

Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

Michael G. Coulam
Director

MEMORANDUM

July 28, 2016

To: City Council via Planning Commission
From: Community Development Department
Subject: Fratelli Rezone [SD(PO/R [R5.7]) to CC] ZONE-04-16-5076
 Approximately 1420 East Sego Lily Drive 0.66 Acres
 [Willow Canyon, Community #17]

HEARING NOTICE: *This item has been noticed to property owners beyond 300 feet of the subject area and in the newspaper.*

UPDATE

This item went before the Planning Commission on May 19th, 2016. A public hearing was held and the Planning Commission deliberated and made a decision to forward a positive recommendation to the City Council to rezone the subject property from SD(PO-R5.7) Special Development District to CC, Community Commercial District (see the PC Minutes from 5/19/16).

A re-hearing of this item is necessary due to an improper public notice for the previously held hearing. Staff mailed out notices, but failed to have the notice posted to the state's public notice website and published in the local newspaper. As such a new hearing is required to comply with the law. New mailed notices have been mailed out to the same group of residents announcing this new hearing with the Planning Commission and an upcoming meeting with the City Council on August 9th, 2016. Notices were also published in the newspaper and on the state's public notice website in compliance with code.

Staff suggests that the Planning Commission open the item to the public for comment once again, but to seek new comments and new information only. A new motion should be made by the Planning Commission as well. Staff's original analysis and recommendation still applies (see original staff report dated May 11, 2016).

Planner:

Mike Wilcox
Long Range Planning Manager

Reviewed by:

A handwritten signature in blue ink, appearing to be "M Wilcox", is written over the "Reviewed by:" label.

4. Fratelli Rezone, SD(PO/R [R5.7]) to CC
1420 E. Segó Lily Dr. [Willow Canyon, Community #17] ZONE-04-16-5076

Mr. David Cannell, with Fratelli Ristorante, requested to rezone approximately 0.66 acres from the SD(PO/R [R5.7]) "Special Development District" to the CC "Community Commercial District". The subject property is located at approximately 1420 East Segó Lily Drive. The resulting application of zoning would allow for a commercial use (specifically planned to be a restaurant) on the subject property.

Mr. Cannell has submitted a conceptual site plan that will need to be further refined through the review process with City Staff. The plan includes development of a stand-alone restaurant building and associated parking.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the SD(PO/R [R5.7]) "Special Development District" to the CC "Community Commercial 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.

Doug Wheelwright presented this item to the Planning Commission.

Pete Canella, 2506 Simpson Avenue, Salt Lake City, or 9236 Village Shop Drive, applicant, stated that they are looking to invest in the Sandy Community and are in their 9th year of business at Quarry Bend. He stated that business has gone well and they have grown out of that space. This would give them an opportunity for more room, capacity for a deli, a walk-up, and a take-out to service the neighborhood, including the dining they have now, and to own something to invest in their family's future. He stated that he has read the staff report and does not have any questions.

Jory Walker, 13459 South 1400 East, Draper, Beecher Walker Architects, stated that he has been helping with the site plan. He stated that they had a meeting with the neighbors and have looked at their concerns. He stated that they are also looking at Wasatch Properties and Magna Development.

Pete Canella stated that Magna owns the property (to the west) and leases it to Wasatch Properties. They have 25 years left of their lease. He stated that there is talk of Wasatch Properties buying the property from Magna. He stated that they have been working with the 2 entities about getting access to the west side of their property.

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Mr. Walker pointed out on the site plan that they have done a pull off so that any delivery trucks could pull off of that lane and be on their property so that the lane would be open. Instead of having any deliveries coming off of Seago Lily, they will be coming off of the back lane and having a pull off. They believe that by having that they will have no problem with Wasatch. He stated that the idea is to have this be an Italian/residential looking building, so it will look like it's an old Italian Restaurant, so it becomes a nice transition piece from the PUD. He indicated that they have also pulled the building as far as they can toward the Smith's, so that the parking and the landscaping is between the restaurant and the neighbors. He stated that they will probably do low impact lighting for the parking lot and the idea of having deliveries only during certain times in the mornings, so it wouldn't impact the neighbors as much.

Commissioner Doug Haymore commented that the pull out that Mr. Walker referred to on the site plan, so that the deliveries can happen, is off the lane in the back. The lane is there, but they are cutting into their property and the delivery trucks will be on Fratelli's property.

Chairman Scott Sabey opened this item to public comment.

Gil Avellar, 11747 South Watson Road, Sandy, stated that he came to the meeting to support Fratelli's. He has known them for 9 years, since they first came opened their restaurant in Sandy City. He believes that they treat their customers like family and will treat their neighbors the same way. He believes that this would be a good use for the property and he would recommend that this be rezoned and that they be given an opportunity to do business here.

Dan Fisher, 10444 Dimple Dell Road, Sandy, commented that more good restaurants are needed in Sandy. Driving downtown is too far. If these people can expand and make it work then he is all for it.

Doug Darrington, 1502 Buttercup Drive, Sandy, Community Coordinator for this this area, stated that he got home from work this afternoon and there was a message on his home phone from Questar asking him to call them back. He stated that this is the first that they have heard from them and that there is a high pressure gas line that goes through this property.

Michael Sheldon, 10272 Eagle Cliff Way, Sandy, stated that they were told that the site of the restaurant would be smaller than the current footprint that they have in Quarry Bend. Second, he stated that they already own that land. Third, he believes the reason that they are going there is because they don't want to continue to pay the kinds of fees that they pay for commercial property and they want to take it to private property. He stated that there is a whole strip mall that has had a series of successes and failures and the same goes down to 10600 South. When he asked if they did any marketing studies to suggest that they would have any kind of success, the answer was no. He is concerned what will be done if this fails. What will be done if this is now puts a commercial property at risk next to a residential area. He stated that one of the key things that needs to be done is that the zoning needs to be protected.

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Paul Godot, 10359 Eagle Cliff Way, Sandy, stated that his residence is not that close, but is within the SD(5.1) Zone. He believes that the burden of proof is on the applicant to provide reasonable, compelling, probative evidence that overwhelmingly proves that a rezone permitting commercial use will stabilize property value, enhance the economic wellbeing of Sandy City and its inhabitants, justify commercial use adjacent to the less dense residential district in direct contradiction of the values and goals inherent in the present zoning. He stated that the present zoning really allows for a buffer and we have that natural buffer. He stated that it is zoned CC, but it is not abutted right up against the building. He believes the primary function of government is the protection of property. He believes what the applicant is asking for is for him to be granted greater rights than he currently has. He stated that they knowingly bought the property as the 5.7 zone and now they want the Planning Commission and the City Council to grant them greater rights. They can only do that at the expense of others. He stated that property rights are inherent and their ability to not just have title to that property, but to use it, which is much more important. When single families, living in a single family residence, they have great expectations to be able to use the property without being encumbered by a commercial entity. He opposes the rezone and doesn't believe that the property is best used for any commercial use.

Drew Brown, 1421 Firelight Way, Sandy, stated that this is the first Planning Commission meeting that he has been to and appreciates the Planning Commission. He commented on the access road and stated that most of the access road goes down when the slope of the property goes up. He doesn't know how they will build an access road there. He also mentioned traffic and stated that there are 2 direct accesses to Seago Lily right now and during rush hour it's really difficult to get onto Seago Lily from Eagle Cliff. He is concerned about the traffic issue. He believes that if a restaurant is put at that location, it is just going to get worse. He opposes the restaurant.

Paula Lowry, 10278 Eagle Cliff Way, Sandy, stated that this new development that has gone in is residential and those of her like herself, they sold their properties. She said that they were hit very hard with the real estate crash and they've only just begun to come back. She stated that traffic is a big issue and they will not be able to turn left during rush hour. She stated that it will be bad for her community.

(Inaudible) wanted to add clarification on the gas line. That is a 16 inch high pressure line that was put in last year. From what they are describing, they will have some portion of their construction over that line. He stated that if the Planning Commission was at that corner today, not only do they have a high pressure line there, that is where they did all of their testing and compression testing, and they have an extra valve that is in that area.

Nancy Sheldon, 10272 Eagle Cliff Way, Sandy, stated that she is opposed to rezoning this property to commercial.

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Amy Wall, 11290 Eagle Cliff Way, Sandy, stated that she is concerned about the gas line inspection.

Chairman Scott Sabey closed this item to public comment.

Commissioner Doug Haymore commented that he wants to clarify a couple of things. Is he correct that this property was left out of the Hearthstone Subdivision and as a result of that process it created a unique remnant property with some unique conditions.

Chairman Scott Sabey responded that when Bruce McMullin developed the parcel, that was part of the total parcel that he owned. When the subdivision was platted and designed, that lot was not platted the same as the balance was. So, it wasn't left out, it was zoned when Bruce brought the whole thing in and it was part of the whole package so it got zoned with the other homes.

Commissioner Doug Haymore confirmed that it was left out of the development. He confirmed that it was zoned contemplating residential development and then was left out of the plat and now, in his opinion, it doesn't render itself to residential development, so it's kind of a different piece of land that stands out.

Chairman Scott Sabey responded that he sought to zone the entire parcel, so the whole thing got zoning at once before it got platted, much like it is before the Planning Commission now, they came in before a zoning before a final plan was submitted. That was included because when he bought the parcel it was all one parcel.

Commissioner Nancy Day asked how far away the residence is from the building.

Jory Walker responded that they have the 10 to 12 foot setbacks, then there is an 8 foot landscape buffer, which makes 20. Then there is an 18 foot parking stall, 24 foot drive lane, so they have pushed the whole building as much as possible towards the Smith's building, which is approximately 80 feet from residential. He stated that they are trying to make it so it is not hidden so much, but also have it be a nice transition piece.

Jared Clayton asked what the hours of operation are.

Pete Cannelli responded that they are open 10:00 a.m. to 9:00 p.m., Monday through Thursday, and 10:00 a.m. to 10:00 p.m., Friday and Saturday, and are currently closed Sunday.

Commissioner Doug Haymore commented that we wouldn't even be having this meeting if they were building the office buildings across the street, which are the office buildings across the street. He stated that the restaurant would have less negative impacts to the neighbors. It's more rustic and looks like a home. He also asked how the grading will be changing.

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Jory Walker responded that there is a 10 foot slope across the property and the footprint of the building is about 3,000 square feet, but they are putting a basement in it, which takes up the back slope. So the deliveries, the trash, and the cold and dry storage will be downstairs, so there will be an elevator that will go downstairs. The footprint is very compatible with the restaurant that they have, but by having the basement, it takes some of that grade off.

Jared Clayton commented that his only comment is on the hours. He believes that would be more of a negative draw than if they were to build an office use.

Chairman Scott Sabey commented that on the other rezone and stated that here they are talking about shifting the location of an existing line. He stated that everyone that bought here was aware that they bought a lot that backed on a commercial lot. He stated that it's easier for him to consider approving this than it is to consider approving a complete rezone like Pepperwood View.

Doug Haymore stated that he would vote to approve this based upon the findings that it is consistent with the General Plan, it's consistent with the zoning that is around it already, it's actually a potentially less negative impact on its neighbors than the current zone, and that this property bares some unique difficulties based on the fact that it wasn't included for the purpose that it was zoned at the time it was zoned for that purpose. Because of its shape and size, renders it with some unique difficulties, so someone is going to have to find something that makes it work because it doesn't work right for houses. He stated that what's allowable in a community commercial district would require the Planning Commission's approval for the conditional use and for the plan design. So he believes that the Planning Commission has a lot of control that would make it have to be at least as good as or better than what is being looked at. He believes that the community commercial district is consistent with other zoning that is around it, it abuts to other zoning, it doesn't have any unmitigated negative impacts on the area as a whole and he believes it is an appropriate allocation given the unique circumstances that this property faces as a result of it being left of the earlier development.

Chairman Scott Sabey commented that one of the issues raised was about traffic. He asked Ryan Kump if he could address traffic counts and other things.

Ryan Kump, City Transportation Engineer, stated that this site does have some issues with grading and location. Originally, he had requested that the site access of this drive, not just deliveries, because of some of the concerns that have been raised. When the pros/cons list is created, in order for them to do that, they have to push the building to the property line, they have to drop the grade, it becomes more problematic from a constructability issue. Upon seeing those he recognizes those issues and agrees that in order to access the property in a way that fits the zone that they're requesting, they do need a drive access up at the top. In order to accommodate that, they have expanded sight lines. Normally the City requires a 20 x 60 sight lines, but they sit on the inside of a radius, so due to that he's requiring much larger sight triangles. That should

alleviate the visibility through that radius. However, during peak times, that driveway might stack up as people wait to make left turns. That will impact the business, but it won't impact the flow of Sejo Lily Drive because they will be at a stop and Sejo Lily will continue to move.

Doug Haymore moved that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from SD(PO-R5.7) Special Development District to CC, Community Commercial District, based on the findings that:

1. **The proposed rezoning is consistent with the Sandy City General Plan.**
2. **That the proposed rezoning would have no unmitigated negative impacts on the surrounding properties in the surrounding abutting properties or the properties in the area as a whole.**
3. **That there is actually potentially less negative impact with the rezone than the current zone.**
4. **This property has unique attributes dating back and caused by the failure to include it in the subdivision when the property was zoned to create the subdivision.**

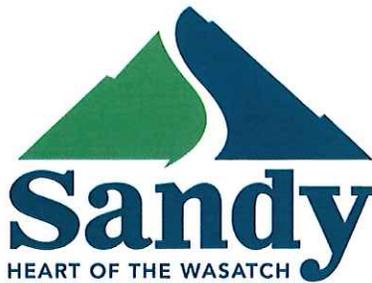
Jared Clayton seconded the motion. The vote was as follows: Doug Haymore, yes; Jared Clayton, yes; Nancy Day, yes; Ron Mortimer, yes; Joe Baker, yes; Scott Sabey, yes. The vote was unanimous in favor.

5. Dimple Dell Overlay Zone – Amend Title 15A, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-5-16-5082

The Sandy City Community Development Department requested to amend Title 15A, Land Use Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider adding a new chapter to the Land Development Code that would create a new overlay zone, with associated development standards, for development projects adjacent to certain portions of the Dimple Dell Park (Park). The proposed overlay zone will allow for a traditional subdivision with bigger setbacks along Dimple Dell Road (10600 South) and adjacent to the Park or a cluster subdivision with smaller lot sizes and dedicated open space adjoining the Park.

Following a rezoning application for a proposed residential project along Dimple Dell Road that was denied, the Sandy City Council adopted Ordinance #15-36 in December 2015. This was a temporary land use regulation prohibiting property development bordering the Dimple Dell Regional Park. This temporary land use regulation expires on June 12, 2016.

As mentioned before, the committee met seven different times to discuss potential solutions. At the end of March, it was clear that we had no specific direction on what to present to the Planning Commission and City Council. It was scheduled for a field trip with the Council in



Tom Dolan
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Byron Jorgenson
Chief Administrative Officer

Michael G. Coulam
Director

MEMORANDUM

May 11, 2016

To: City Council via Planning Commission
From: Community Development Department
Subject: Fratelli Rezone [SD(PO/R [R5.7]) to CC] ZONE-04-16-005076
 Approximately 1420 East Segó Lily Drive 0.66 Acres
 [Willow Canyon, Community #17]

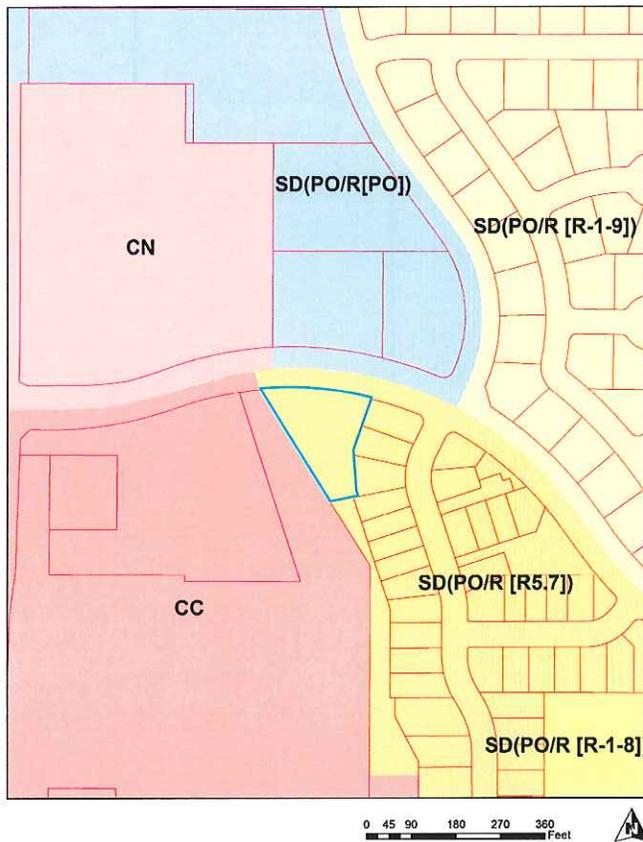
HEARING NOTICE: *This item has been noticed to property owners within 300 feet of the subject area and in the newspaper.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
R#88-13	On March 7, 1989, the City Council adopted Ordinance #89-13, rezoning approximately 60 acres from R-1-8 and R-1-10 to the SD PO/R - Library zone. This was a special district created with the purpose of providing an area for single-family residential with a separate area for professional and business offices.
CA#04-K	On July 13, 2004, The City Council adopted Ordinance #04-28, rezoning approximately 9.529 acres from the SD (PO/R) Library zone to the SD(PO/R) (R5.7) zone. This rezoning did affect the subject property, but was part of the original SD PO/R – Library zone and is located across Segó Lily and to the East from the subject property (McMullin Homes).

BACKGROUND

Mr. David Cannell, with Fratelli Ristorante, is requesting to rezone approximately 0.66 acres from the SD(PO/R [R5.7]) “Special Development District” to the CC “Community Commercial District”. The subject property is located at approximately 1420 East Segó Lily Drive. The resulting application of zoning would allow for a commercial use (specifically planned to be a restaurant) on the subject property.

Mr. Cannell has prepared a letter requesting the zone change (see attached). The subject property is bordered by single family homes to the east (zoned SD(PO/R [R5.7])), Medical Offices to the north (zoned SD(PO/R)), and commercial strip center to the west and south (zoned CC).



NOTICE

Notices were mailed to property owners within a 300 foot radius of the subject parcel as per Sandy City Land Development Code requirements. Additionally, the applicant held a Community Meeting on April 18, 2016. A full report of the comments and issues voiced at the meeting is attached to this staff report. This meeting was for both the rezoning request as well as the proposed restaurant.

ANALYSIS

Mr. Cannell has submitted a conceptual site plan that will need to be further refined through the review process with City Staff. The plan includes development of a stand-alone restaurant building and associated parking.

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

Chapter II – Goals and Policies – Commercial/Industrial Zoning and Development

Goal 1.1 – Allow neighborhood-oriented shopping within the various communities of Sandy in locations of greatest accessibility and least impact on residential neighborhoods.

Goal 4.0. – Allow retail commercial zoning designations only when it can be shown that a proposed area qualifies by compliance with the basic zoning prerequisites as adopted through the Sandy City Development Code.

The subject property was rezoned to the SD(PO/R [R5.7]) in conjunction with the proposed residential development by McMullin Homes. This builder did eventually develop most of the 9.5 acres as the Hearthstone subdivision; however the subject property was left out of the development. At the time, McMullin homes left it out to eventually pursue a commercial development on the site (most likely office). However, they have since sold the property and the property has been left vacant.

There have been numerous proposals for the site over the years, both residential and commercial uses. However, no development has been able to proceed past conceptual ideas due to various reasons. The property has some slope across it, and is fronted onto a minor collector street (Sego Lily Drive).

Staff feels that allowing the proposed zone change would provide a good development on the subject property, so long as all legitimate negative impacts are mitigated at the time of development. The community meeting minutes reflect a more comprehensive list of the concerns and impacts raised by the neighbors. The applicants have shown a desire to work with the surrounding property owners, residents, and staff to ensure that any impacts are alleviated as the project moves forward. Staff feels that these impacts can be adequately mitigated through the development review process.

Staff's evaluation of the proposal and the feedback received from the neighborhood meeting has led to a positive recommendation for the rezoning.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property from the SD(PO/R [R5.7]) "Special Development District" to the CC "Community Commercial 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.

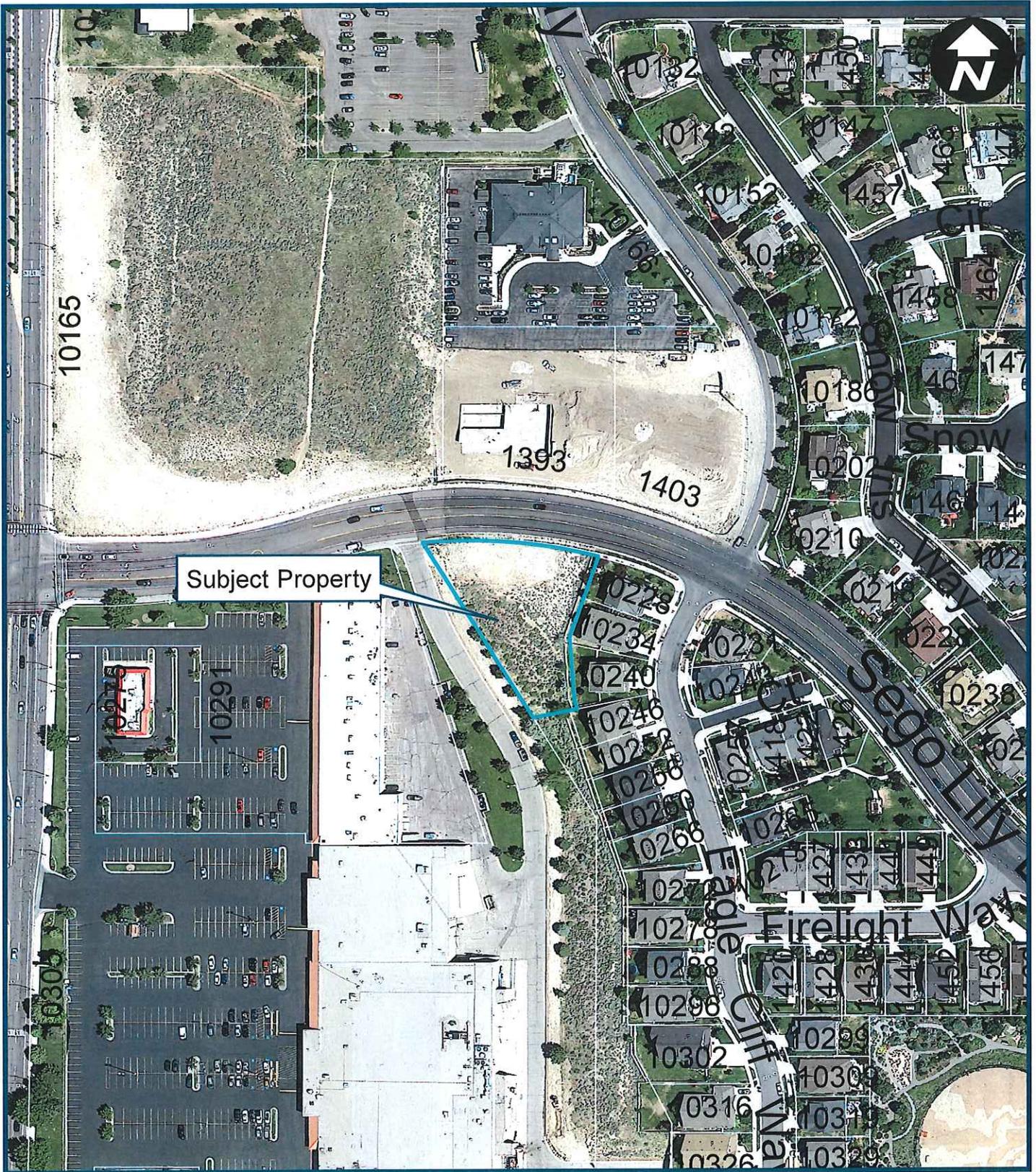
Planner:



Mike Wilcox
Long Range Planning Manager

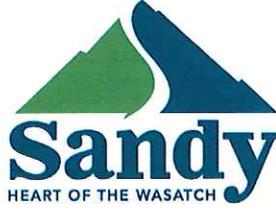
Reviewed by:





Subject Property

**ZONE-04-16-005076 :: Fratelli Rezone
1420 E Sego Lily Dr**



PRODUCED BY WADE SANNER
THE COMMUNITY DEVELOPMENT DEPARTMENT



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

April 25, 2016

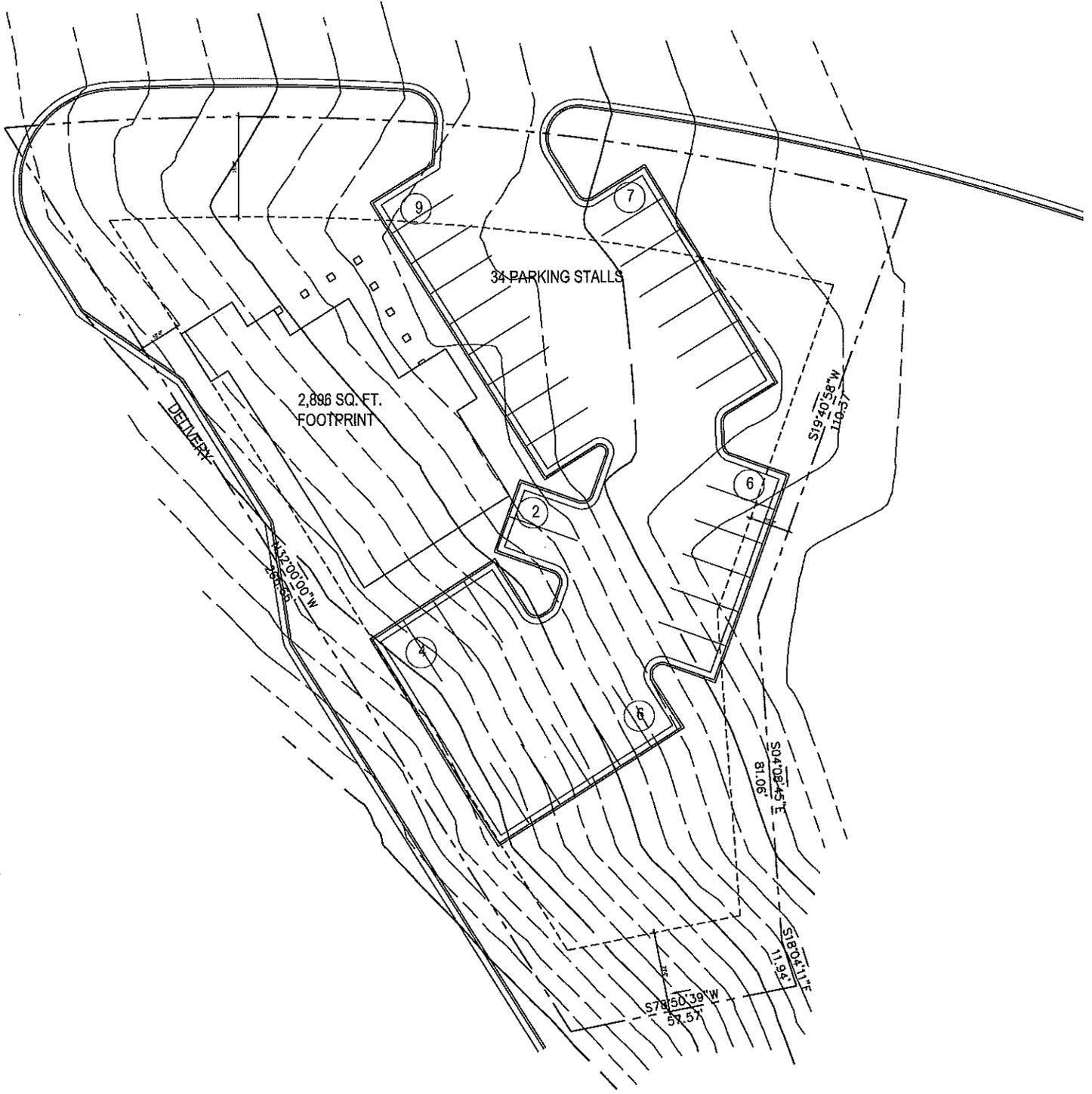
To Whom It May Concern:

We are formally requesting the rezoning of 1420 East Segó 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 Segó 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 1/16" = 1'-0"

**Community #17
Willow Canyon**

Neighborhood Meeting Summary

Date & Time: Monday, April 18, 2016, 7:00 p.m.

Project Name: Fratelli Restorante

Applicant Name: Fratelli Restorante

Address of Project: 1420 E Sego Lily Drive, Sandy, UT 84092

Community Coordinator: Doug Darrington

Project Summary: Fratelli Restorante is seeking a zoning change on the property located at 1420 E. Sego Lily Drive, Sandy, UT 84092 to allow for a standalone restaurant. Fratelli's is moving from the current location in Quarry Bend due to high rent and the desire to own their restaurant property.

The meeting was attended by ten property owners along with Pete and Dave, the restaurant owners and the architect, Jory Walker. Attendance sheet is attached as well as the list of property owners in a 500 foot radius of the property that received notice. Notice was mailed to the property owners about three weeks in advance.

Concerns Raised:

- **Noise due to deliveries and garbage trucks. All delivers will be from the rear of the building and only by the alley road in existence for the retail center to the west and during the morning hours.**
- **The question was raised as to why they didn't occupy the existing empty space of the former Rock Creek Pizza or the existing retail space available on the corner of 106th South and 1300 East. They explained that they want to own their own property.**
- **There was concern over the sufficient parking and traffic on Sego Lily Drive. The architect explained that parking is adequate for the location and use. The traffic on Sego Lily Drive was not really addressed.**
- **Hours of operation would be Monday thru Thursday 11:00 a.m. to 9:00 p.m. and Friday and Saturday from 11:00 a.m. to 11:00 p.m. Closed Sunday.**
- **Concern was raised regarding lighting pollution. The residence would hope that lighting would be designed as to not interfere with star gazing and to reflect down instead of up.**
- **There was a concern raised regarding how the potential excavation might change the flow of water and run off for the existing residences to the east of the property.**

Respectfully,



**Doug Darrington
Community Coordinator**

**Community #17 Meeting
Monday, April 18, 2016
7 p.m.
Fratelli Ristorante
9236 S. Village Shop Drive**

Fratelli Ristorante, 9236 S. Village Shop Drive, is applying for rezoning of the property at 1420 E. Sejo Lily Drive to build an Italian restaurant to serve the Sandy community.

This community meeting is being held so you can meet the owners of Fratelli Ristorante and give input, comments, and feedback regarding this proposal.

Contact Information:

**Dave Cannell or Pete Cannella: 801 495-4550
Doug Darrington: 801 572-4224**

WILLOW CANYON COMMUNITY MTCU
 APRIL 18, 2010

NAME	ADDRESS
Scott Norgaard	10316 Sege hily Dr, Sandy UT 84092
Becky Norgaard	10316 Sege hily Dr, Sandy, UT 84092
BRETT REGGIO	10150 PETUNIA WAY, SANDY, UT 84092
CARRIE HURST	10349 Eaglecliff Way, Sandy, UT 84092
NANCY SHELDON	10272 EAGLE CLIFF WAY SANDY UT 84092
MICHAEL SHELDON	" " " "
TOMMY DELONG	1436 E FIRELIGHT WY SANDY 84092
HOWARD & BONNIE WORTEN	10345 So. 2375 E. " 84092
SASHA REGGIO	10150 PETUNIA WAY, SANDY, UT 84092



2040 E Murray-Holladay Road, Suite 106
Salt Lake City, Utah 84117

balljanik.com

t 801.274.6800
f 801.274.6805

3143 S 840 East, Suite 307
St. George, Utah 84790
(by appointment only)

August 2, 2016

John D. Richards III
Managing Partner, Utah
Also Admitted in Oregon
jrichards@balljanik.com

SANDY CITY PLANNING DIVISION

c/o Community Development Department

Attn: Tom Dolan, Mayor

Byron Jorgenson, Chief Administrative Officer

Michael G. Coulam, Director

10000 Centennial Parkway

Sandy, Utah 84070

E-mail: Mike Wilcox, Long Range Planning Manager, mwilcox@sandy.utah.gov

Re: Objection to Zoning Request of David Cannell with Fratelli Ristorante

Dear Planning Commission Members,

This firm represents the Hearthstone Homeowners Association, which is a residential subdivision located adjacent to the "Cannell" property.

We understand that approximately 0.66 acres are proposed to be rezoned from the SD (PO/R [5.7]) "Special Development District" designation to a CC "Community Commercial District" zoning status.

The "Cannell" property is located at approximately 1420 East Sege Lily Drive and, if approved, the application for re-zoning would allow for a proposed restaurant. Perhaps more importantly, this rezone may "open the door" to other types of commercial activities on this parcel. In fact, this proposal should be viewed from with a long-term perspective whereby consideration is given to the fact that there is no guarantee that financing and other required items will be obtained to actually construct the proposed restaurant, requiring consideration of all possible uses that may be allowed with CC zoning. We are adamant that on this parcel none of the CC zoning uses are compatible with the adjacent residential communities, the Sandy City Land Development Code or the City's General Plan.

SUMMARY:

A Community Commercial District is contrary to the original zoning objectives for this area (see history below) and it is contrary to the general welfare, health, safety, aesthetics and the "protection and promotion of housing" which is a stated goal of the General Plan. See 15A-06-01(F).

Of critical importance is the fact that the surrounding residential home owners relied on the current SD (PO/R)(R5.7) zoning designation when purchasing their



August 2, 2016

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homes. This expectation must be protected by the Planning Commission and the intent behind the current zoning be honored. See Ordinances: #04-28, 2004; and #89-13, 1989 in which this intent was clearly stated.

In both cases of the prior rezoning of this same parcel, it was determined the request was compatible with the best interest of the particular neighborhood.

This determination remains applicable today and must not be changed. To change merely furthers the interests of the minority over the majority.

Inadequate studies (or none at all) have admittedly not addressed critical issues relevant to this parcel for this re-zoning request. See Planning Commission Minutes, May 19, 2016.

For example:

(1) The effect of this zoning change over the "long term" has not been considered. The Commission must consider what a "CC" zoning status allows long term. That is, with CC zoning what else could be placed on this parcel. Such uses could occur now (in the event the restaurant plans fail for whatever reason), or years from now? What additional consequences and even greater negative impact on the residential homeowners may this zoning change cause?

(2) Has the Questar 16 inch high pressure line and other major utilities on the property been studied? Have the appropriate agencies been contacted to ensure these utilities and/or easement are not affected or damaged? Our research indicates that Questar has contacted the City. What were there concerns? How have they been addressed?

(3) Traffic patterns have not been sufficiently studied nor discussed. To be very concise, it is obvious to us that traffic will be diverted into the residential communities causing an unsafe environment for children and the structure will affect lines of sight for drivers and especially homeowners in this area. A resident stated on the recorded (May 19th minutes) that turning left (onto Seago Lily) during rush hour will be a major problem for her residential community. This safety concern cannot be overlooked and, at a very minimum traffic impact studies must be conducted. This is the expectation of the residents. Further, there are forthcoming changes to traffic patterns in the area in light of the new pedestrian bridge that cannot be accounted for in any analyses put forth thus far.

(4) Similar to #2 above, parking issues have not been adequately discussed or studied with potential street parking consequences in summer and especially winter months.

(5) Seego Lily has bike lanes on both sides of the street as confirmed by the Master Plan. How will this requested change affect the health and safety of those using the biking lanes? Even if minor impact, there is still risk associated to this proposal. Have any studies been performed? Does the City want to assume this risk – which makes everything become less and less residential in nature, feel and aesthetics.

(6) Other traffic related issues such as the nuisance created by commercial trucks, customer "foot and vehicular" traffic and late night business operations (9 pm weekdays and 10 pm weekends) and the impact on adjacent owners have not been adequately studied; and simply should be not be deemed appropriate for this area.

(7) The objectives of the current zoning – is consistent with the history of the zoning for this parcel and the Planning Commission must realize that this objective serves the needs of the community and is proper "as is." There is ample CC zoned property very close by that has long been available thus undermining any claimed need for this change.

Why make a change to zoning when the current zoning classification was made to protect the surrounding residential neighborhoods and continues to satisfy this objective.

No change is needed and the expectation of the residential owners will be protected by honoring the current zoning status. **The applicant bought this property knowing it was not zoned for their intended use. In fact, the applicant purchased this parcel ostensibly because those properties that are properly CC zoned cost more. The applicants intended use is contrary to the long-standing rule of giving force and effect to the original zoning decisions of the Planning Commission when there is no justifiable need or compelling reason to change the zoning designation.**

The Commission must keep in mind that a "CC" zoning has long lasting, and likely unforeseeable consequences especially if the restaurant ceases to operate. What other nuisances, noise, traffic, health safety concerns might arise from this and other commercial business if the zoning is changed?

Our request is that a "CC" rezoning classification be denied and that the property maintains its current zoning status or reclassification to SD (PO), which is more suitable for this area and its residents. See 15A-19-01(H).

I will explain our issues more fully below.



HISTORY:

1989: As the Commission is well aware from its May 11, 2016 Memorandum, the history of the subject property clearly shows deliberation as early as 1989 to only allow for a special district to be created **for the purpose of providing an area for single-family residential with a separate area for professional and business offices.**

2004: Rezoning was permitted from SD PO/R (Library Zone) to SD (PO/R)(R5.7) zone. Despite this rezoning, it was part of the original SD PO/R Library Zone and never contemplated a CC zoning designation for the obvious reasons of maintaining the original and stated objectives of the Planning Commission to:

- (1) allow single-family residences; and
- (2) professional and business offices.

The current rezoning request to "CC" runs afoul the original, and still applicable, zoning concerns stated as early as 1989.

IMPORTANT CONSIDERATION: In fact, with the growth of the surrounding residential communities (not to mention traffic patterns), we maintain that the need to maintain the goals and objectives as set forth both in 1989 and 2004 are even more applicable today.

ARGUMENT:

The Cannell proposal is made in the interest of the restaurant owners (not the community and not the original property developer the previously was involved in obtaining the present zoning). In fact, despite the Cannell's knowing the parcel was not zoned for their intended use, nor harmonious with residential communities, they still went forward with their purchase on speculative plans to obtain a rezone after purchase. Unfortunately, those plans should be stopped as this parcel is already properly zoned given its location to residential neighborhoods and the recently completed medical offices across the street. The Planning Commission decided in 1989 and 20014 what zoning is appropriate given this proximity and that decision should not be disturbed.

Even the present Cannell proposal, namely, the site plan, needs further refining through the review process with the City Staff. Such was admitted in the May 11, 2016 Community Development Department Memorandum, Page 2. This should give pause to Commission's consideration of this rezone, because such needed refinement enhances the possibility that the proposed restaurant may not actually come to fruition thus opening the door to all other possibilities allowed with the CC zone designation.

When the intent and history of the current zoning is closely examined, the site plan defeats the objects of the original intent of the current zoning; fails to

protect the residents; and has not undertaken the necessary investigation on easements, utilities, parking, noise, traffic and most importantly, what a "CC" zoning changes means over the long term since a different type of a business would now be permitted on this parcel.

Further, the proposed restaurant frustrates the express intent and purpose of Commercial/Industrial Zoning in Sandy City.

Goal 1.1 – Allow neighborhood-oriented shopping within the various communities of Sandy in locations of greatest accessibility and least impact on residential neighborhoods.

THIS GOAL IS FRUSTRATED because a restaurant is not a shopping business. Restaurants have much later hours than commercial shopping, alcohol may be served late at night, late night traffic is increased, diners may be seated outside causing additional noise to the residents and finally, traffic will most likely be heavily diverted into residential neighborhoods with no study to the contrary, nor have issues of excessive parking needs been adequately addressed.

Goal 4.0 – Allow retail commercial zoning designations only when it can be shown that a proposed area qualifies by compliance with the basic zoning prerequisites as adopted through the Sandy City Development Code.

THIS GOAL IS FRUSTRATED because pursuant to the Sandy City Land Development Code 15A-04-11(E), a Community Commercial District necessarily requires and is expressly intended, as a basic component to this zoning designation, to allow for retail business...**to be grouped together** in a well planned and designed planned commercial center(s)...."

Clearly the intent of the CC zoning designation is not, or should not be, for a single, free standing commercial building, but for a group of business located in an overall commercial area. In addition, alcohol consumption related issues, commercial deliveries, late hours of operation, and parking, all increase traffic and related safety concerns if the current zoning is changed. The applicable Sandy City Code was drafted to protect both commercial and residential interests. The current zoning finds this balance, however, a "CC" designation defeats the intent of the Code and harms the residential protection afforded therein.

Section 15A-19-01(H) regarding Special Development Districts entitled "Reversion" states that there will be an annual review of SD zones (this part is not discretionary). If substantial construction is not initiated within a year of the zone approval, the classification may be reverted to the previous classification or that of an abutting district. Upon information and belief, it appears that no such review(s) of the SD zone on this parcel have ever been conducted. The Planning Commission has further authority to maintain the status quo or even revert to a prior zoning status. This is relevant as it provides further evidence that the



August 2, 2016

Page 6

property, as currently zoned, makes logical and legal sense for this area and should not be changed.

CONCLUSION:

For these reasons, including the fact that (a) other "CC" zoned properties are not hard to find and (b) the Code was drafted, and the current zoning was established to protect the expectation of residential owners with what was deemed a fair balance for that parcel, all dictate that the current zoning should not be changed and that the application for a "CC" designation be denied.

The residential owners and communities' health, general welfare, safety and protection of their property rights from the unintended consequences of a "CC" zoning change have not been adequately studied. We submit that even if properly studied, the results will show that the current zoning is appropriate and that any change thereto frustrate the General Plan and its purposes, as well as the expectations of the adjacent residential property owners.

The letters submitted and concerns expressed from other adjacent property owners support the arguments made herein and must be read together with the concepts and points made above.

Sincerely,

A handwritten signature in blue ink, appearing to read "John D. Richards III".

John D. Richards III
Managing Partner, Utah

JDR:

Members of the Commission,

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 Segó Lily Drive. I have spoke before you on May 19th, 2016. I am sending this information in advance of your August 4th meeting so that you will have the opportunity to review the information about concerns I have. At the August 4th meeting I will rise to speak to these concerns in a public forum.

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

I should say at the outset that at that the May 19th meeting the Planning Commission chairman made it clear that your action in regard to this matter is only to address the topic of rezoning and not site planning. In observation of the previous meeting's discussion, the applicant's submission and the staff report I will address both rezoning impact and the concept proposal.

First, I will ask about issues where there was no discussion dealing with the specific issue of the impact of rezoning and ask the Commission to voice its thoughts on:

- *What do they see as the added value to re-zone to commercial and what will provide to the community?*
- *What do they believe to be the long-term advantages and risks inherent with the change?*

Second, I have attached Appendix 1 (App 1) and Appendix 2 for your review. App 1 is an analysis of land use risk inherent with the re-zone to CC as I, a layman, see it. I did this because I believe it to be important that you consider all the listed Permissible and Conditional you are allowing when re-zoning. With your approval to CC, you also allow bars, gas stations, auto repair shops, 7-11s, and motels and based on the LLC applicant's purpose should the current proposal not proceed their purpose would likely be to find any suitable business to fill this lot.

App 2 reviews all "like" properties in Sandy and 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 Commission for having done well to protect the communities and not mix these types of business or others as listed in the App 1 analysis in close proximity to homes. The approval of this re-zone, I fear sets a new and worrisome precedent for future CC rezone applications.

With those points hopefully clear, the following comments will address the site/plan risks for a business of this or similar type as presented to you.

The applicant's presentation and your prior discussion on May 19th focused on the layout, 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. Your conclusion was that the proposal would both be beneficial over current "PO" options and less obtrusive over "PO" options because the site plan and building design provided for a "good" transition from residential to commercial (App 4; Staff report and App 3; Findings 2 & 4 pg 28 of Commission Meeting Minutes). During the applicant's presentation the architect made it very clear that the building location was placed as far west as possible to minimize impact on the adjacent residential housing to the east and that a driveway and parking areas (see schematic drawing in App 3) would be the principal buffer zones.

However, in his presentation nothing was said of the eight foot wall with parking spaces that are to be built abutting the west boundary or "Bedroom Side" of the home located at 10234 Eagle Cliff Way (10234 Property) nor was anything said about utility rights of way.

I have confirmed that the applicant made no contact with Questar regarding the rights of way to the north and west. (App 5 map and App 6 picture). The one to the west being of significant concern since it is the 12 inch high-pressure gas line installed last year. This I believe to be an important omission for something that was to be presented to the public and Commission. Questar has informed me that they have the right to review any plans and through my action has reached out and made contact². It is my belief that the current site plan as presented will change and force the building further east, thus reducing the buffer zones stated as being 100 feet from our neighborhood fence line (architect's comment at both meetings). However, as I calculate on the drawings and maps, (App 7 see measurement and App 4 schematic) this is not even the case currently?

Staff's report included in its recommendation on page 3 last paragraph (App 4), a phrase "no development has been able to proceed past conceptual ideas due to various reasons." We asked Mike Wilcox and the community liaison about this and neither can provide any substantiation of this comment. In our review of the files we did find a prior plan by Richardson Design for a Dr. Gaseki for a medical building (App 8) with a schematic very similar to the current proposal. It did not advance further than beyond concept. My real concern is that staff's comment leads a reader (the Commissioners) to believe that this applicant's proposal has been the best to date and is a viable concept site plan.

I again, commend the Commission in regards to asking the traffic engineer to make a comment (App 3, pg 27 and 28) regarding traffic. Unfortunately, the engineer only addressed the Segó Lily line of view concerns without any elaboration of his comment for the public present. In addition, he did not mention that Segó Lily is one of Sandy's Bike paths. Furthermore, in his report, he mentions that Segó Lily is a minor feeder which staff now admits was an error. Segó Lily is a MAJOR collector as seen on the City Plan. No mention was made of the Segó Lily intersection issues (App 10; ite Journal report page 37) and no mention was made of the traffic impact with the loss of the traffic light and southbound closure off or 13th East at Buttercup Drive(the road on the north side of the library), (See App 7 for streets layout). Logic would say that this reconfiguration will force all south bound traffic currently entering into the Buttercup subdivision, the library, and emerging businesses to reroute and proceed up to and then on to Segó Lily. As it is currently, exiting from Eagle Cliff Way onto Segó Lily is very challenging during morning and night time rush hours and most residents divert up Firelight to safely enter on or off Segó Lily. This is due to line of sight issues and competing traffic entering or exiting from Petunia (aka 1410 E). Would there not be a dramatic increase with issues and dangers due to the presence of the planned restaurant driveway (line of sight comments from the engineer)? Would the congestion getting in and out of the driveway 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 Segó Lily or go up to Countrywood to get to 20th (App 9 map) rather than on Petunia? Is not the late night traffic contrary to the principles of non-obtrusive? Another concern is that drivers may altogether want to avoid the Segó Lily light and will cut thru to 13th east via the access way behind the shopping center significantly increasing the noise factor during late night hours.

Furthermore, there was no discussion but there should be during the Planning Commission meeting on what impact the Alta View Hospital remodel and the new medical businesses will have and continue to have as it generates more like business on the area's traffic and commerce.

The site plan shows 34 parking spaces. The current Quarry Bend (QB) property, which as testified before you, is smaller than this proposal. The QB property has a max occupancy of 135 as stated by the Building and Safety Department. The 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 13). The numbers do not add up. Either there must be less people or more spaces. While this is all good for planning purposes there will be instances such as when the facility hosts large functions (confirmed that they do) or patrons come in to visit only the deli or pick up food that parking will take occur in the bike lanes on Segoe Lily. This parking on Segoe Lily will further aggravate the line of site issues, entrance and exit access from adjoining streets and shopping center exits and other issues of safety.

According to an Ohio State U School of Hospitality Management research study, 60% of restaurants fail in the first 3 years³. An industry advisory¹ article lists the 8 principal reasons for those failures. Two of them are for not doing formal marketing research and choosing poor "location, location, location." When I asked if the applicant had done any research to validate their assumptions, they admit that none has been done. We have it on good authority from an industry advisor that the proposed location is an anomaly and would not be recommended as it is hidden and off a line of sight view. With the repeated open and closure of a pizza restaurant 50 paces to the west from the proposed location, the expert's comments support the conclusion that a "no worries" assumption has high risk. But assume success too and they need to move to a larger location? The real question is "What if?" There is now a structure designed as a restaurant sitting idle and a property zoned commercial ideal for a bar or a less desirable restaurant and edifice that makes professional office or daycare related alternatives unaffordable.

To conclude, the request to re-zone is very risky to the surrounding community and precedent setting for future CC rezone applications. My sense is that your prior decision leading to approval lacked significant elements of information for a variety of reasons. You have now more information to substantiate a different conclusion. 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 with the same exposure and direct adjacencies to homes anywhere in Sandy;
- There are unanswered questions about the rights of way and construction prohibitions around the 12"high-pressure Questar pipeline and major water lines;
- There will be added traffic pattern changes which will affect safety that have not been studied;
- There will be additional parking hazards will impact road safety, street maintenance and the bike lane;
- The belief that only this site plan is viable which runs contrary to previous concepts and already demonstrates the need for significant revision regards parking, noise and successful negotiations with the adjacent shopping center and utility companies; and

- Did not consider the Alta View expansion, its shift to outpatient services and other new medical 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
2. Full Bar and beer businesses analysis of Sandy business
3. May 19th Planning Commission Meeting Minutes *- omitted*
4. Community Development Department Memo of May 11, 2016 with Fratelli letter of April 26, 2016 Attached Concept Plan *- only schematic*
5. Questar gas lines schematic of 05/28/2016 of 1420 Segó Lily area and adjacent properties
6. Picture of Questar Right of Way
7. Google Map of streets that will be immediately impacted by traffic congestions
8. Concept Map Richardson Design Partnership LLC for Dr. Andrew Gasecki Project # 09-12301
9. Google Map of additional streets that will be immediately impacted by traffic
10. Ite Journal article *- only 2 pages*
11. Sandy City Development Code Chapter 15 -05 Pages 1 to 13 and Chap15A-1922 SDPO/R *- omitted*
12. Sandy City Development Code Chap 15 A-37 Definitions *- omitted*
13. 5-24 Parking Access Requirements Table 15A-09(B)

References

1. 10 Ways how Restaurant Failure Can Be Avoided by Aida Behmen-Milicevic (Industry Writer)
 - a. Low Startup Capital
 - b. Poor knowledge about the market and competition**
 - c. Wrong location**
 - d. Parking, visibility, accessibility traffic**
 - e. Poor restaurant promotion**
 - f. Inconstant offer
 - g. Bad partnership relations
 - h. Understand your customers
 - i. Poor inventory and staff management
 - j. Lack of original ideas
2. Personal emails from Katie Secretan, Questar Project Control and Right-of-Way Office, May 23, 2016
3. Randy White's Blog of White and Hutchinson "The truth about Restaurant failures", 02/2011

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

ROYAL INDIA LLC	C	REST/B BEER/CNSMPTN	6	10263 S 1300 E	84092	10/9/1996	NO	
BONSAI JAPANESE STEAKHOUSE LC	C	REST/B BEER/CNSMPTN	10	875 E 9400 S	84094	4/30/2001	SC	Faces Away
MCGRAW'S FISH HOUSE	C	REST/B BEER/CNSMPTN	21	103580 STATE ST	84070	9/7/2001	NO	
LA FRONTERA CAFE	C	REST/B BEER/CNSMPTN	30	61 W 10600 S	84070	5/5/1997	NO	
CHILI'S SOUTHWEST GRILL	C	REST/B BEER/CNSMPTN	68	10430 STATE ST	84070	8/12/2001	NO	
SOLE MIO LLC	C	REST/B BEER/CNSMPTN	3	8657 S HIGHLAND DR	84093	6/6/2014	SC	Faces Away
WASATCH BROILER AND GRILL	C	REST/B BEER/CNSMPTN	7	7662 UNION PARK AVE	84047	11/15/2011	NO	
OLIVE GARDEN ITALIAN RESTAURAN	C	REST/B BEER/CNSMPTN	108	10540 STATE ST	84070	11/15/2001	NO	
DRY CREEK STEAKHOUSE	C	REST/B BEER/CNSMPTN	11	10290 S STATE ST	84070	6/5/2014	NO	
TIBURON FINE DINING INC	C	REST/B BEER/CNSMPTN	7	8256 S 700 E	84070	7/28/1999	NO	
MIMI'S CAFE	C	REST/B BEER/CNSMPTN	75	10470 STATE ST	84070	2/4/2002	NO	
PURO PERU LLC	C	RESTAURANT/'B' BEER, CN	1	8475 S STATE ST	84070	3/29/2013	NO	
INDIA HOUSE	C	RESTAURANT/'B' BEER	0	8660 STATE ST	84070	5/21/2001	NO	
FRATELLI INC	C	RESTAURANT/'B' BEER & C	9	9236 VILLAGE SHOP DR	84094	7/26/2007	NO	
SMOXY MOUNTAIN- UTAH LLC	C	RESTAURANT/'B' BEER & C	15	1850 E 9400 S	84093	11/1/2002	NO	
CHIN-WAH	C	RESTAURANT/'B' BEER & C	20	849 E 9400 S	84094	1/3/1990	SC	Faces Away
JOY LUCK RESTAURANT	C	RESTAURANT/'B' BEER & W	15	10745 STATE ST	84070	3/15/2006	NO	
ICHIBAN SUSHI & ASIAN CUISINE	C	RESTAURANT/'B' BEER & WIN	5	109 W 9000 S #111	84070	3/19/2014	NO	
TIN ROOF GRILL OF SANDY	C	RESTAURANT/'B' BEER + C	10	9284 S 700 E	84070	1/5/2012	NO	
TOKYO SUSHI LLC	C	RESTAURANT/'B' BEER AND	2	9414 S UNION SQ	84070	11/16/2012	NO	
KARMA INDIAN CUISINE INC	C	RESTAURANT/'B' BEER/CNS	2	863 E 9400 S	84094	1/29/2014	SC	Faces Away
CARVERS STEAK AND SEAFOOD	C	RESTAURANT/'B' BEER/CNS	15	10720 HOLIDAY PK DR	84070	10/20/2011	NO	
HUHOT MONGOLIAN GRILL	C	RESTAURANT/'B' BEER/CNS	22	10835 S STATE ST	84070	7/11/2013	NO	
LA COSTA RESTAURANT INC	C	RESTAURANT/'B' BEER/CNS	6	889 E 9400 S	84094	10/1/2005	SM	Faces Away
TEXAS ROADHOUSE	C	RESTAURANT/'B' BEER/CNS	50	200 W 10600 S	84070	6/22/2006	SC	Faces Away
SUSHI TIME LLC	C	RESTAURANT/'B' BEER+CNS	3	2071 E 9400 S	84093	11/8/2010	NO	
EVEREST CURRY KITCHEN	C	RESTAURANT/'B' BEER+CNS	4	68 E 10600 S	84070	12/30/2014	NO	
WINGNUTZ OF SANDY	C	RESTAURANT/'B' BEER+CNS	12	9260 VILLAGE SHOP DR	84094	4/15/2010	NO	
Mt FUJI JAPANESE RESTAURANT	C	RESTAURANT/'B BEER+CNSMP	5	8650 S 1300 E	84094	1/15/2009	Yes	Faces Away
HOOP & VINE LLC	C	RESTAURANT/'B' BEER+CNS	7	7680 UNION PARK AVE	84047	10/1/2014	NO	
MANDARIN GARDEN CHINESE RESTAU	C	RESTAURANT/'B' BEER+WIN	3	8627 HIGHLAND DR	84093	11/3/2009	NO	
WAH INDIRA	C	RESTAURANT/'BEER & WINE	3	1241 E 8600 S #C-1A	84094	11/17/2015	NO	
SIZZLING PLATTER LLC (#541)	C	RESTAURANT/CLASS 9 ALCO	34	20 W 9000 S	84070	8/6/1979	NO	
CHIPOTLE MEXICAN GRILL	C	RESTAURANT/CLASS 'B' BEE	18	10387 STATE ST	84070	1/23/2008	NO	
JOE'S CRAB SHACK	C	RESTRU/BEER/CNSMPTN	27	65 E 9400 S	84070	7/17/2000	NO	
ASIAN POTATO	C	RESTAURANT/'B' BEER+WIN	7	8745 S 700 E #4	84070	11/4/2009	SM	Faces Away
LOS GARCIA MEXICAN FOOD	C	RESTAURANT/FULL SERVICE	7	8745 S 700 E #4	84070	2/6/2013	SM	Faces Away
PEI WEI ASIAN DINER LLC	C	Restaurant/Class B Alcoh	23	10373 STATE ST	84070	10/26/2005	NO	

Data obtained from Sandy web site of active business licenses then filtered to all liquor licenses type B or consumption type
Google Earth views used to confirm area surroundings

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 4

Schematic on last page



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

April 25, 2016

To Whom It May Concern:

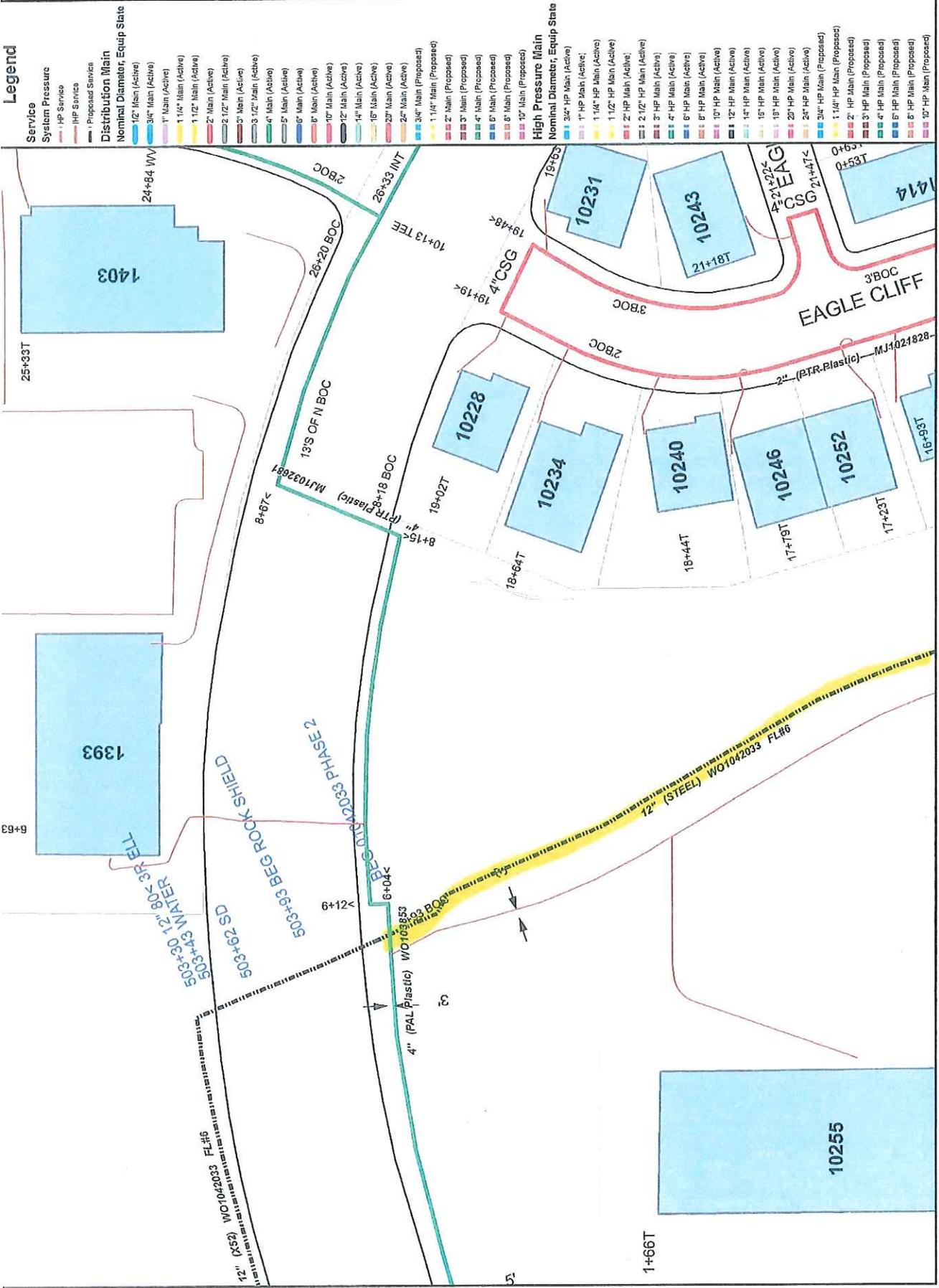
We are formally requesting the rezoning of 1420 East Segoe Lily from a residential zone (SD(PO/R [R5.7])) to the Community Commercial zone (CC). Fratelli has been serving the Sandy community in a leased space for nine years. We would like to build and relocate in Sandy to continue to give local residents 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

Appendix 5



Legend

- Service**
- HP Service
 - Proposed Service
- System Pressure**
- HP Service
 - Proposed Service
- Distribution Main**
- Nominal Diameter, Equip State**
- 1/2" Main (Active)
 - 3/4" Main (Active)
 - 1" Main (Active)
 - 1 1/4" Main (Active)
 - 1 1/2" Main (Active)
 - 2" Main (Active)
 - 2 1/2" Main (Active)
 - 3" Main (Active)
 - 3 1/2" Main (Active)
 - 4" Main (Active)
 - 5" Main (Active)
 - 6" Main (Active)
 - 8" Main (Active)
 - 10" Main (Active)
 - 12" Main (Active)
 - 14" Main (Active)
 - 15" Main (Active)
 - 20" Main (Active)
 - 24" Main (Active)
 - 30" Main (Active)
 - 34" Main (Proposed)
 - 1 1/4" Main (Proposed)
 - 2" Main (Proposed)
 - 3" Main (Proposed)
 - 4" Main (Proposed)
 - 5" Main (Proposed)
 - 6" Main (Proposed)
 - 8" Main (Proposed)
 - 10" Main (Proposed)
- High Pressure Main**
- Nominal Diameter, Equip State**
- 1" HP Main (Active)
 - 1 1/4" HP Main (Active)
 - 1 1/2" HP Main (Active)
 - 2" HP Main (Active)
 - 2 1/2" HP Main (Active)
 - 3" HP Main (Active)
 - 4" HP Main (Active)
 - 5" HP Main (Active)
 - 6" HP Main (Active)
 - 8" HP Main (Active)
 - 10" HP Main (Active)
 - 12" HP Main (Active)
 - 14" HP Main (Active)
 - 15" HP Main (Active)
 - 20" HP Main (Active)
 - 24" HP Main (Active)
 - 30" HP Main (Proposed)
 - 1 1/4" HP Main (Proposed)
 - 2" HP Main (Proposed)
 - 3" HP Main (Proposed)
 - 4" HP Main (Proposed)
 - 5" HP Main (Proposed)
 - 6" HP Main (Proposed)
 - 8" HP Main (Proposed)
 - 10" HP Main (Proposed)



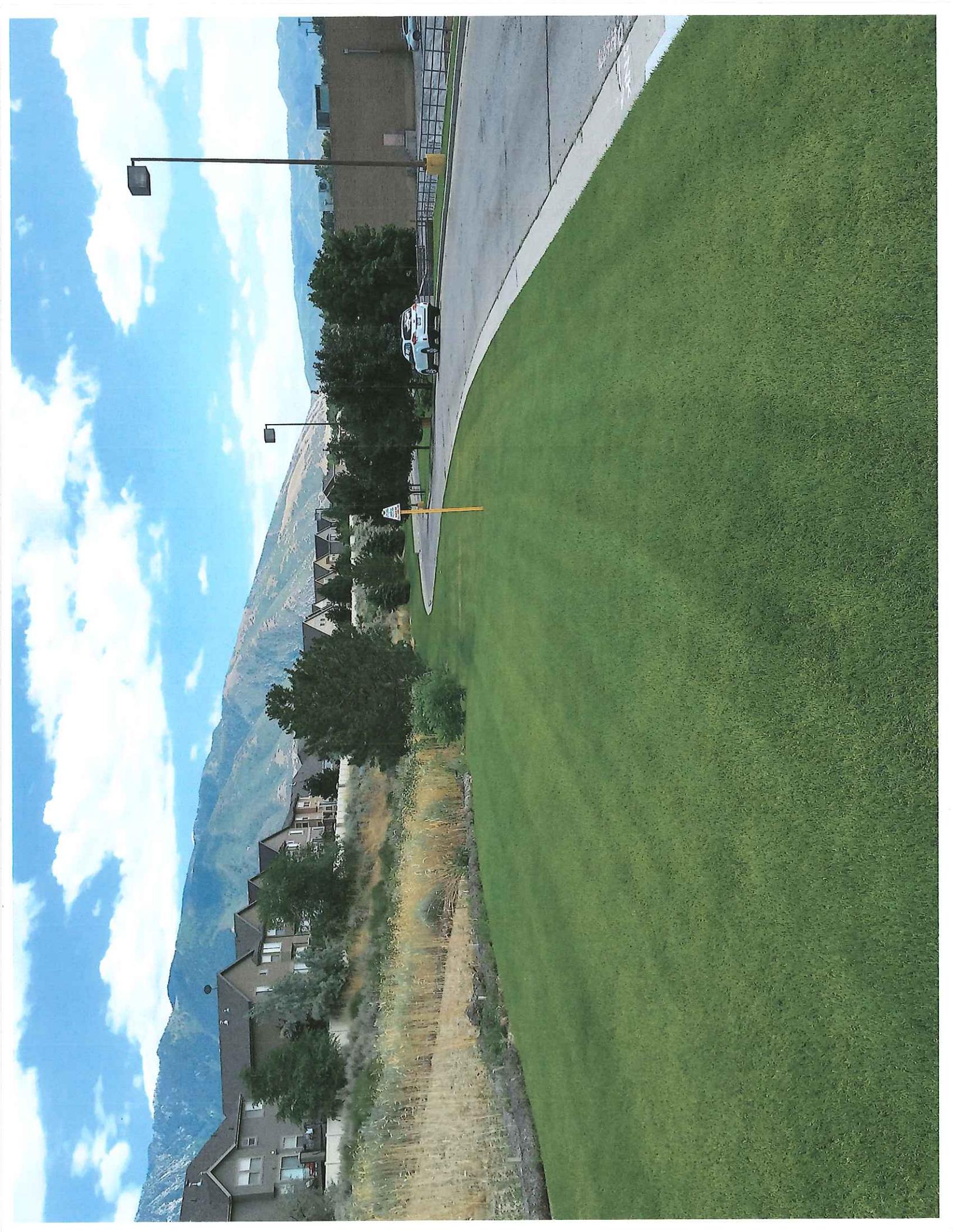
QUESTAR

For planning purposes only.
All locations approximate.



03919
5/26/2016

Appendix 6



Appendix 7

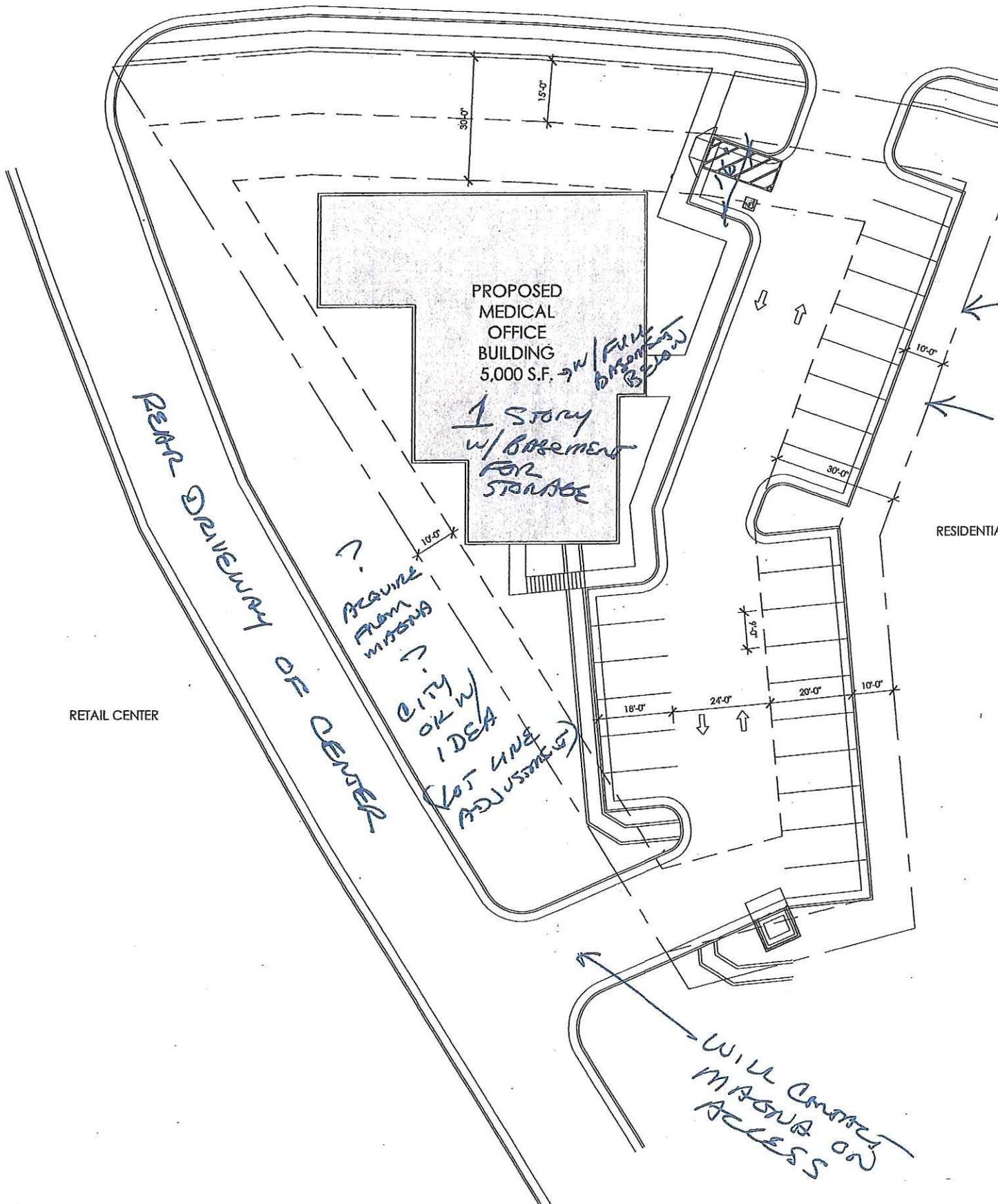


Imagery ©2016 Google, Map data ©2016 Google 100 ft

Appendix 8

SEGO LILY DRIVE

STORM DRAIN LINE
IN SEGO LILY



*Street LIGHT
WILL BE REQUIRED*

*EXISTING VINYL FENCE
TO REMAIN AS IS
CITY OK*

MASSIVE WALK

*→ preliminary grading to
ON DATE
→ WITH CITY WATER
→ PC REVIEW REQ IN SD ZONE
PC PRELIM.
FINAL
→ REZONE OR CODE AMENDMENT
→ PROP IN RES. AREA*

PROJECT SUMMARY

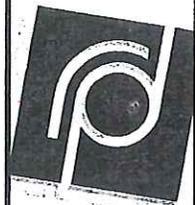
ZONING ————— R.5.7 (SD-PO/R.5.7)

LOT AREA ————— .656 ACRES
28,575 S.F.

LOT COVERAGE
BUILDING 5,000 S.F. (17.5%)
LANDSCAPE 12,151 S.F. (42.5%)
HARDSCAPE 11,424 S.F. (40%)

BUILDING AREA
MAIN LEVEL ————— 5,000 S.F.
BASEMENT (MECH./STOR.) — 5,000 S.F.

PARKING
REQUIRED (5/1000) ————— 25
PROVIDED ————— 26

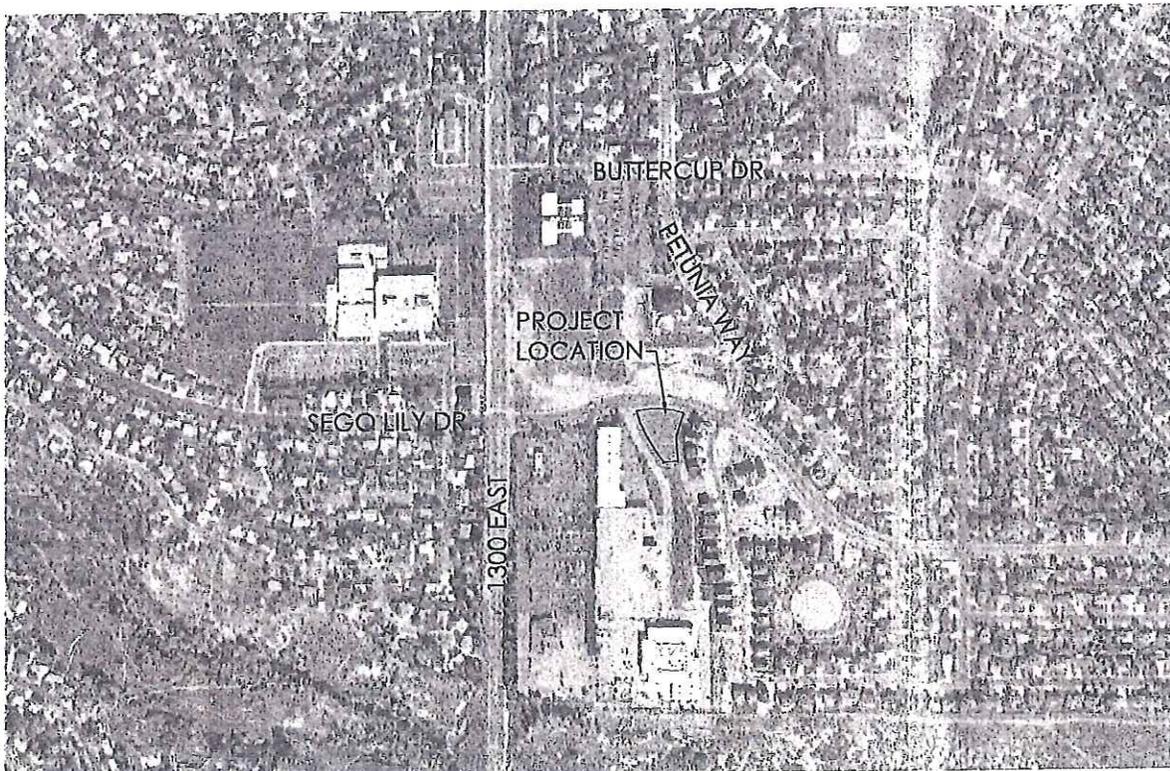


THE
RICHARDSON
DESIGN
PARTNERSHIP,
L.L.C.

510 South 600 East
Salt Lake City, Utah 84102

P: 801.355.6868
F: 801.355.6880

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE IN FULL OR PARTIAL SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF THE ARCHITECT. NO PART OF THIS MATERIAL AND DESIGN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S DESIGN PARTNERSHIP, L.L.C. ALL RIGHTS RESERVED.

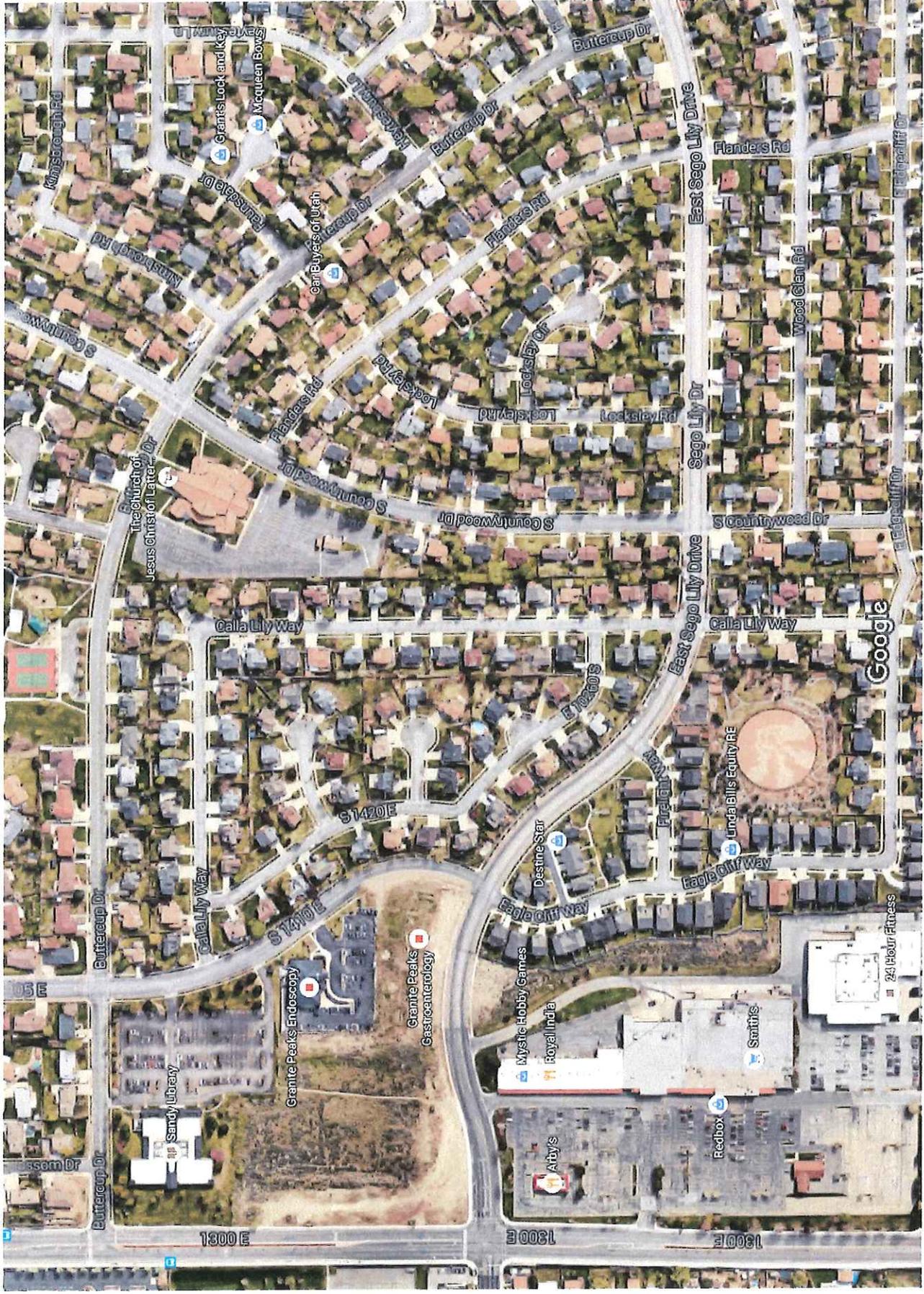


a new medical office building for:
DR. ANDREW GASECKI
1420 EAST SEGO LILY DRIVE
SANDY, UT
PROJECT:

DATE	DESCRIPTION
4.20.09	S.D.
-	-
-	-
-	-

AN
PROJECT #: 09-126.01
DRAWN BY:
CHECKED BY: RAW
SHEET #

Appendix 9

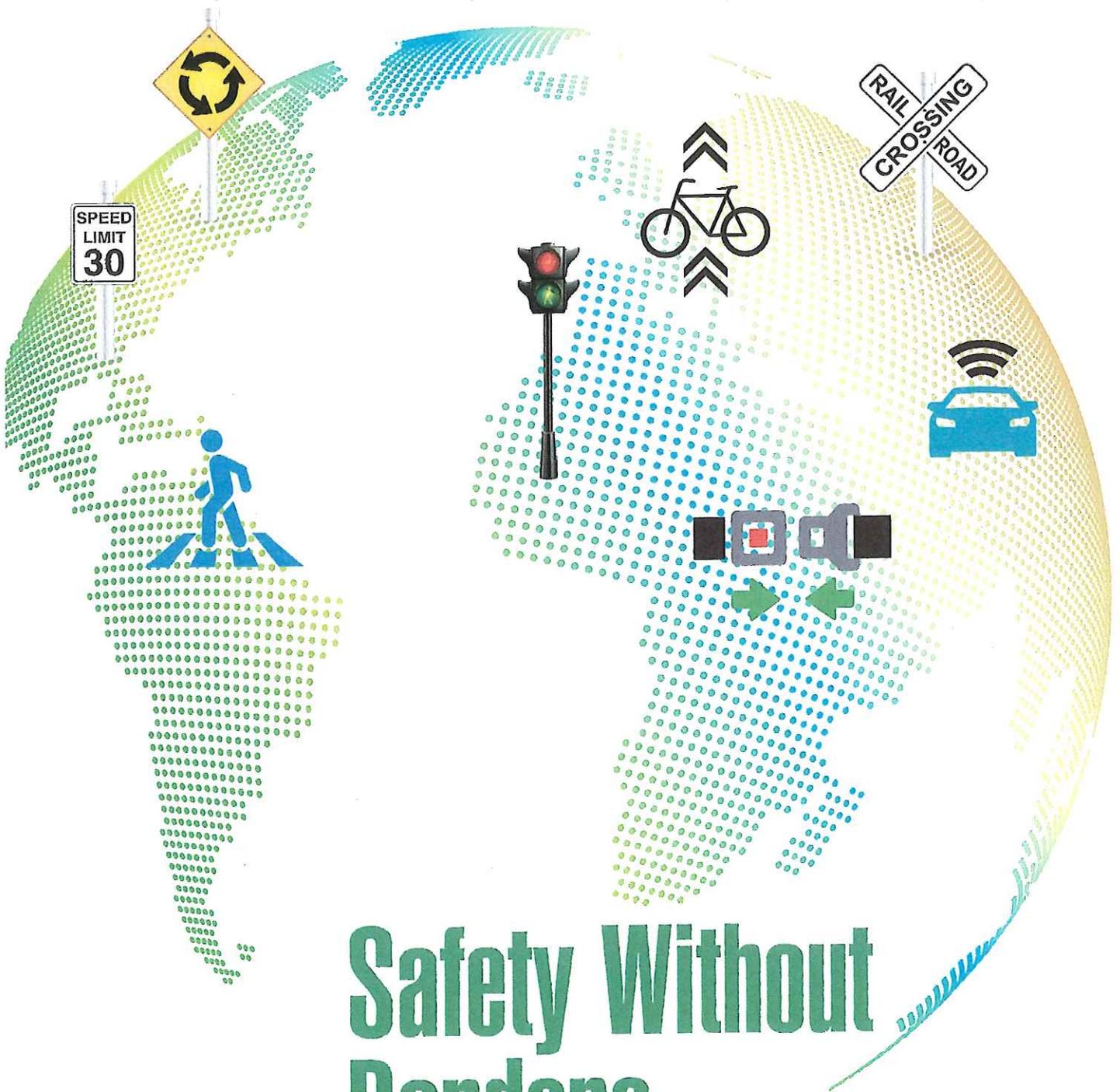


Appendix 10

APRIL 2016

ite journal

INSTITUTE OF TRANSPORTATION ENGINEERS



Safety Without Borders



Calculating the Value of Arterial Safety Improvements

Before and After Study Shows Safety Improvements Reduced Crashes by 40 Percent

BY RYAN KUMP, P.E., KELLY HARRIS, P.E., PTOE,
RYAN NUBSMEYER, P.E., AND KELLY HANKS

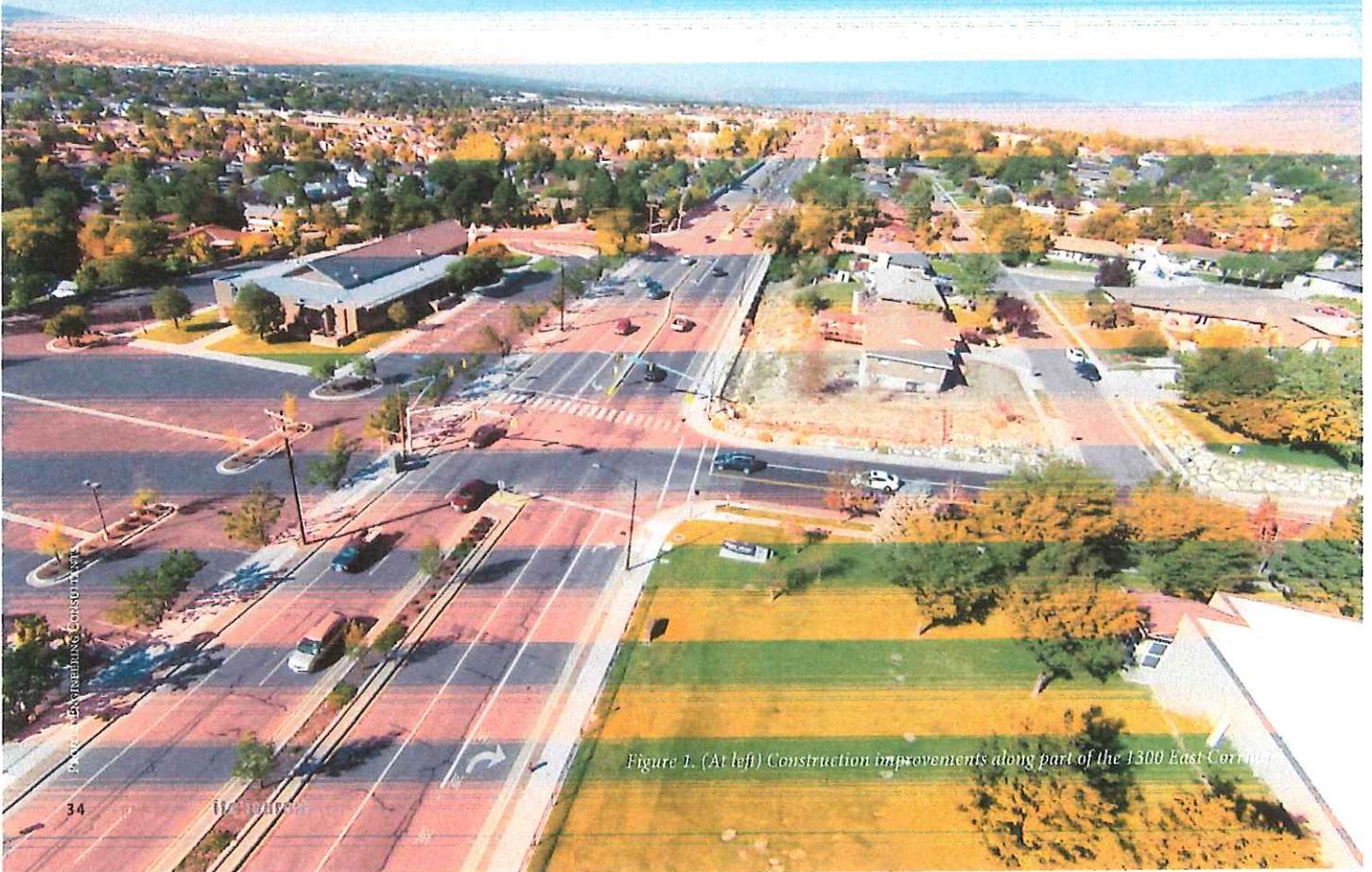


Figure 1. (At left) Construction improvements along part of the 1300 East Corridor

a severe crash. Safety improvements at this intersection included new signal heads, new lighting, new striping, new median curbs, ADA-compliant pedestrian ramps, a concrete waterway, the addition of a right-turn lane, and improved retroreflective traffic signs on signal mast arms. Following the addition of these improvements, the angle crashes were reduced to one during the three years post construction; while the front-to-rear crashes were reduced to 10. Due to the reduction of crashes, this area is no longer one of concern.

8600 South Intersection

Twenty-three crashes occurred at this intersection in the three years prior to construction; 15 of those were angle crashes, one of which was severe. Safety improvements at this intersection included new lighting, new striping, new signal heads, median curbs, ADA-compli-

ant pedestrian ramps, a concrete waterway, the addition of right-turn lanes, increased curb and gutter radii, and improved retroreflective traffic signs on signal mast arms. In the three years after the improvements to the intersection, 19 crashes occurred. Two of the 14 angle crashes were severe. The other five crashes were front-to-rear crashes. Due to these crashes, 8600 South remains an area of concern.

9400 South Intersection

In the three years prior to construction, 36 crashes occurred at this intersection. Of the pre-construction crashes, 21 were front-to-rear crashes. Crashes at this location increased by 14 percent after improvements were made, which included new lighting, new striping, median curbs, and additional striping for left turns in the intersection. Forty-one crashes occurred at this intersection in the three years following construction; 22 of those were front-to-rear crashes. Due to the clustering of crashes at this intersection, this area remains one of concern.

Section 3C Segment

Section 3C is a small segment of road between Buttercup Drive and Sego Lily Drive. Nineteen crashes were recorded in the three years prior to construction; 16 of these crashes were front-to-rear. New striping, lighting, and a landscaped median were added to this segment. The number of crashes in this segment dropped by 89 percent in the three years following construction, with only two crashes occurring. Due to the reduction in crashes, Section 3C is no longer an area of concern.

Sego Lily Drive Intersection

This signalized intersection had 32 crashes in the three years before construction. Fifteen of those crashes were angle crashes; 13 were front-to-rear. One of the 13 front-to-rear crashes that occurred at this intersection was severe. Safety improvements at this intersection included new lighting, new striping, new signal heads, median curbs, ADA-compliant pedestrian ramps, a concrete waterway, the addition of right-turn lanes, increased curb and gutter radii, and improved retroreflective traffic signs on signal mast arms. In the three years following construction, 24 crashes were recorded, a 25 percent decrease. However, this intersection remains an area of concern because one of the 10 angle crashes was severe, and the number of angle crashes in the area creates a cluster.

10600 South Intersection

Fifty-four crashes occurred at this signalized intersection prior to construction. Eighteen crashes were front-to-rear. Three of the 31 angle crashes were severe level. Median curbs, lighting, striping for left-turn lanes, retroreflective signs, and right-turn lanes were added. Pedestrian ramps were improved to be ADA compliant. The curb and gutter radii was increased. Traffic signal heads were adjusted to be properly positioned over the travel lanes. Following

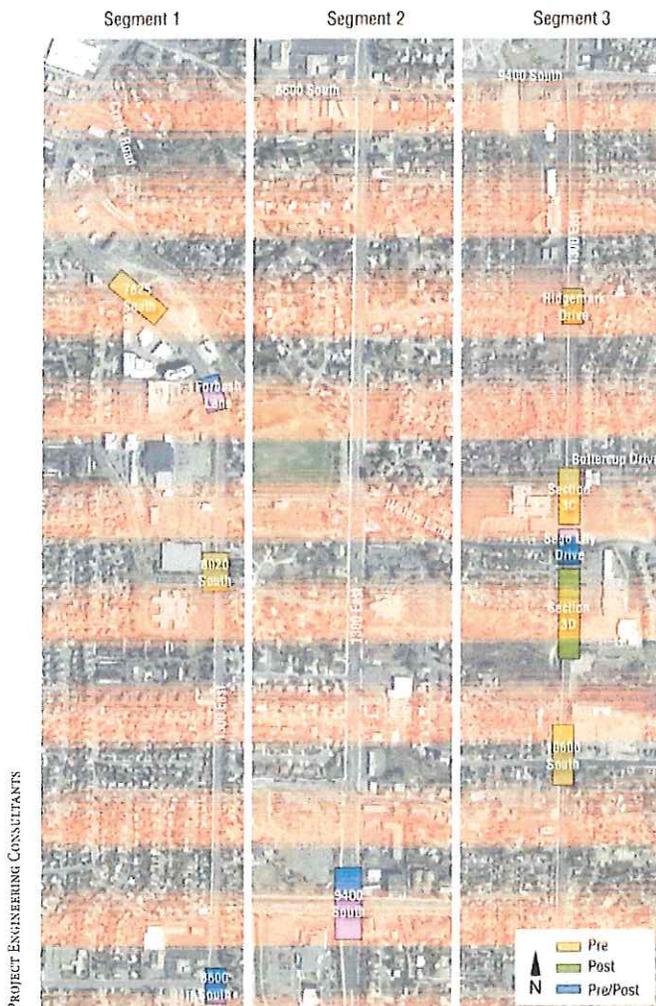


Figure 4. Map showing the areas of concern post-construction and pre-construction.

these improvements, the number of crashes decreased by 57 percent annually, with 23 crashes during the three year period after construction. This area is no longer one of concern.

New Areas of Concern Post Construction

In addition to the four areas that remained a concern post construction, two new locations were identified as areas of concern in the post construction data due to clusters and severity of angle and front-to-rear crashes. These sections include the Ridgemark Drive intersection and the Section 3D segment.

Ridgemark Drive Intersection

Ridgemark Drive had 15 crashes in the three years prior to construction. Safety improvements at this intersection included median curbs, ADA-compliant pedestrian ramps, a concrete waterway, the addition of right-turn lanes, increased curb and gutter radii, and improved retroreflective traffic signs on signal mast arms. While the crashes at this intersection declined by 13 percent to 13 crashes, the signalized intersection became an area of concern post construction due to one of the five angle crashes being classified as severe.

Section 3D Segment

The Section 3D Segment had 29 crashes in the three years pre-construction. A landscaped median was constructed in this segment, as well as an equestrian tunnel. In the three years post-construction, Section 3D had 11 crashes, with one of the five angle crashes being severe. Due to this severe crash and other similar crashes, this section became an area of concern despite the number of crashes decreasing by 62 percent.

Crash Severity Analysis

As part of the crash analysis, a crash severity analysis of the corridor was conducted to determine if crash severity of the pre-construction crashes compared to the post-construction crashes decreased. Crash severity was analyzed by segments and by the corridor as a whole. The severity of crashes was evaluated using the crash analysis method identified in UDOT's *Operational Safety Report Manual*¹. According to the manual, crashes are ranked by level according to severity, similar to the KABCO scale (see Table

CRASH SEVERITY AND SOCIETAL COSTS		
Severity	Description	Average Cost/Crash
1	No Injury (Property Damage Only)	\$3,200
2	Possible Injury	\$62,500
3	Non-Incapacitating Injury	\$122,400
4	Incapacitating Injury	\$1,961,100
5	Fatal Injury	\$1,961,100

Table 1. Severity level of crashes and the societal costs of each level of crash.¹

1). Level 5 crashes involve a fatal injury. Level 4 crashes involve incapacitating injuries (i.e., at least one individual involved in the crash is taken to a hospital by ambulance). Level 5 and level 4 crashes are considered severe. Level 3 crashes involve non-incapacitating injuries. Level 2 crashes may have possible injuries. Level 1 crashes have no injuries and involve property damage only.

Using this crash analysis method, 17 severe crashes occurred within the study area during the pre-construction period. Two locations, Forbush Lane and 10600 South, had more than one severe crash, all of which were angle crashes. The other severe crashes were of various manner of collision and occurred at different locations throughout the corridor.

In the three years after construction, 14 severe crashes occurred in the study area. At 10600 South, severe crashes decreased from four during the three years before construction to zero during the three years after construction. Six areas that had not previously had severe crashes had at least one severe crash during the three year period post construction; a total of seven severe crashes occurred at these new locations. The number of severe crashes at Forbush Lane remained the same. The number of severe crashes at 8600 South increased by one.

Averaging the reductions of each level of severity, the corridor experienced an average reduction of 41 percent. Each severity level was decreased as indicated (see Figure 5):

- Severity level 5 crashes were reduced 100 percent from one pre-construction crash to zero post construction crashes (due to the limited quantity of level 5 crashes, the crash reductions of this type were deemed statistically insignificant);
- Severity level 4 crashes were reduced 11 percent, from 16 crashes pre-construction to 14 crashes post construction;
- Severity level 3 crashes were reduced 6 percent overall, from 67 pre-construction crashes to 63 post construction crashes;
- Severity level 2 crashes were reduced from 136 crashes pre-construction to 76 crashes post construction, a 44 percent reduction; and

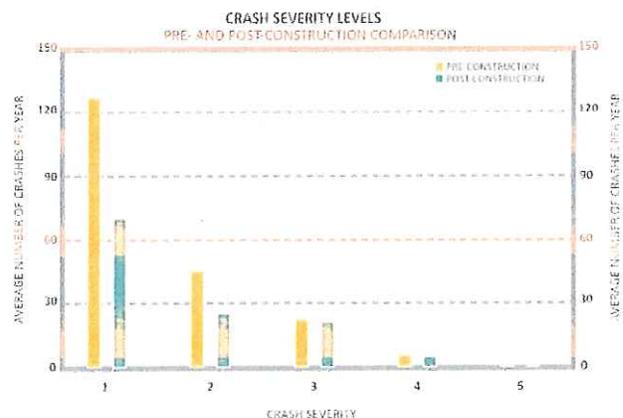


Figure 5. Average number of severe crashes along 1300 East in the three years prior to construction and the three years after construction.

- Severity level 1 crashes were reduced by 45 percent, from 381 crashes pre-construction to 210 crashes post construction.

Societal Cost Savings

The UDOT Division of Traffic and Safety periodically evaluates crash costs using the KABCO injury scale and has assigned a dollar amount to the severity of a crash (see Table 1). Dollar amounts are assigned for productivity losses, property damage, medical costs, rehabilitation costs, congestion costs, legal and court costs, emergency services such as medical, police, and fire, insurance administration costs, and the costs to employers.² The dollar amount also includes the comprehensive costs of physical pain and quality of life differences for those involved in the crashes. The values assigned to crashes helped in evaluating the potential cost savings resulting from the reduction of crashes because of roadway improvements. The estimated societal cost of the 601 pre-construction crashes was \$51.3 million. The estimated societal cost of the 363 crashes during the three year study period post construction was \$40.6 million. This is an estimated savings of \$10.7 million over the three-year period following construction, or \$3.6 million annually.

Conclusions

The changes that Sandy City made to the 1300 East corridor, including raised center medians, intersection and signal improvements, street lighting, updated retroreflective signs, striping, road widening, and additional sidewalks, were successful in improving the safety for users. An average of 79 fewer crashes occurred per year—a decrease of 40 percent. The number of crashes that occurred in the areas of concern were reduced by 38 percent per year; all crash types were reduced as well. Severity crash rates decreased by an average of 41 percent per year, with the lower severity level crashes showing the greatest decrease.

Sandy City plans to make additional safety improvements to the corridor to reduce crashes in the new areas of concern and the areas that remained a concern. Programmed improvements include installing dilemma zone detection to reduce front-to-rear crashes at all signalized intersections, changing the northbound/southbound left-turn permissive/protected signal phasing to protected signal phasing to reduce the number of left-turn angle crashes at the Forbush Lane, 8600 South, Ridgemark Drive, and Segó Lily Drive intersections, installing a pedestrian bridge from the library to the middle school and removing the traffic signal at Buttercup Drive, and installing a traffic signal at the 1300 East and the shopping center entrance to reduce crashes. By applying crash modification factors to those particular types of crashes affected by the installation of the programmed improvements, crashes along the corridor are expected to be reduced by 42 per year, an estimated savings of approximately \$6.2 million annually during a 10-year period. itej

References

1. Utah Department of Transportation (UDOT). *Operational Safety Report Manual*. Salt Lake City, Utah, USA: UDOT, 2014.
2. Blincoe, Lawrence, Ted R. Miller, Eduard Zaloshnja, and Bruce A. Lawrence. "The Economic and Societal Impact of Motor Vehicle Crashes." Washington, DC, USA: National Highway Traffic Safety Administration, 2015.



Ryan Kump, P.E. has worked for Sandy City, Utah, USA since 2002, and as the city transportation engineer since 2006. He has managed multi-million dollar construction projects and understands the needs and costs of infrastructure, particularly as it applies to roadways and utilities. Ryan currently plans, reviews, and coordinates both short- and long-term transportation elements for the city. This includes private development, capital improvement projects, and joint projects with other various public entities. Ryan was an ITE Utah Chapter officer from 2009 to 2013 and was instrumental in overseeing the creation of an award-winning website for the chapter. He is a member of ITE.



Ryan Nuesmeyer, P.E. has worked as a transportation engineer for Project Engineering Consultants since 2013. Prior to working in consulting, Ryan worked with the Utah Department of Transportation in a variety of roles. He has extensive experience with both traffic and crash data analysis and has also managed numerous roadway, intersection, utility, and signal design transportation projects throughout Utah. Ryan earned his bachelor and master of science in civil engineering from the University of Utah with an emphasis on transportation engineering and project management.



Kelly Harris, P.E., PTOE has 30 years of experience as a traffic engineer. He has prepared countless traffic analyses, traffic control plans, and maintenance of traffic plans. Kelly's experience with traffic analysis includes determining lane configuration requirements to meet future traffic demands at intersections and evaluating traffic patterns. He also has experience analyzing historical crash data to identify crash patterns and recommending acceptable mitigation measures to improve traffic safety.



Kelly Hanks has been writing and editing technical articles and documents for 11 years. She is the technical editor for Project Engineering Consultants, editing and writing proposals, articles, reports, and other engineering-related documents. She graduated with a bachelor of science degree in print journalism and will soon receive her master of science degree in professional writing from Utah State University.

Appendix 13

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

	Land Use Categories	Space Requirements
Restaurants	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).

Public Uses	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

Industry	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

Special Review	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	

Michael Wilcox - Concerning on Rezoning at 1420 East Segó Lily Drive

From: Simon Xiong <simonxxiong@gmail.com>
To: <mwilcox@sandy.utah.gov>
Date: 7/16/2016 3:24 PM
Subject: Concerning on Rezoning at 1420 East Segó Lily Drive

Dear Sir/Madam,

I am the owner of 10310 Calla Lily Way (approximately 1500 E, 10310 S). I would like to say no to the request - rezoning the property at 1420 East Segó Lily Drive to a commercial use. The property is so close to my property, the commercial use, such as restaurant, would definitely destroy the current safe and quiet circumstance in our community.

Please consider my concerns while making the decision.

Best regards

Simon Xiong

Doug Wheelwright - Fwd: 1420 East Sego Lily Drive proposed zoning change

From: Michael Wilcox <mwilcox@sandy.utah.gov>
To: <DWheelwright@SANDY.UTAH.GOV>;
 <DWheelwright@SANDY.UTAH.GOV><JGerber@SAN...>
Date: 5/18/2016 9:44 PM
Subject: Fwd: 1420 East Sego Lily Drive proposed zoning change

Please add to the other comments received and give to the PC. Thanks!

Mike Wilcox
 Long Range Planning Manager
 Community Development
 Sandy City

Sent from my iPhone

Begin forwarded message:

From: "william tanner" <wktanner2010@gmail.com>
Date: May 18, 2016 at 9:30:57 PM MDT
To: "Michael Wilcox" <MWilcox@SANDY.UTAH.GOV>
Subject: 1420 East Sego Lily Drive proposed zoning change

Dear Sir - I am a resident of the Buttercup Village division less than 1 block away. We (my family and I) are strongly opposed to the proposed zoning change. I cannot attend the meeting tomorrow due to other commitments that I could not change as I was notified by mail on the 17th. Please read this or have it attached to the other materials supplied to the planning commission.

Our opposition is based on the following:

- 1 - Insufficient parking. The proposed map contains no significant parking. Traffic already lines the street by my home and several others for the Sego Lily Gardens several Saturdays during the summer.
- 2 - pollution from cars. Assuming parking is not added or sufficient, cars will now be idling and parking less than a dozen feet from several homes in a residential neighborhood.
- 3 - sound pollution. You will have crowds (if it is successful) again, directly behind the homes on Eagle Cliff. I do not think the curb value of those homes will appreciate or be appealing to home buyers who will be told that people are communicating across parking lots until the late evening 6 to 7 nights a week. Cars will be pulling in during these hours as well. Have you cross checked the applicable City ordinances that may or may not apply or addressed the hours of operation?

4 - lack of information. As set forth above, are we rezoning without information about the restaurants size as the widest usable point is only about 140 feet and rapidly thins to the South. We have no information on the hours. What potential liquor licenses will be applied for? All the other business that are near the neighborhood are separated by a road and all those (including the liabrary and medical facilities) close no later than 9:00.

5 - Have Sandy and the County considered the residential value and tax implications? I will spend the \$250 if the restaurant is put in to check my property value and the effects and will, if necessary ask for my tax burden to be reduced and if extreme look into whether we have a right to make an eminent domain claim against the City and County if the values are affected significantly.

There is a large area to the West near the new medical buidlings that is larger, had more ample parking area and is separated from the residential area. Let them ask for that area.

Respectfully,

Kevin Tanner

Michael Wilcox - Re: Fratelli Rezone

From: Jacob Ballstaedt <Jacob@garbetthomes.com>
To: Michael Wilcox <MWilcox@SANDY.UTAH.GOV>, "Sorensen, James"
<JSORENSE@SAN...>
Date: 5/17/2016 8:55 AM
Subject: Re: Fratelli Rezone
Cc: Jenny Ballstaedt <Luckyjpm@gmail.com>
Attachments: ATT00001.bmp

Mike

Thanks, I think this looks nice. I really like the location of the loading area.

JACOB BALLSTAEDT

Land Acquisition and Entitlement,
MRED

C: [801-455-5131](tel:801-455-5131)
garbetthomes.com

From: Mike Wilcox <mwilcox@sandy.utah.gov>
Date: Tuesday, May 17, 2016 at 8:45 AM
To: James Sorensen <jsorensen@sandy.utah.gov>, Jacob Ballstaedt <jacob@garbetthomes.com>
Cc: Jenny Ballstaedt <Luckyjpm@gmail.com>
Subject: Re: Fratelli Rezone

Jacob,

Thanks for your inquiry. See the attached staff report that we have prepared. Included in that is a concept site plan.

We have not requested a TIS for this project. In the opinion of our Transportation Engineer, one is not warranted with this request as the impact to the overall system would be minimal.

If you have further questions, please let me know. I'll be out of town the next few days on a work trip, but I will be checking my email while I'm away.

Mike Wilcox
Long Range Planning Manager
CDBG Program Administrator
Phone [\(801\) 568-7261](tel:(801)568-7261)
Fax [\(801\) 568-7278](tel:(801)568-7278)
mwilcox@sandy.utah.gov



>>> Jacob Ballstaedt <Jacob@garbetthomes.com> 5/16/2016 10:43 PM >>>
James and Mike

I received a notice of a rezone in my neighborhood. The property is located at 1420 East Segó Lily Drive. I live at 10288 Eagle Cliff Way. My wife has been hearing comments from the neighbors, all of the comments have been negative so far. I am not opposed to the rezone, but would like to learn more. What are your thoughts on the rezone? Do you have a site plan, if so please send it to me. Do they have good ingress and egress? Do you have a traffic study that you can send me? Turning left from Eagle Cliff onto Segó is a bit of challenge, it will also be difficult for the restaurant. Can you also send me the contact info of the applicant? I would like to see the property developed, this may be as good as other possible uses.

Thanks

JACOB BALLSTAEDT
Land Acquisition and Entitlement,
MRED

C: [801-455-5131](tel:801-455-5131)
garbetthomes.com

Michael Wilcox - David Cannell with Fratelli Ristorante rezoning request

From: Niss Boogaard <coopergirl07@gmail.com>
To: <mwilcox@sandy.utah.gov>
Date: 5/11/2016 2:55 PM
Subject: David Cannell with Fratelli Ristorante rezoning request

To whom it may concern;

We have seen and studied this request out in our minds and we just cannot get behind it and support it. There is a strip mall that the smiths is located in, that has constant turnover, and enough food locations to suffice for the area. We don't feel that the rezoning of this land will be a benefit to the neighborhood by adding MORE traffic, MORE food locations, and no proof he can make this restaurant a thriving one. Where will he park all the cars? Where will he even put the restaurant?? The hill is long and narrow and on a slant. How will the city combat the cars and traffic that a new restaurant will possibly bring in?

There is also a strip mall that was demolished just a couple blocks away to the south that is now starting to be built back up. Why is rezoning a residential area even on the agenda when there is a perfectly good location that NEEDS building up and beautifying within a 1/2 mile of the location in question?

We would encourage you to look very hard at this request as it has no benefit to the neighborhood, it just causes more congestion for an already congested street, and there are other options for mr. Cannell to consider that are already zoned to his liking just blocks away.

Thank you,

Annisa Boogaard
coopergirl07@gmail.com

Michael Wilcox - RE: FW: 1420 Segó Lily rezóne - Public Meeting Notice

From: Daniel Rondeau <daniel@sagefa.com>
To: Michael Wilcox <MWilcox@SANDY.UTAH.GOV>
Date: 5/12/2016 9:21 AM
Subject: RE: FW: 1420 Segó Lily rezóne - Public Meeting Notice

Thank you Mike.

Daniel

From: Michael Wilcox [MWilcox@SANDY.UTAH.GOV]
Sent: Thursday, May 12, 2016 9:14 AM
To: Daniel Rondeau <daniel@sagefa.com>
Subject: RE: FW: 1420 Segó Lily rezóne - Public Meeting Notice

Daniel,

Attached is the report that will go out to the Planning Commission this Friday. The Planning Commission meeting will be on May 19th at 6:15 PM (see the attached notice).

Regarding the notice, this item has been properly noticed meeting all requirements by law. In the notice, we use the approximate address that the SL County records indicate, which is 1420 E Segó Lily Drive. Because this property has not been subdivided or developed, the city hasn't yet assigned an official address. The county temporarily assigns an approximate address on vacant parcels like this. We attach a map to clearly illustrate the property in question. When the property is developed, the address will be officially assigned by the city to accurately reflect the proper east coordinate in the grid.

In reviewing the previous rezóne file, we did extend the notice beyond the required radius of 300 feet. It wasn't a set radius of 1000' but it did extend to the neighborhoods to the east. We have sent out additional notices to the same set of properties as were previously noticed.

Please let me know if you have further questions.

Mike Wilcox

Long Range Planning Manager

CDBG Program Administrator

Phone [\(801\) 568-7261](tel:8015687261)

Fax [\(801\) 568-7278](tel:8015687278)

mwilcox@sandy.utah.gov



>>> Daniel Rondeau <daniel@sagefa.com> 5/11/2016 10:36 AM >>>

Hi Mike:

Thanks for the response. Just wanted to check in and see if the staff report will be available today. Also, wanted to check on the meeting date? Finally, I would like to inquire about having the notice of the rezone hearing expanded to 1,000 feet instead of the 300 feet that was presently noticed. The larger notice area was used in 2013 when the Maverik was proposed on the corner of Segoe Lily and 13th East.

Further, perhaps not totally related, I notice the property address is listed as 1420 E.. However, that numbering seems off. The street sign just to the east for Eagle Cliff Way says 1410 East on it. Likewise, directly across the street is 1393 E. I do wonder if the address has caused some confusion with the notice because with the street sign indicating 1410 E the initial thought would be that the proposed area is further east. Given the ambiguity, that could perhaps be an issue with proper notice.

I look forward to your response and the staff report.

Thanks,
Daniel

From: Michael Wilcox [<mailto:MWilcox@SANDY.UTAH.GOV>]
Sent: Monday, May 02, 2016 11:43 AM
To: Daniel Rondeau <daniel@sagefa.com>
Subject: Re: FW: 1420 Segoe Lily rezone - Public Meeting Notice

Daniel,

I apologize for my lack of response to your previous. I do remember your email and I thought I had responded to it. Obviously, I failed to do so.

We received the application to request a rezone from the property owner just last week. It has been noticed and scheduled for a public meeting on May 18th. We won't have a staff report completed until next Wednesday (5/11) at the earliest.

In the meantime, let me know if you have any questions.

Mike Wilcox
Long Range Planning Manager

CDBG Program Administrator

Phone [\(801\) 568-7261](tel:8015687261)

Fax [\(801\) 568-7278](tel:8015687278)

mwilcox@sandy.utah.gov



>>> Daniel Rondeau <daniel@sagefa.com> 5/2/2016 10:18 AM >>>

Hi Mike:

I never received a response to the below email I sent a month ago, I am again following up, I understand a public meeting has not been scheduled for this rezone. I would like to get a copy of the Community Development Departments memorandum or other materials prepared that detail the history related to the property as well as any recommendations for or against the rezoning.

Thank you,
Daniel

From: Daniel Rondeau
Sent: Friday, April 01, 2016 9:54 AM
To: 'Mwilcox@sandy.utah.gov' <Mwilcox@sandy.utah.gov>
Subject: 1420 Sego Lily rezone

Hi Mike:

I understand there a rezone proposal for the above property. That is adjacent to the Hearthstone HOA community of which I am a Board member and we have been asked to look into this. Would you kindly send me a copy of the rezone application and any other pertinent materials related to the analyses and recommendations for this property both presently and in connection with any past rezoning.

Thanks,
Daniel

Daniel T. Rondeau
Shareholder
Sage Forensic Accounting, Inc.

Office: [801.531.0400](tel:8015310400)
Direct: [801.303.7824](tel:8013037824)
Cell: [801.232.2624](tel:8012322624)

For office address and phone number please visit sagefa.com.

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Michael Wilcox - Re: David Cannell request to rezone property behind Hearthstone subdivision to commercial use

From: Paula <paulal@live.com>
To: Michael Wilcox <MWilcox@SANDY.UTAH.GOV>
Date: 5/3/2016 9:13 AM
Subject: Re: David Cannell request to rezone property behind Hearthstone subdivision to commercial use

Thank you!

Again, I appreciate all the help learning about the process. The neighbors I am sharing this with do as well, and we will distribute this information to the entire community.

Paula Lowery

From: Michael Wilcox <MWilcox@SANDY.UTAH.GOV>
Sent: Tuesday, May 3, 2016 9:07:26 AM
To: Paula
Subject: Re: David Cannell request to rezone property behind Hearthstone subdivision to commercial use

Ms. Lowery,

I'm happy to help and it's not a bother in any way. It's part of our job to do so.

It is also our job as staff to provide our professional recommendation to the decision making bodies on these requests and do not remain neutral. Any development (both commercial and residential) will generate impacts to varying degrees that will require some form of mitigation. Even vacant land can have it's own set of impacts and issues. The land development codes were adopted by the City Council to help minimize and mitigate these potential impacts generated by development and balance the rights of all property owners.

Please keep in mind that our initial staff recommendation is just the beginning of the process and in no way is the outcome predetermined. The public hearings are held for a reason, and it's not just to go through the motions. They are held to gather that public input and new information. It's not put to a vote by those attending the meetings, but it's to gather information for the appointed and elected bodies. Those decision making bodies then have the responsibility weigh all of that information provided by staff and the information received in these public hearings to then make an informed decision.

Also, in response to questions relating to code compliance, you should report any incidents of non-compliance to our Code Compliance Division. They will then work with the responsible parties to bring them into compliance. Please contact Amy Anderton ([801-568-7254](tel:801-568-7254), aanderton@sandy.utah.gov) to report the problems you are experiencing.

Mike Wilcox
Long Range Planning Manager
CDBG Program Administrator
Phone [\(801\) 568-7261](tel:(801)568-7261)
Fax [\(801\) 568-7278](tel:(801)568-7278)
mwilcox@sandy.utah.gov



>>> Paula <paual@live.com> 5/3/2016 8:34 AM >>>

Thank you, Mike, for addressing some of the concerns and explaining the process.

I understand that it was Mr. Cannell's decision and risk to purchase the land prematurely. I do believe that the positive response from the staff, which you acknowledge, that the restaurant is a good choice/fit for the property had an influence. I would have expected the process to be more neutral until the impacted community had an opportunity to have concerns heard.

I'm grateful to know that you understand that the traffic, lights, etc. are issues that will indeed worsen with a restaurant on that lot. Mitigating issues just means they will still be worse, just not as bad as they would be without controls. So it is still going to be a negative. We people east of the strip mall have ongoing issues with delivery trucks, disposal trucks, etc in the very early morning hours, despite rules in place. That's what I meant by what recourse do residents have after a business is operating?

This is a frustrating experience. A restaurant is disappointing due to the very long and late hours. We had always anticipated if anything commercial went in it would be a medical office of some kind, similar to what is north of us, with regular business hours. I do appreciate knowing that we will have further opportunities to address concerns, and want to thank you for responding. You provided some good information which I passed on to others in the community.

I've taken enough of your time. I do want to thank you again,

Paula Lowery

From: Michael Wilcox <MWilcox@SANDY.UTAH.GOV>

Sent: Monday, May 2, 2016 3:34 PM

To: Paula

Subject: Re: David Cannell request to rezone property behind Hearthstone subdivision to commercial use

Ms. Lowery,

Thank you for your comments. I will forward these on to the Planning Commission for their review.

I would be happy to provide some answers to your questions in advance of the May 18th meeting.

First off, let me assure you that there is no secret deal with the applicant to have approved this request in advance. Their decision to purchase the land in spite of needing several approvals to do the restaurant, was theirs alone. They certainly took a risk in completing the purchase. Staff had recommended that they not purchase the land until the necessary approvals were granted and were advised of the steps necessary to pursue the restaurant on the site. It is incorrect to assume that because they went ahead and bought the land, that they were given any pre-approval from staff or anyone in the city.

As far as process for the applicant to obtain the rezone approval, the first step was the neighborhood meeting. We have the minutes from the meeting as were provided by the Community Coordinator (whom is a resident volunteer). The next step is to go before the Planning Commission (this is a group of resident volunteers appointed by the Mayor and City Council). They will review it and make a recommendation to the City Council. The City Council will then be the deciding body on the matter. During those meetings, you can voice these concerns with them directly. They will take them into consideration as they make a decision.

There are built in controls within the development code that will address some of the concerns you listed such as lighting, business hours, noise, screening, etc. The site will have to be designed and built to meet the criteria listed in the development code, so that the concerns you raised don't create an unmitigated and detrimental impact to surrounding properties. Because of those controls and mitigations of impacts, staff is likely to recommend approval of this application. It is the staffs opinion that this land use could work for this location and that the associated impacts can adequately be mitigated. But don't confuse a recommendation from Staff as a pre-arranged approval. The Planning Commission and City Council sometimes don't agree with our recommendation. That is why we have this is a review process and it is not up to one person or group, but is vetted through several. No final decisions are made until the process has been completed.

Hopefully this helps address some of your concerns and questions.

Mike Wilcox
Long Range Planning Manager
CDBG Program Administrator
Phone [\(801\) 568-7261](tel:8015687261)
Fax [\(801\) 568-7278](tel:8015687278)
mwilcox@sandy.utah.gov



>>> Paula <paulal@live.com> 5/1/2016 8:20 PM >>>

Mike Wilcox, Long Range Planning Manager
Sandy Community Development

Hi Mike,

I am writing in response to the notice to meet May 19th regarding David Cannell's request to rezone vacant land behind the subdivision where I live to commercial zoning so he can build a restaurant. Your email was given for those of us that had concerns, so here it goes.

The Cannells invited the Hearthstone residents to a meeting on April 17th. An invitation was sent that said the meeting was being held "*so you can meet the owners of Fratelli Ristorante and give input, comments, and feedback regarding the proposal.*" I was out of town, but my neighbor attended and said that information was provided, drawings were shown, and an announcement was made that the Cannells had already purchased the land based on the positive response they received from the Development Department.

That is a real concern. It gives the appearance that this deal has already been approved, and the city is just going through the motions having the upcoming meeting for the residents. I would like that addressed at the May 19th meeting.

The issues that were brought up to the Cannells, and which I want to share with you to pass along, were with the lighting, the traffic, the noise, the business hours, the alcohol license, and someone mentioned a possible decrease in our water pressure. The only response I am aware of was regarding the lighting. The attendees were told that they would utilize low impact lighting for the project. OK, that's like calling torture enhanced interrogation. It sounds good, but it is what it is. There will obviously be lighting, and the four homes behind the planned restaurant will obviously experience the lighting. We are just supposed to believe it will not be noticeable? I am guessing it was the same for the other concerns since I didn't hear of any concrete answers.

The take away was that they heard the concerns, there is nothing to worry about, and the planning people love it, so we already bought the land.

My main purpose in sending this is to note that as a licensed real estate agent I usually drive by homes before I show them. That way, if it turns out they are next door, or abut commercial property, say a restaurant (this has happened), then I can take a picture and see if the client wants to still go through the house. They never do when looking for a suburban home. It would likely be different in a more urban area. I think this is very unfair to the people who are directly east of the parcel, it will negatively impact their values which will in turn impact the subdivision.

There is a lot of vacant commercial property at the strip mall already. Why change the zoning for land that has been a buffer between the commercial property and our homes

when Sandy isn't filling the commercial which currently exists? I don't think putting commercial property in our backyards is fair or right. I would not have purchased my home here had that land been zoned commercial.

I hope that at the May 19th meeting someone from Sandy Development Department will explain to us what recourse we would have if they approve the restaurant and we are negatively impacted.

Thank you for your attention. Sign me a disgruntled suburbanite,
~ Paula Lowery

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.....
.....

Doug Wheelwright - Fwd: Segó Lily Drive Zoning Change (Fratelli's Restaurant)

From: Michael Wilcox <mwilcox@sandy.utah.gov>
To: <DWheelwright@SANDY.UTAH.GOV>;
 <DWheelwright@SANDY.UTAH.GOV><JGerber@SAN...>
Date: 5/19/2016 9:27 AM
Subject: Fwd: Segó Lily Drive Zoning Change (Fratelli's Restaurant)

Doug, add this one as well

Mike Wilcox
 Long Range Planning Manager
 Community Development
 Sandy City

Sent from my iPhone

Begin forwarded message:

From: "Steven Orgill" <sorgill@gmail.com>
Date: May 18, 2016 at 10:17:12 PM MDT
To: "Michael Wilcox" <MWilcox@SANDY.UTAH.GOV>
Cc: "Michele Orgill" <mmorgill@gmail.com>
Subject: Segó Lily Drive Zoning Change (Fratelli's Restaurant)

Hello,

I am writing with regard to the proposed zoning change to allow building a Fratelli's Restaurant on Segó Lily Drive. My family (wife, two kids, and myself) live in the adjacent Hearthstone neighborhood at 10265 S Eagle Cliff Way. We are strongly opposed to rezoning to allow a restaurant due to the adverse impacts in the evenings and on weekends. A much more appropriate, and neighborhood friendly use would be for medical office buildings like the new buildings across the street. Office buildings have limited neighborhood impact outside of business hours unlike a restaurant. I would strongly encourage Fratelli's to consider locating on the corner of 13th East and Segó Lily Drive or in one of the vacant spaces in the strip mall adjacent to where they would like to build.

Thanks for considering our input.

Steve & Michele Orgill (plus two school age kids and two dogs)
 10265 S Eagle Cliff Way
 Sandy, UT 84092
[801-415-9946](tel:801-415-9946) home