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Monica Collard seconded the motion. The vote was as follows: Ron Mortimer, yes; Monica Collard, yes; Cheri Burdick, yes; Scott Sabey, yes; Jared Clayton, yes; Joe Baker, yes; Nancy Day, yes. The vote was unanimous in favor.

8. Pepperwood View Rezone, CVC to PUD(8)
2031 East Pepperwood Dr. [Pepper Dell, Community #28] ZONE-8-15-4593

Mr. Skylar Tolbert, of Ivory Development. He requested to 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 PUD subdivision proposal of the property creating approximately 24 housing units. The applicant would pursue a subdivision review once the rezoning process is complete.

Mr. Tolbert has prepared a letter requesting the zone change (see attached). The subject property is bordered by single family homes to the north (zoned R-1-20A), east (zoned R-1-40A), and south (zoned R-1-10). A cemetery is to the west of the property (zoned R-1-20A).

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the CvC “Convenience Commercial District” to the PUD(8) “Planned Unit Development District” 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.

Mike Wilcox presented this item to the Planning Commission.

Skylar Tolbert, Ivory Development, 978 East Wood Oak Lane, Murray, explained that they are proposing a gated PUD which will be HOA maintained and landscaped for people 55 years and older. He discussed density and stated that it is only bad when it is executed poorly. He indicated that the values in this community are expected to be \$500,000 plus. He doesn't believe that they will see a decrease in value to the neighbors.

Mike Wilcox explained that this property is zoned convenience commercial, which would allow for a small scale, retail development. He further explained the zoning and stated that staff is recommending that the Planning Commission forward a positive recommendation to the City Council for this request.

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Ryan Kump, City Transportation Engineer, explained the direction that Dimple Dell Drive will travel in the future and the location of the semi-four. He discussed the future of the Highland Drive Corridor.

Commissioner Doug Haymore asked about the additional traffic that the proposed plan would put onto the hill of Pepperwood Drive and if there is something could be done about that with the slippery weather and still accommodate his concerns with having additional ingress and egress onto 2000 East.

Mr. Kump responded that he recommends a coarse grade gravel to provide more texture to the roadway.

Mike Gladbach, City Engineer, stated that the direction he may take it would be a type 3 slurry. The City does slurry seal contracts every year, which include both type 2 and type 3, which potentially could be done, but is not currently on the list for next spring.

Chairman Nancy Day opened this item to public comment.

Diane Haycock, 10745 South 2000 East, Sandy, stated that her concern is the traffic and the additional strain on the infrastructure. She indicated that there are 5 senior living projects within a 2 mile radius of her subdivision. She doesn't believe that it is something that is needed. She indicated that there are 15 apartment complexes going from 9000 South to 11400 South. She stated that what does not exist are open space areas. She believes that this zoning needs to be kept. She believes Pepperwood would be very opposed to this.

Teri Van Winkel, 2030 East 10765 South, Sandy, stated that her lot is right up against the proposed project. She commented that when they looked for a lot to build their dream home on and found one. She stated they knew the zoning in the back was for commercial and that did not bother them because they knew it wouldn't be a very high structure. Presently, they have made their back yard a recreational spot for their children and grandchildren and believes that if homes go in there, their property value will decrease and they will have people looking down into their pool, yard, and home, which has floor to ceiling windows.

Lori Jordan, 2020 East Pepperwood Drive, Sandy, stated that she is right across the street from this project and believes that the density is too high. She stated that she purchased her home to have the space and if the proposed density is put in that area, it will affect everyone. The traffic will be bad and the area will end up like California.

Robert Elliott, 1747 East Dimple Dell Road, Sandy, stated that he moved to this location 43 years ago to get away from the subdivision lifestyle. He stated that he is adamantly opposed to this project.

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Tom Finley, 2600 East 10657 South, Sandy, stated that he is concerned about the density and believes that the area should have never been made commercial. In addition, he indicated that this will affect property values and increase traffic. He stated that even as it is now, it is difficult to get out at 7:00 a.m.

Bethann Martin, 11128 South 2125 East, Sandy, passed out exhibits and stated she is speaking for a couple of people. She stated that there are other issues besides density of a development of 24 homes. She stated that Ivory Development said at the neighborhood meeting regarding the last development that they do not care about what the neighbors think, but rather do what they want. She stated that since the last development, they have had issues on their property such as their property value has dropped. She stated that construction workers used her property as a bathroom, things were stolen from her property, including a generator. She stated that things like that are what those neighbors have to look forward to if this development is built. She does not want a high density development in this area.

Grace Acosta, 2204 Dimple Dell Road, Sandy, stated that she is concerned about the density because of the potential for people to drive through the neighborhood and she has children and dogs that are in the front yard. On more than one occasion, she stated that she had to stand in the road to stop traffic while her 6 year old crosses the road after getting off of the school bus. She is afraid that if more people come to the area, it will de-value the homes and threaten the safety and beauty of their neighborhood. She objects to the density.

Dale Bigelow, 2008 Dimple Dell Road, Sandy, believes that the density is too high and it should be half-acre lots. He stated that he is very concerned about traffic problems as well.

Nick Rudy, 10941 South Sandy Circle, Sandy, stated he is just above the proposed development. He commented that notifying people within 300 feet of the proposed development amounts to about 7 people. He indicated that there are a lot of people who will be affected by the development. He moved to the area with the belief that his space would be respected. He lives on an acre and stated that he approached the City Council with a proposal to build a greenhouse attached to his garage and he was told that if he did that, he would have overbuilt what he was allowed to build.

Kevin Tolbert, 10841 S. Gamble Cove, Sandy, stated that his concern is that the zoning on the property now is light commercial. He stated he would personally be more in favor of this project versus a 7-Eleven, Maverick, strip mall, etc. He believes that this proposed development would be a good fit, since a lot of people are reaching a time in their lives where they don't want a half-acre, or acre, but they like the area and would like to stay in the same neighborhood. He believes it provides an opportunity for that.

Megan Christensen, 2107 Stanwick Road, Sandy, stated that that the road is very busy already and there are only 2 exits of Pepperwood. She believes that the traffic will be a complete disaster, especially if they are going to have 2 entrances on the south side. She believes that the

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road doesn't have enough room. She believes that the noise pollution will affect the animals a lot and she knows that a lot of people use these animals for income. She also commented that Mr. Tolbert is related to the Tolbert that is proposing this development.

Cindy Antonelli, 2290 East High Ridge Lane, Sandy, stated that she is concerned about density and the traffic issues. She commented that it is the scariest road to drive in the winter and additional traffic will cause accidents. She believes the density is too high and it needs to be zoned for half-acre and acre lots.

Katherine Johnson, 2173 High Ridge, Sandy, stated that she is concerned about the value of the lots. She believes that Pepperwood Drive is very dangerous and stated that what could be done in the future to make it not so dangerous would be 10 to 20 years. She stated that the danger needs to be considered now. She believes it should not have been zoned commercial with so much residential surrounding it.

Paul Warner, 10857 Gamble Cove, Sandy, stated that sooner or later this land is going to be developed. He believes that the real issue is the zoning and he has no problem with the change from commercial to residential zoning and believes it makes some sense within the community. He commented that Ivory builds a nice product, but building twin homes is like putting lip stick on a pig. He opposes the density. He is very concerned about the traffic as well.

Doug Pizak, 1 Apple Hill Circle, Sandy, stated that the developer said that the homes will be \$500,000, plus. He stated that in Pepperwood the homes sell anywhere from \$385,000 to \$600,000 on average, and those are for two-thirds to a full acre of land. He stated that in terms of the slope, Pepperwood Drive is treacherous and everyone slides on that road. It is very dangerous.

Tracy Tolbert, 10841 S. Gamble Cove, Sandy, stated that her main interest in this meeting is her own property value and that of her neighbors. She stated that this is zoned for commercial currently. It can be re-zoned acre lots, half-acre lots, etc. but she commented that if nothing is done, then they could be opening themselves up to something worse.

Sheri Strickler, 2063 East Pepperwood Drive, Sandy, stated that she has lived in Sandy City since 1976. She stated that her property is adjoining the north end of the proposed development. She stated she has been in a bus going down Pepperwood Drive sideways and that is a concern. She is concerned that she will have people overlooking their pool. She stated she didn't sign up to move to Daybreak.

Chairman Nancy Day closed this item to public comment.

Commissioner Monica Collard stated that she is very concerned about the entering off of Pepperwood Drive. She also stated that it is not consistent with the surrounding zoning and believes that the density is too high.

Commissioner Doug Haymore commented that it is a problem that the area is zoned convenient commercial and he believes that people need to be able to benefit from the zone of the property that they have.

Commissioner Scott Sabey stated that the application is for a residential PUD(8), not whether or not it can be re-zoned residential. With the choices of leaving it CvC or PUD(8), he believes it should be left CvC.

Commissioner Jared Clayton believes that the density is a little too high, but could go with a PUD(4).

Skylar Tolbert, Ivory Development, commented on the issue of traffic. He stated that the 2 ingresses were designed by the Traffic Engineer's requirements and the traffic will be addressed by professionals. He stated they are not creating a problem, there is an existing problem. He believes that a traffic impact study would not suggest that this would hurt the problem. A CvC zone is a more intense use than a PUD(8) zone. He stated that he would be willing to work with staff and increase the standards of the frontage of Pepperwood Drive.

Commissioner Jared Clayton asked if he has any plans of brining in any fill dirt.

Mr. Tolbert responded that there will be no fill required on this site. If anything, it is going to be excavated. He stated that along the east side, their concept plan shows that they will cut and have a retaining wall, so they will sit below the existing homes' grade of 7 to 10 feet.

Doug Haymore moved that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the CvC "Convenience Commercial District" to the PUD(6) "Planned Unit Development District" based on the findings that the proposed rezoning is consistent with the General Plan and that the proposed zoning will have no unmitigated negative impacts on the surrounding properties as proposed.

Joe Baker seconded the motion. The vote was as follows: Doug Haymore, no; Joe Baker, yes; Scott Sabey, no; Monica Collard, no; Ron Mortimer, no; Jared Clayton, no; Nancy Day, no. The motion failed 6 to 1.

Scott Sabey moved that the Planning Commission forward a negative recommendation, denying the application for a change of zoning of the subject property from CvC to PUD(8) based on the following findings:

- 1. You can't adequately mitigate the potential hazard of the slope of Pepperwood Drive.**

- 2. The density does not match the style or neighborhood and cannot be mitigated to match the style of the neighborhood.**

Ron Mortimer seconded the motion. The vote was as follows: Scott Sabey, yes; Ron Mortimer, yes; Doug Haymore, no; Monica Collard, no; Jared Clayton, no; Joe Baker, no; Nancy Day, no. The motion failed 5 to 2.

Jared Clayton moved that the Planning Commission forward a positive recommendation to City Council to rezone the subject property from CvC "Convenience Commercial District" to PUD(5) "Planned Unit Development District" based on the following 2 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.**

Doug Haymore seconded the motion. The vote was as follows: Jared Clayton, yes; Doug Haymore, yes; Scott Sabey, no; Monica Collard, no; Ron Mortimer, no; Joe Baker, no; Nancy Day, yes. The motion failed 4 to 3.

Doug Haymore moved that the Planning Commission forward a positive recommendation to City Council to rezone the subject property from CvC "Convenience Commercial District" to PUD(4.5) "Planned Unit Development District" based on the findings that:

- 1. That the proposed rezoning would be consistent with the Sandy City General Plan.**
- 2. That the proposed rezoning will have no unmitigated negative impacts on the surrounding properties.**

Jared Clayton seconded the motion. The vote was as follows: Doug Haymore, yes; Jared Clayton, yes; Scott Sabey, no; Monica Collard, yes; Ron Mortimer, yes; Joe Baker, yes; Nancy Day, yes. The vote was 6 to 1 in favor of the motion.

- 9. Approval of Minutes – August 6, 2015 and August 20, 2015**

Monica Collard moved that the Planning Commission approve the minutes of the meeting held August 6, 2015 as amended.

Ron Mortimer seconded the motion. The vote was unanimous in favor.