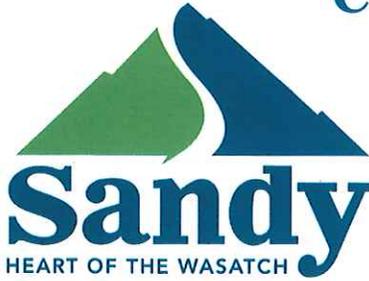


Community Development Department



Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

Michael G. Coulam
Director

CITY COUNCIL AGENDA & ACTION REQUEST

TITLE: Victoria Woods Townhomes Rezone - ZONE-8-16-5110

Date of Request: October 17, 2016

Requesting Department: Community Development

Contact Employee: Mike Wilcox, Long Range Planning Manager

Telephone: 801-568-7261

Approved Agenda Date: October 25, 2016

Nature of Request: Armando Alvarez is requesting to rezone approximately 0.86 acres from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District – Historic Sandy" to the MU "Mixed Use District". The subject property is located at 668 & 660 East Locust Street. The resulting application of zoning would allow for a proposed townhome development on the subject property.

Brief History of Prior Recommendations: Staff recommended to Planning Commission that the proposed rezoning be approved. On **September 15, 2016**, the Planning Commission unanimously recommended to the City Council to rezone the subject property from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District - Historic Sandy" to the MU "Mixed Use District".

Proposed Motion for Action:

1. That the subject property, located at approximately 668 & 660 East Locust Street, be rezoned from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District - Historic Sandy" to the MU "Mixed Use District" based on the three findings shown in the staff report.
2. To adopt ordinance #16-39 to rezone the subject property from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District - Historic Sandy" to the MU "Mixed Use District".

Attachments:

Action Document

Additional Detail, Info., Reports

Planning Commission Minutes

Resolution

Ordinance Exhibits

Annexation Policy

VICTORIA WOODS TOWNHOMES REZONING

ORDINANCE #16-39

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 0.86 ACRES FROM THE BC "BOULEVARD COMMERCIAL DISTRICT" AND THE R-1-7.5(HS) "SINGLE-FAMILY RESIDENTIAL DISTRICT- HISTORIC SANDY" TO THE MU "MIXED USE DISTRICT", LOCATED AT APPROXIMATELY 668 AND 660 EAST LOCUST STREET; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, Utah, finds and determines as follows:

1. Pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land.

2. A request has been made for a change of zoning on the below described property.

3. The Planning Commission held public hearings on September 15, 2016, which meeting was preceded by notice published in the Salt Lake Tribune on September 1, 2016, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on August 16, 2016; and to review the request for rezoning and has made recommendations thereon to the City Council.

4. The City Council of Sandy City, Utah has held public hearings before its own body on October 25, 2016 which hearing was preceded by publication in the Salt Lake Tribune, on October 15, 2016, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on October 10, 2016; and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations.

5. The rezoning of said parcel will be appropriate, it is in accordance with the General Plan, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be sensitive to the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as follows:

Section 1. Amendment. The zoning ordinance which sets forth the zone districts within Sandy City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property described in **EXHIBIT A** is attached hereto and by this reference made a part hereof, which property is located at approximately 668 and 660 East Locust Street, Sandy, Utah, and is currently zoned the BC “Boulevard Commercial District” and the R-1-7.5(HS) “Single-Family Residential District - Historic Sandy”, shall be zoned to the MU “Mixed Use District”, and the land use map is amended accordingly. The resulting application of zoning would allow for a proposed townhome development on the subject property.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

BC “Boulevard Commercial District”, and
R-1-7.5(HS) “Single-Family Residential District - Historic Sandy”

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

MU “Mixed Use District”

Section 2. Severability. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective Date. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2016.

Stephen P. Smith, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2016.

APPROVED this _____ day of _____, 2016.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____, 2016.

SUMMARY PUBLISHED this _____ day of _____, 2016.

5. Victoria Woods Townhomes Rezone, BC & R-1-7.5 HS to MU
668 & 660 East Locust St. [Historic Sandy, Community #4] ZONE-8-16-5110

Mr. Armando Alvarez requested to rezone approximately 0.86 acres from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District – Historic Sandy" to the MU "Mixed Use District". The subject property is located at 668 & 660 East Locust Street. The resulting application of zoning would allow for a proposed townhome development on the subject property. Mr. Alvarez has prepared a letter requesting the zone change.

The purpose of the Mixed Use zoning is to allow for a mix of specific land uses that are generally mutually exclusive, but could be complimentary if combined in such a way to promote self-sustaining "villages" and walkable neighborhoods. This proposal would add diversity to the housing units in the area and would help add to goal of a walkable village. This could further the redevelopment of the rest of this area identified in the plan to complete the implementation of this envisioned mixed use concept.

Staff recommendation:

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 668 & 660 East Locust Street, from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District – Historic Sandy" to the MU "Mixed Use District" based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.
2. The proposed rezoning is in compliance with the future land use designation and the goals and policies of the Historic Sandy Neighborhood Plan.
3. That the proposed rezoning will have no unmitigated negative impacts on the surrounding properties or the area as a whole.

Mike Wilcox presented this item to the Planning Commission.

Armando Alvarez, 10295 Bedrock Lane, Sandy, applicant, stated that when they finished developing Victoria Woods, they had roughly half an acre remaining. They contacted the owner of 660 East Locust Street several months ago to see if he wanted to sell his back yard and keep their development going. When he went back to see that homeowner again, he had sold the home to some gentlemen who were planning on doing an Indian restaurant. They bought 660 East and 668 East. He explained that they looked for the best use for the site and believed it would be best as a townhome development. After several meetings, they have come up a 17 townhome project. He stated that at the meeting that they had with the Community Coordinator, they had two families who live on 630 East who were concerned about traffic. He also stated that he met with Mike Goldberg, the owner of the nursery, and had some concerns about lighting and the large

Planning Commission Minutes
September 15, 2016
Page 10

fans in the greenhouses, because those things may be of concern to the residents. He briefly reviewed the townhome development.

Mike Wilcox commented that the corner is master planned under a mixed use development scheme. That was implemented first with the first phase of the Victoria Woods apartments. The second phase was initially proposed on the property that was sold to CVS and this would be an extension of that, which is in compliance with the Master Plan for the area and would provide a buffer as well, even if these properties do redevelop. It will likely be some type of commercial use along that frontage. There still could be a vertical mixed use component along there, but it would provide a step-down approach from the more intense development along 700 East and 9000 South.

Chairman Jared Clayton opened this item to public comment.

Michael Goldberg, 2029 Lincoln Circle, owns Marvin Gardens Nursery and the property and borders this on 2 sides, stated he has met with Armando and believes that he is nice, but he opposes the rezone because it is not a good fit for the residents. He stated that he has a location in Taylorsville where they have placed five houses close to his green house. The residents don't like the security lights, the noise from the heaters, and the fans. He also reported that they have been broken into. In his experience, the residents will be unhappy.

Doug Graves, 8845 South 630 East, Sandy, stated that the general consensus with the neighbors on that street is that they are okay with the development. His concern right away was that the residents have access from the apartments in the neighborhood as a shortcut. He stated that they didn't have a problem with what he was building, but wanted to stop the through traffic.

Jerry Jorgenson, 8842 South 630 East, Sandy, stated that he has lived there for 60 years and believes that this proposal will have all of the people come out onto Locust from the apartments.

Armando Alvarez commented that the Victoria Woods project is a 55 and over residential development and they have plenty of access to 9000 South and 700 East from their location. He stated that their average resident is a 68-year old widow. He believes this issue can be addressed by doing a traffic study. He believes that given today's technology, they can work with the lights.

Mr. Graves commented that if there are only going to 2 vehicles and the average resident is a 68-year old widow, then why are they going to have a through street.

Chairman Jared Clayton responded that the Fire Department needs a through street.

Mike Goldberg, stated that when the houses when in by their place in Taylorsville, they were given a disclosure and specifically told about the lights.

Chairman Jared Clayton closed this item to public comment.

Scott Sabey recused himself from this item.

Commissioner Cheri Burdick commented that she believes the buyer sees what they are purchasing and it is up to them if they choose to put it in a disclosure and have it recorded.

Commissioner Joe Baker commented that he believes the mixed use seems appropriate for that area. The other issues will have a date in the future to be discussed.

Commissioner Joe Baker moved that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 668 & 660 East Locust Street, from the BC and the R-1-7.5(HS) to the MU "Mixed Use District" based on the three findings in the staff report.

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

**6. Thornblad Rezone, R-1-8 to R-2-8
294 East 9400 South [Community #5] ZONE-8-16-5120**

Mr. Steve Williams and Mr. Kurt Michelsen, with SAW Enterprises, requested to rezone approximately 0.97 acres from the R-1-8 "Single-Family Residential District" to the R-2-8 "Two-Family Residential District". The subject property is located at 294 East 9400 South. The resulting application of zoning would allow for a proposed twin home development of 4 lots and 8 units on the subject property. Mr. Steve Williams and Mr. Kurt Michelsen have prepared a letter requesting the zone change.

While bordered by single-family homes on 3 sides, this property is isolated from the surrounding subdivisions. It's also fronting a major collector road in 9400 South. This type of situation lends itself for the property to be rezoned to something different than the properties around it. Attached single-family housing can be a good land use in these situations.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 294 East 9400 South, from the R-1-8 "Single-Family Residential District" to the R-2-8 "Two-Family Residential District" based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.



Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

Michael G. Coulam
Director

MEMORANDUM

September 8, 2016

To:	City Council via Planning Commission	
From:	Community Development Department	
Subject:	Victoria Woods Townhomes Rezone [BC & R-1-7.5 HS to MU]	ZONE-8-16-5110
	668 & 660 East Locust Street	0.86 Acres
	[Historic Sandy, Community #4]	

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

REQUEST

Mr. Armando Alvarez is requesting to rezone approximately 0.86 acres from the BC "Boulevard Commercial District" and the R-1-7.5(HS) "Single-Family Residential District – Historic Sandy" to the MU "Mixed Use District". The subject property is located at 668 & 660 East Locust Street. The resulting application of zoning would allow for a proposed townhome development on the subject property (see attached concept plan). Mr. Alvarez has prepared a letter requesting the zone change (see attached).

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 June 8, 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 concept plan of the townhomes.

BACKGROUND

The subject property is bordered on the west by single-family residential (R-1-7.5 HS) and the Victoria Woods Senior Apartments (MU), on the north by the Post Office (BC & R-1-7.5 HS), and on the east and south by existing commercial uses (BC) (see zoning map).

This area was identified in the Historic Sandy Neighborhood Plan as a site that could support mixed use development. This Plan includes the area of this proposed rezoning. The northwest corner of 9000 South and 700 East was specifically called out in the plan as an

area suitable for mixed use, including residential units, allowing residents to have shopping, recreation, and transportation access close to their homes.

Portions of the area have been redeveloped and implemented this plan goal to create a mixed use district. The Victoria Woods Apartments were developed under the MU Zone. The recently completed CVS Pharmacy has also been erected on this corner of 9000 South and 700 East.

ANALYSIS

The purpose of the Mixed Use zoning is to allow for a mix of specific land uses that are generally mutually

exclusive, but could be complimentary if combined in such a way to promote self-sustaining “villages” and walkable neighborhoods. This proposal would add diversity to the housing units in the area and would help add to goal of a walkable village. This could further the redevelopment of the rest of this area identified in the plan to complete the implementation of this envisioned mixed use concept.

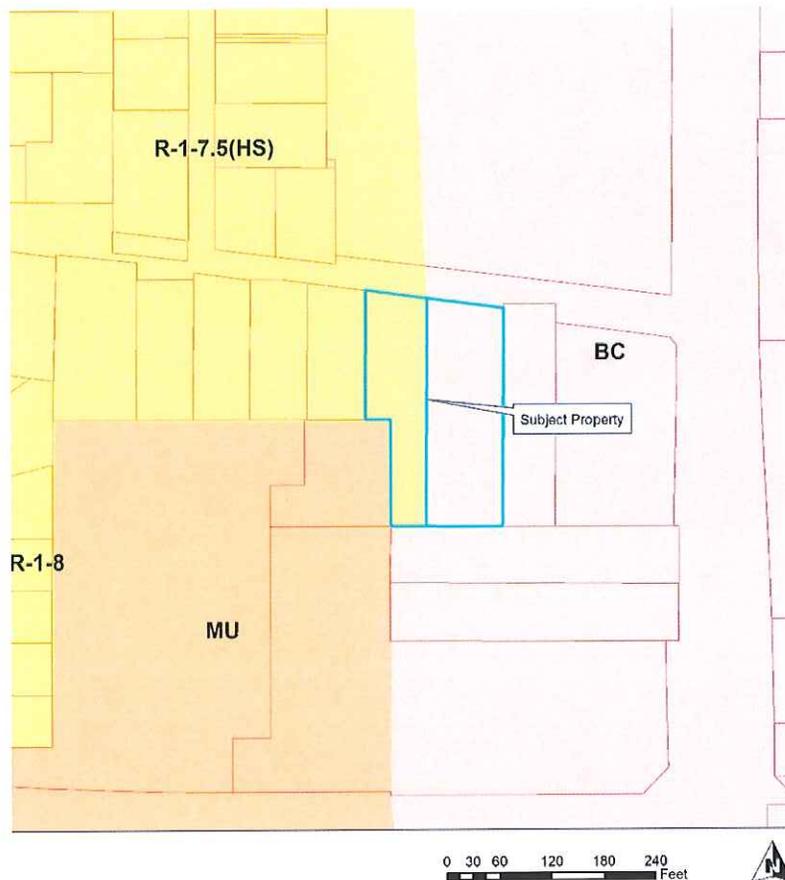
The requested change is in compliance with the City’s General Plan and the Historic Sandy Neighborhood Plan. The following Goals and Policies are examples of how this rezoning may fulfill the overall objective of the General Plan: enliven the area. It is important to remember that this plan was written based on the input and review of a steering committee that included members of the Historic Sandy Neighborhood.

The requested change is in compliance with the City’s General Plan and the Historic Sandy Neighborhood Plan. Staff believes that the resulting zone change would be compatible with the surrounding area. 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 – Housing - Subdivisions

Goal 2.0 – Discourage Sprawl and excessive consumption of land

Goal 4.0 – Provide housing for people in all life stages and incomes



The following Goals and Policies from the adopted Housing Element, are examples of how this rezoning may fulfill the overall objective of the General Plan:

1 – Goals – Quality Growth

Goal 1.4 – Ensure a range of housing options to accommodate an aging population and growth trends

1.4.1 Encourage the consolidation of vacant and redevelopable parcels to better accommodate the development of senior and other multi-family and mixed-use projects

1.4.2 Sites designated for new residential development should have adequate public utilities and facilities and be located near existing or future amenities appropriate for the projected population, including transit options

The characteristics of the Historic Sandy Neighborhood are important to the City and mixed use developments that are compatible with this area are an excellent way to buffer this neighborhood from the surrounding main transportation corridors and the commercial development. The use of townhomes for these parcels would also introduce new housing types and opportunities in this area.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 668 & 660 East Locust Street, from the BC “Boulevard Commercial District” and the R-1-7.5(HS) “Single-Family Residential District – Historic Sandy” to the MU “Mixed Use District” based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.
2. The proposed rezoning is in compliance with the future land use designation and the goals and policies of the Historic Sandy Neighborhood Plan.
3. 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:



660 and 668 East Locust Rezone

I am hereby formally requesting a Rezoning of the properties located at 660 and 668 East Locust to Mixed-Use. The request is partially based on the reasons below.
The rezone requested is in compliance with the Historic Sandy Neighborhood Plan.
The Rezoning will allow for a 17unit townhome project to be developed on the property which is in the spirit of the Mixed-Use Zone.
The proposed project will enhance the area and provide badly needed more affordable "for sale" product in the city.

YUBARAJ SAPKOTA

A-19

08-12-2016

SANTA RAI

[Signature]
08/14/16

[Signature]

8-14-2016

August 11, 2016

Re: Authorization

To: Mike Wilcox, Sandy City

Dear Mr. Wilcox,

Our names are Santa Kumar Rai, Yubarai Sapkota and Rabi K. Subedi. We are the Members of Kantapur One, LLC and we are authorized to sign on the behalf of the LLC. We are the owners of 660 and 668 East Locust Street in Sandy.

This memo is to inform you that we authorize Armando Alvarez to represent the LLC in obtaining all entitlements required for the contemplated project including rezoning, site plan approvals etc.

YUBARAJ SAPKOTA ~~Armando~~ 08-29-16
Member

SANTA K. RAI 
Member

Rabi K. Subedi 
Member

Member

Date: August 20, 2016

To: Sandy City Planning Division

Mike Wilcox

Mayor Tom Dolan

Armando Alvarez

Subject: Victoria Woods Townhomes

Dear Sirs,

We the Sandy residents listed at the end of this letter live on 630 East between 8800 South and Locust Street. Because of the standard of only contacting people within a 300 feet, not all of the property owners on 630 East received the first letter or this notice. That is a concern since this new project that Mr. Alvarez is developing will affect them too.

Our primary concern is that the new development, Victoria Townhomes will drastically increase the traffic on 630 East by providing the tenants of the Victoria Senior Living Complex and the proposed Victoria Townhomes both with the ability to move northbound on 630 East from their proposed residence rather than exiting on 90th South or 7th East.

At the meeting held on August 2nd, Mr. Alvarez proposed a possible solution. If we Dead End the street going into the Victoria Townhomes such as a cull de sac, it should eliminate the traffic from Victoria Senior Center using 630 East as a shortcut, and still allow Victoria Townhomes access to their homes.

We are willing to accept that because it was made plain to us that Mr. Alvarez is intending to move forward with the project.

Our neighborhood and 630 East were never planned to have streets that are very wide at all. Some of these homes are part of the Sandy Historical District and our homes are old. The road is not even conducive to parking on the street at all. A great deal of faster traffic would ruin its appeal and possibly pose a safety hazard.

We appreciate your consideration.

Doug and Donna Griggs
8845 So. 630 E.
Sandy, UT 84070

Barney & Wendy Haet
8850 So 630 East.
Sandy, Utah.

Alisa Crowther
8860 So. 630 E.
Sandy, UT

Argene Jorgensen
8842 S. 630 E.
Sandy, Utah

Reed Jorgensen
8842 S. 630 E.
Sandy, Utah

Susan Merrill
8830 So 630 E.
Sandy Utah 84070

James Merrill
8830 So 630 E
Sandy UT 84070

Synda Crowther
8830 So 630 E.
Sandy UT 84070

Jordan McNeis
8830 So 630 E.
Sandy UT 84070

Hunter McNeis
8830 So 630 E.
Sandy UT 84070

Michael Wilcox - Fwd: Proposed Locust Lane Development

From: Michael Goldberg <mgoldberg4@me.com>
To: Mike Wilcox <mwilcox@sandy.utah.gov>
Date: 8/24/2016 12:51 PM
Subject: Fwd: Proposed Locust Lane Development

Dear Mr. Wilcox:

I received your notice of public meeting regarding the proposed change of zoning for the properties at 668 & 660 East Locust Lane. We own the property bordering the east and south side of the proposed change of zoning and development. We are strongly against the rezoning of this property.

I met with Armando Alvarez regarding his proposed development a couple of weeks ago. Honestly, I was speechless when I saw the site plan. At that time, I wrote a letter to Andrew King which I am forwarding to you below.

We sincerely hope that you will take into consideration the effect putting so many townhouse only 8.5 feet away from the property line will have.

Sincerely,

Mike Goldberg
Quality Flowers & Plants
1046 East 3300 South
SLC, UT 84106

Ph# [\(801\) 347-6079](tel:8013476079)

Begin forwarded message:

From: Michael Goldberg <mgoldberg4@me.com>
Subject: Proposed Locust Lane Development
Date: August 15, 2016 at 10:56:29 AM MDT
To: Andrew King <aking@sandy.utah.gov>

Andrew King
Community Development Senior Planner
Sandy City

Dear Andrew King:

I am writing you regarding the proposed development I was shown by Armando Alvarez for his proposed development of the property north of our greenhouses, Marvin's Gardens on the parcel(s) of land adjoining our property and Locust Lane. Our greenhouses are located at 8938 South 700 East Rear.

His site plan has a proposed 17 townhouse with five (5) of the townhouses only 8.5 feet away from our North property line. Honestly, I was speechless and somewhat stunned when I saw this. Armando wanted to know my concerns and I told him a few of the concerns and also stated that I was a little stunned. Because of the number of homes and the proximity to our property line.

Yesterday, when I met with you in the late afternoon, I told you some of my concerns and I am detailing them further in this letter:

Pesticide Use:

This greenhouse is not a buy and sell operation. We actually grow the plants we sell at that facility and our main facility in Salt Lake City. Consequently, this facility is used as both a commercial and agriculture use with the primary use being agriculture. As such, we use pesticides in our operation. **We follow all of the laws and regulations regarding the use of pesticides. But putting high density of homes only 8.5 feet from the north property line will cause problems and concerns.**

We currently have a similar greenhouse located in Taylorsville. We were in Taylorsville prior to the construction of the homes. Also, the homes were all supposed to be single story homes and the city gave them variances to build two story homes. Those homes are over 100 feet away from the greenhouse and back-up to the commercial strip center next to the greenhouse. There is actually a small park area (open space) directly behind the greenhouse.

Prior to the building of the houses next to our operation in Taylorsville, we used an Ultra-Low Volume Thermal Fogger to apply pesticide at our Taylorsville operation. This allowed us to apply much less pesticide and to apply it less often. The thermal fogger is like a miniature jet engine and very noisy. It only takes a minute or two of actual use to fill the greenhouse with a white smoke.

Shortly after the people moved into the houses, we used the thermal fogger and the noise attracted the attention of the neighbors. The neighbors called the police and the fire department. I had to show the fire department that we used 1/40th the amount of pesticide a person would use to spray a house for roaches. The policeman replied, "Yes - But look at what is leaking out the corner of the roof?" I told him, "That is very small in relation to the volume of the entire greenhouse. Also, there was a light rainfall that was knocking the little escaping to the ground. After some more discussion, he realized it was okay.

After that experience, we no longer use that equipment at the that facility. With the fogger, we used 10 cc or 0.3 ounces. Now we use 4oz. - 8oz. when we spray to cover the whole greenhouse. That is a big difference. But it is quieter.

Noise:

The issue relating to the noise arises with exhaust fans, heaters and alarms. The exhaust fans are used to cool the greenhouse. We have had the neighbors complain about the noise from the fans and we have done our best to reduce that noise to a minimum.

We also have unit heaters inside the greenhouse. But the noise from the unit heaters can not be changed. During cool or cold weather, they will hear the heaters turn on during the cold nights.

As for exhaust fans, they can hear the exhaust fans too. We have had to deal with issues from the neighbors relating to both the heaters and the exhaust fans.

Light:

Every one of the homes near our operation in Taylorsville complained about the lights on the strip center next to them. The lights would not have been a problem. But the city gave all of the homeowners variances to build two story houses. We put shields on the lights and turned down the lights. This has caused it to be quite dark behind the commercial building next to the houses. But we can not do this in Sandy. Because we have already had a problem with burglaries at our Sandy greenhouse. The last burglar did \$26,000 of damage.

Alarm:

The most recent complaint was about the alarm. A couple of weeks ago, I received a call from the police telling me that one of the neighbors complained about the alarm. I told him, "If the kids would stop climbing the fence and setting off the alarm, we would not have a problem." Then I told him that is why we installed more security on the outside portion of the nursery. There is a brick wall with spikes on top of the fence separating the houses from our property. But the kids still climb it. The policeman told me that he happened to be there one time when the alarm went off and there were a couple of kids back there.

The proposal I was shown by Armando Alvarez with 17 units has five of the units only 8.5 feet away from the property line. This is dramatically closer than the individual houses by our Taylorsville location. Additionally, if the units are two stories tall, there will be no obstructions of light or sound waves. Consequently, when a heater or a fan turns on, even a light sound will be annoying. Because they will be so close.

When we last spoke, you told me that you give greater consideration to the property with the lower use. I am asking that you take into consideration that we have been there many years and the reality of what is happening. We use the property in

agriculture. It may seem like a great idea to put five townhouses all in a row next to a greenhouse. But you will create problems relating to pesticides used, noise, light and the alarm.

Thank you for your consideration.

Sincerely,

Mike Goldberg
Quality Flowers and Plants
1046 East 3300 South
SLC, UT 84106

mobile ph# [\(801\) 347-6079](tel:8013476079)