Religious or Cultural	P	C	C	C for Area 2 of 5.7
Residential Center for Elderly	C	N	P	C for Area 2 of 5.7
Residential Center for Disabled	C	N	P	C for Area 2 of 5.7
Residential Health Care Facility	C	N	N	
Restaurant	P	C	N	
Restaurant Drive Up Window	P/C	N	N	
School Private	P	P	C	C for Area 2 of 5.7
School, Commercial	P	N	N	
School Public	C	C	C	C for Area 2 of 5.7
Social o Rec Center for Fraternal Orgs	P	P	C	
Trade or Vocational School	P	N	N	
Transitional Housing Facility	C	N	N	
Used Merchandise Dealer	P	N	n/a	
Sheltered Workshop	P	C	N	
Small Health Care Facility	P/C	N	N	P for Area 1 of 5.7
Storage	C	N	N	
Theatre	P/C	N	N	
Transitional Housing Facility	C	N	N	
Vet Hospital, Small Animal	C	N	N	

## Appendix 2



Business Name	Address	City	State	Zip	Phone	Website	Business Type	Permit Type	Issue Date	Expiration Date	Notes
ROYAL INDIA LLC	6 10263 S 1300 E	Provo	UT	84092			C	REST/B BEER/CNSMPTN	10/9/1998	NO	
BONSAI JAPANESE STEAKHOUSE LC	10 875 E 9400 S	Provo	UT	84094			C	REST/B BEER/CNSMPTN	4/30/2001	SC	Faces Away
MCGRATH'S FISH HOUSE	21 10590 STATE ST	Provo	UT	84070			C	REST/B BEER/CNSMPTN	9/7/2001	NO	
LA FRONTERA CAFE	30 61 W 10600 S	Provo	UT	84070			C	REST/B BEER/CNSMPTN	5/5/1997	NO	
CHILI'S SOUTHWEST GRILL	68 10430 STATE ST	Provo	UT	84070			C	REST/B BEER/CNSMPTN	8/12/2001	NO	
SOLE MIO LLC	3 8657 S HIGHLAND DR	Provo	UT	84093			C	REST/B BEER/CNSMPTN	6/6/2014	SC	Faces Away
WASATCH BROILER AND GRILL	7 7662 UNION PARK AVE	Provo	UT	84047			C	REST/B BEER/CNSMPTN	11/15/2011	NO	
OLIVE GARDEN ITALIAN RESTAURANT	108 10540 STATE ST	Provo	UT	84070			C	REST/B BEER/CNSMPTN	11/15/2001	NO	
DRY CREEK STEAKHOUSE	11 10290 S STATE ST	Provo	UT	84070			C	REST/B BEER/CNSMPTN	6/5/2014	NO	
TIBURON FINE DINING INC	7 8256 S 700 E	Provo	UT	84070			C	REST/B BEER/CNSMPTN	7/28/1999	NO	
MIMI'S CAFE	75 10470 STATE ST	Provo	UT	84070			C	REST/B BEER/CNSMPTN	2/4/2002	NO	
PURO PERU LLC	1 8475 S STATE ST	Provo	UT	84070			C	RESTAURANT/B BEER, CN	3/29/2013	NO	
INDIA HOUSE	0 8660 STATE ST	Provo	UT	84070			C	RESTAURANT/B BEER	5/21/2001	NO	
FRATELLI INC	9 9236 VILLAGE SHOP DR	Provo	UT	84094			C	RESTAURANT/B BEER & C	7/26/2007	NO	
SMOKY MOUNTAIN- UTAH LLC	15 1850 E 9400 S	Provo	UT	84093			C	RESTAURANT/B BEER & C	11/1/2002	NO	
CHIN-WAH	20 849 E 9400 S	Provo	UT	84094			C	RESTAURANT/B BEER & C	1/9/1990	SC	Faces Away
JOY LUCK RESTAURANT	15 10745 STATE ST	Provo	UT	84070			C	RESTAURANT/B BEER & W	3/15/2006	NO	
ICHIBAN SUSHI & ASIAN CUISINE	5 109 W 9000 S #111	Provo	UT	84070			C	RESTAURANT/B BEER & WIN	3/19/2014	NO	
TIN ROOF GRILL OF SANDY	10 9284 S 700 E	Provo	UT	84070			C	RESTAURANT/B BEER + C	1/5/2012	NO	
TOKYO SUSHI LLC	2 9414 S UNION SQ	Provo	UT	84070			C	RESTAURANT/B BEER AND	11/16/2012	NO	
KARMA INDIAN CUISINE INC	2 863 E 9400 S	Provo	UT	84094			C	RESTAURANT/B BEER/CNS	1/29/2014	SC	Faces Away
CARVERS STEAK AND SEAFOOD	15 10720 HOLIDAY PK DR	Provo	UT	84070			C	RESTAURANT/B BEER/CNS	10/20/2011	NO	
HUHOT MONGOLIAN GRILL	22 10835 S STATE ST	Provo	UT	84070			C	RESTAURANT/B BEER/CNS	7/11/2013	NO	
LA COSTA RESTAURANT INC	6 889 E 9400 S	Provo	UT	84094			C	RESTAURANT/B BEER/CON	10/1/2005	SM	Faces Away
TEXAS ROADHOUSE	50 200 W 10600 S	Provo	UT	84070			C	RESTAURANT/B BEER/CON	6/22/2006	SC	Faces Away
SUSHI TIME LLC	3 2071 E 9400 S	Provo	UT	84093			C	RESTAURANT/B BEER+CNS	11/8/2010	NO	
EVEREST CURRY KITCHEN	4 68 E 10600 S	Provo	UT	84070			C	RESTAURANT/B BEER+CNS	12/30/2014	NO	
WINGNUTZ OF SANDY	12 9260 VILLAGE SHOP DR	Provo	UT	84094			C	RESTAURANT/B BEER+CNS	4/15/2010	NO	
MT FUJI JAPANESE RESTAURANT	5 8650 S 1300 E	Provo	UT	84094			C	RESTAURANT/B BEER+CNSMP	1/15/2009	Yes	Faces Away
HOOF & VINE LLC	7 7680 UNION PARK AVE	Provo	UT	84047			C	RESTAURANT/B BEER+CON	10/1/2014	NO	
MANDARIN GARDEN CHINESE RESTAU	3 8627 HIGHLAND DR	Provo	UT	84093			C	RESTAURANT/B BEER+WIN	11/3/2009	NO	
WAH INDIA	3 1241 E 8600 S #C-1A	Provo	UT	84094			C	RESTAURANT/BEER & WINE	11/17/2015	NO	
SIZZLING PLATTER LLC (#541)	34 20 W 9000 S	Provo	UT	84070			C	RESTAURANT/CLASS B ALCO	8/6/1979	NO	
CHIPOTLE MEXICAN GRILL	18 10387 STATE ST	Provo	UT	84070			C	RESTAURNT/CLASS 'B' BEE	1/23/2008	NO	
JOE'S CRAB SHACK	27 65 E 9400 S	Provo	UT	84070			C	RESTRNT/BEER/CNSMPTN	7/17/2000	NO	
ASIAN POTATO	7 8745 S 700 E #4	Provo	UT	84070			C	RESTUARANT/B BEER+WIN	11/4/2009	SM	Faces Away
LOS GARCIA MEXICAN FOOD	7 8745 S 700 E #1	Provo	UT	84070			C	RESTUARANT/FULL SERVICE	2/6/2013	SM	Faces Away
PEI WEI ASIAN DINER LLC	23 10375 STATE ST	Provo	UT	84070			C	Resturany/Class B Alcohol	10/26/2005	NO	

SC= Shopping Center  
SM= Strip Mall  
Observations  
1) No rest faces residences  
2) except for HuHot

all business have buffers: fences, streets, lots)  
none are near schools  
none are directly abutt to residences

## Appendix 3

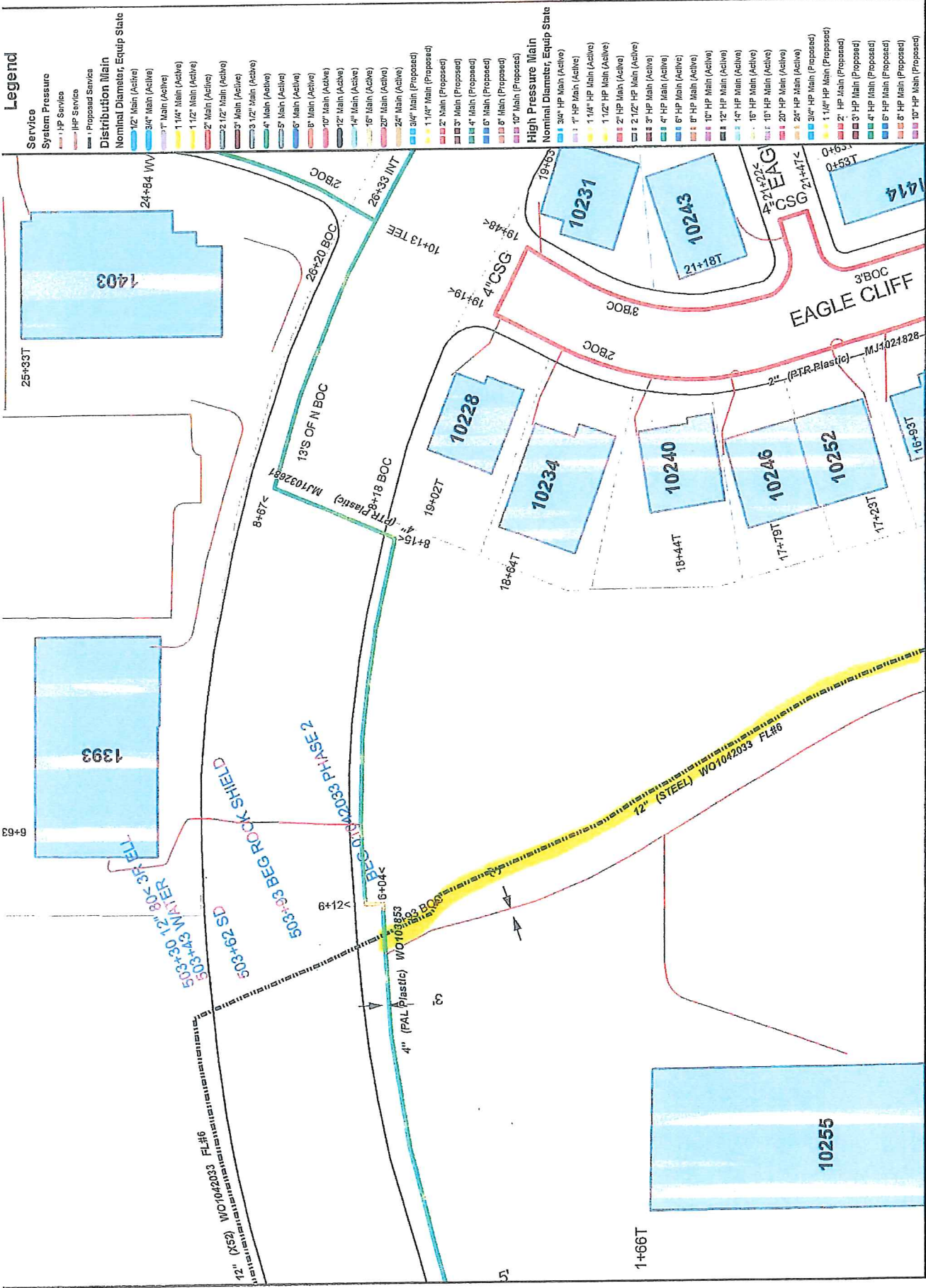


**QUESTAR**

For planning purposes only.  
All locations approximate.



03819  
5/26/2016



## Appendix 4

Schematic on last page



9236 So Village Shop Dr.  
Sandy, UT 84094  
801 495 4550

April 25, 2016

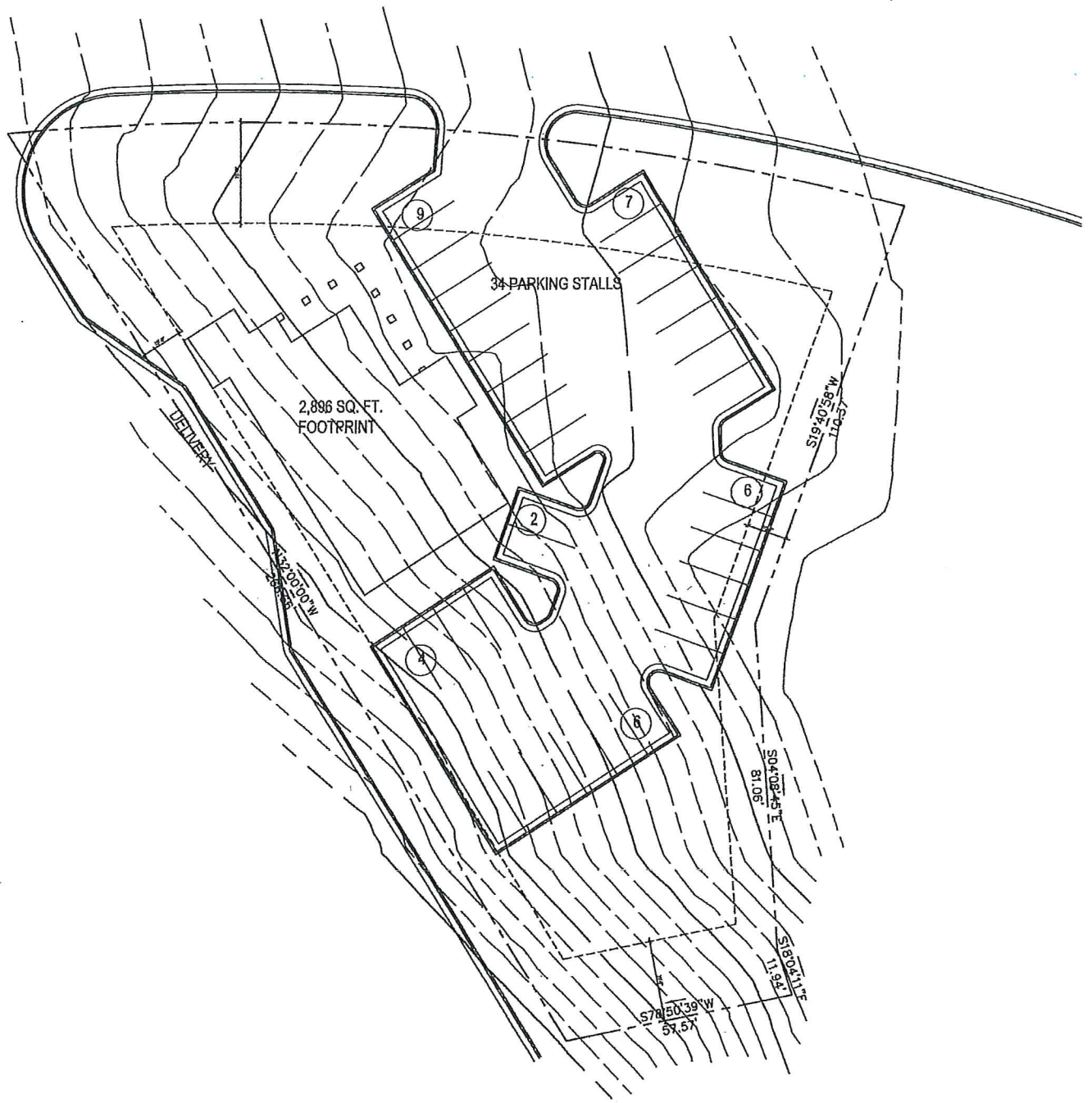
To Whom It May Concern:

We are formally requesting the rezoning of 1420 East Segoe Lily from a residential zone (SD(PO/R [R5.7])) to the Community Commercial zone (CC). Fratelli has been serving the Sandy community in a leased space for nine years. We would like to build and relocate in Sandy to continue to give local residents a place to bring family and friends. Building Fratelli Ristorante on the Segoe Lily property will bring the neighborhood a family owned restaurant specializing in Italian cuisine, as well as provide an esthetically pleasing barrier and transition between the houses and the strip mall. We have met with the planning commission, as well as the surrounding community to discuss any concerns.

Fratelli would like to stay in the Sandy community. We were raised here, started our business here, and consider Sandy our home. We are looking forward to moving Fratelli Ristorante and retaining our ongoing relationship with Sandy City and its residents.

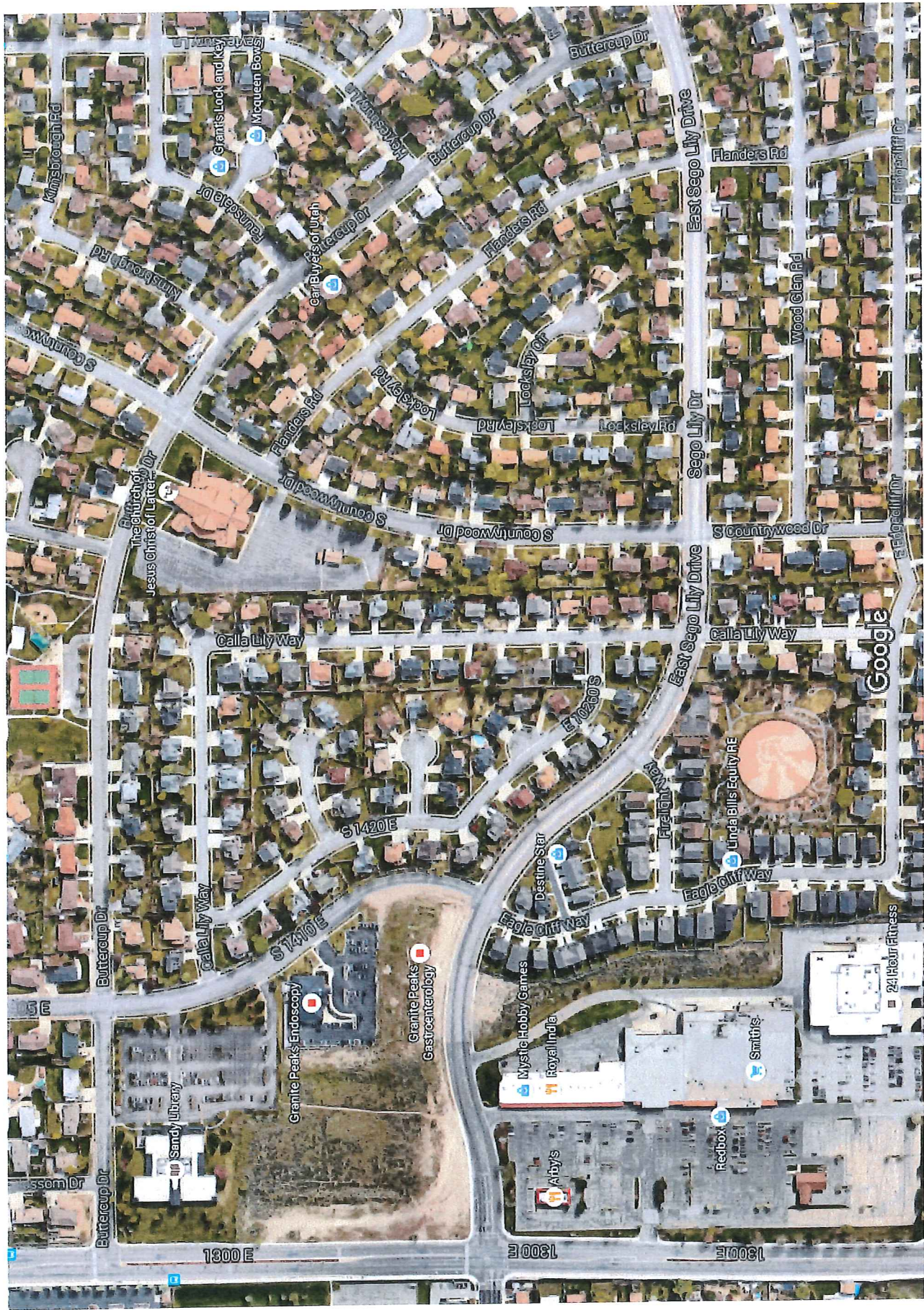
Sincerely,

Dave Cannell & Pete Cannella, owners



CONCEPT SITE PLAN  
SCALE: 1/8" = 1'-0"

# Appendix 5



Imagery ©2016 Google, Map data ©2016 Google 200 ft



## Appendix 6

**Table 15A-24-09(B) - Parking Requirements by Land Use Category**

	Land Use Categories	Space Requirements
<b>Restaurants</b>	Restaurant - Sit down	1 space per 3 seats (including outdoor seating) plus 0.5 space per number of employees on the largest shift (minimum of 5 employee spaces)
	Restaurant - Drive-in/Drive thru (All fast food outlets with large proportion of take-out and/or drive-in service.)	1 space per 100 sq. ft. of floor area. Required parking spaces do not include spaces required in drive thru lanes).

<b>Public Uses</b>	Hospital	2 spaces per bed
	Rehabilitation Center	.5 space per bed
	School, Private or Quasi-Public	As determined by Planning Commission review
	School, Public	As determined by Planning Commission review
	Elementary and Middle School	1 space per teacher and staff plus 1 space per 2 classrooms.
	Senior High School	1 space per teacher and staff plus 1 space per 5 non-bussed students.
	Religious or Cultural Activity	1 space per 4 seats
Theater or Concert Hall	1 space per 4 seats	

<b>Industry</b>	Industry, Light & Medium	1 space per 1,000 sq ft of gross floor area
	Warehouse, Wholesale, Storage	1 space per 1,000 sq ft of storage space

<b>Special Review</b>	Athletic, Tennis or Health Centers	Specific off-street parking shall be determined by the Planning Commission.
	Auto, Truck, R.V. and Equipment Sales and Storage	
	Cemetery, Columbarium, Mausoleum	
	Golf Course	
	Park (active and passive)	
	Recreation Center	
	Recreation, Outdoor	

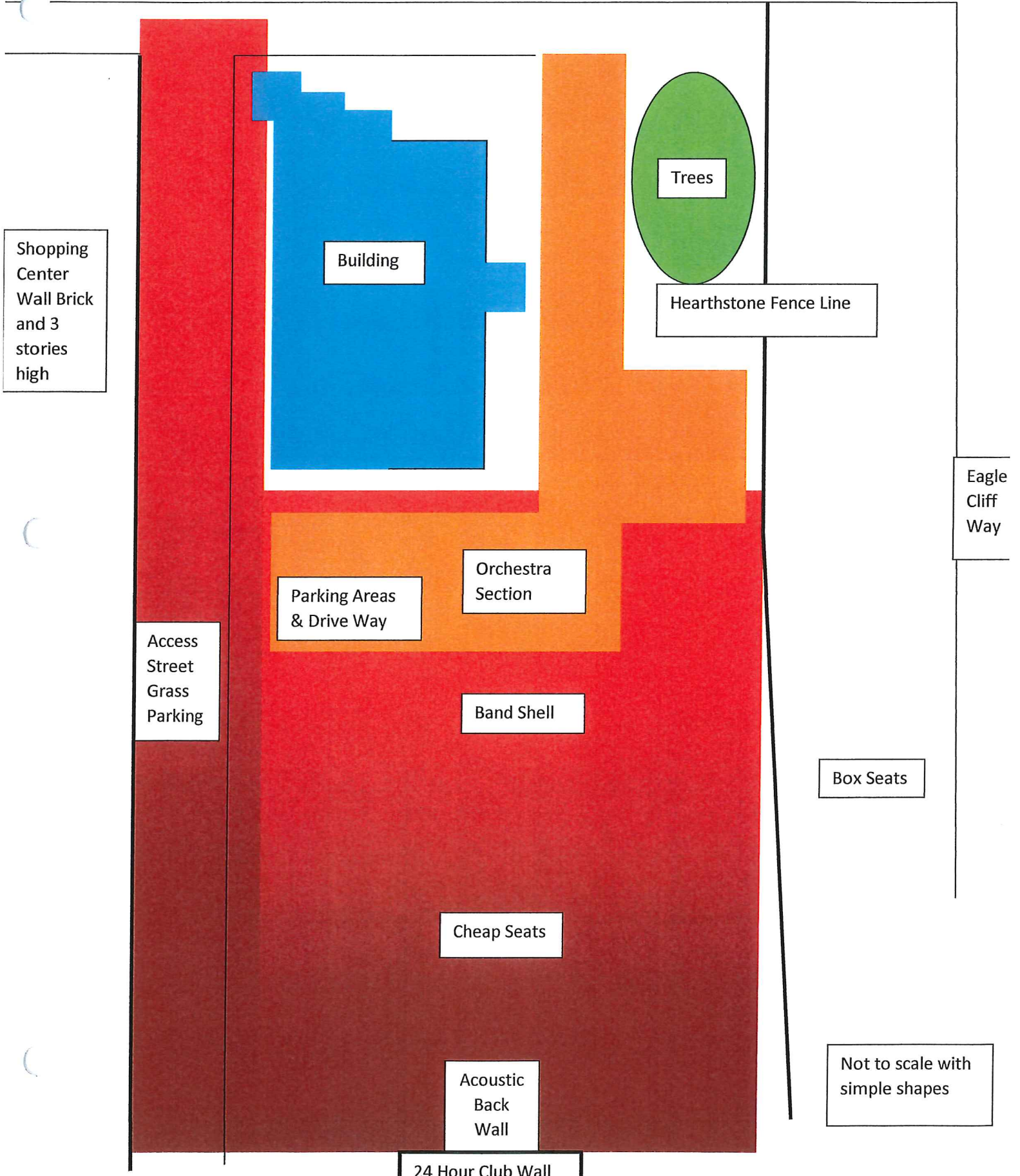
# Appendix 7



# Appendix 8

Sego Lily

Design Concept of an Acoustic chamber



Shopping Center Wall Brick and 3 stories high

Trees

Building

Hearthstone Fence Line

Eagle Cliff Way

Parking Areas & Drive Way

Orchestra Section

Access Street Grass Parking

Band Shell

Box Seats

Cheap Seats

Acoustic Back Wall

24 Hour Club Wall

Not to scale with simple shapes