

SUGARCREEK REZONE

ORDINANCE 22-03

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 69.5 TOTAL ACRES FROM A-1 “RESIDENTIAL/AGRICULTURAL DISTRICT”, R-1-8 “SINGLE FAMILY RESIDENTIAL DISTRICT”, AND R-1-20A “SINGLE FAMILY RESIDENTIAL DISTRICT” TO R-1-10 “SINGLE FAMILY RESIDENTIAL DISTRICT”, LOCATED AT APPROXIMATELY 8968 S. 1300 E.; 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 zoning amendment on the below described property.
3. The Planning Commission held a public hearing on April 21, 2022, which meeting was preceded 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 March 31, 2022; and to review the request for rezoning and has made recommendations thereon to the City Council.
4. The City Council of Sandy City, Utah met on May 10, 2022 and May 17, 2022, 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 rezone 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”**, which is attached hereto and by this reference made a part hereof, affects approximately 69.5 acres, located at approximately 8968 S. 1300 E., Sandy, Utah, and currently zoned as A-1 “Residential/Agricultural District”, R-1-8 “Single Family Residential District”, and R-1-20A “Single Family Residential District”, shall be zoned to R-1-10 “Single Family Residential District” to allow the potential subdivision of the property, and the zoning map is amended accordingly.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

A-1 “Residential/Agricultural District”
R-1-8 “Single Family Residential District”
R-1-20A “Single Family Residential District”

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

R-1-10 “Single Family Residential District”

Section 2. Severable. 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. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of _____, 2022.

Marci Houseman, Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2022.

SUMMARY PUBLISHED this ____ day of _____, 2022.

EXHIBIT "A"
(Legal Description)

Parcel #: 28-05-280-005-0000
Address: 8970 S. 1300 E.

BEGINNING ON THE EAST LINE OF GRANITE MESA RESERVOIR TRACT AT A POINT 2024.38 FEET SOUTH AND 1321.57 FEET EAST, FROM THE NORTH QUARTER CORNER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 50°14' EAST 177.24 FEET, TO A POINT OF CURVATURE TO THE RIGHT (RADIUS BEARS SOUTH 39°46' WEST 56 FEET) THENCE ALONG THE ARC OF SAID CURVE 225.03 FEET; THENCE NORTH 50°31'33" WEST 31.61 FEET; THENCE WEST 19.79 FEET; THENCE NORTH 00°07'18" WEST 122.33 FEET; THENCE NORTH 00°07' EAST 14 FEET TO THE POINT OF BEGINNING.

Parcel #: 28-05-251-021-0000
Address: 8775 S. Harvard Park Drive

LOT 3, SCHNEITER SUBDIVISION NO. 3, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

Parcel #: 28-05-251-023-0000
Address: 8950 S. 1300 E.

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 1300 EAST STREET SAID POINT BEING THE NORTHEAST CORNER OF THE SIMONS PARCEL, SAID POINT ALSO BEING NORTH 89°52'49" WEST 50.00 FEET FROM THE EAST QUARTER CORNER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°52'49" WEST ALONG THE NORTHERLY LINE OF SAID SIMONS PARCEL 733.72 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON THE WESTERLY LINE EXTENSION OF QUAIL POINT SUBDIVISION, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTH 00°13'29" WEST ALONG SAID WESTERLY LINE AND LINE EXTENDED 855.21 FEET TO A POINT ON THE NORTHERLY LINE OF SAID QUAIL POINT SUBDIVISION; THENCE NORTH 89°16'03" WEST ALONG SAID NORTHERLY LINE 538.14 FEET TO A POINT ON THE EASTERLY LINE OF QUARRY BEND SUBDIVISION AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE NORTHERLY ALONG SAID EASTERLY LINE AND LINE EXTENDED THE FOLLOWING (2) COURSES: (1) NORTH 00°10'01" EAST 849.43 FEET, (2) NORTH 00°09'50" EAST 491.94 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SANDY CITY PARCEL RECORDED IN BOOK 5348 AT PAGE 1120 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE ALONG SAID SANDY CITY PARCEL THE FOLLOWING (4) COURSES: (1) SOUTH 89°44'20" EAST 19.79 FEET, (2) SOUTH 50°15'53" EAST 31.60 FEET TO A POINT ON THE ARC OF A 56.00 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 89°44'27" EAST), (3) EASTERLY ALONG THE ARC OF SAID 56.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 230°13'54" A DISTANCE OF 225.03 FEET (CHORD BEARS NORTH 65°08'37" EAST 101.41 FEET), (4) NORTH 49°58'20" WEST 177.24 FEET TO A POINT ON THE EASTERLY LINE EXTENSION OF THE SANDY CITY PARCEL, PER QUIT CLAIM DEED RECORDED IN BOOK 2697 ON PAGE 146 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE ALONG SAID SANDY CITY PARCEL THE FOLLOWING (4) COURSES: (1) NORTH 00°09'50" EAST ALONG SAID EASTERLY LINE AND LINE

EXTENDED 181.41 FEET, (2) NORTH 59°53'24" WEST 44.21 FEET, (3) NORTH 83°43'24" WEST 183.99 FEET, (4) SOUTH 06°57'36" WEST 162.30 FEET, MORE OR LESS, TO THE CENTER LINE OF THE VACATED DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY RIGHT OF WAY; THENCE WESTERLY ALONG SAID CENTER LINE THE FOLLOWING (5) COURSES: (1) NORTH 84°08'00" WEST 596.38 FEET TO A POINT ON THE ARC OF A 5757.83 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 06°13'54" EAST), (2) NORTHWESTERLY ALONG THE ARC OF SAID 5757.83 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 01°15'07" A DISTANCE OF 125.82 FEET (CHORD BEARS NORTH 83°08'32" WEST 125.82 FEET), (3) NORTH 82°30'59" WEST 441.00 FEET TO A POINT OF CURVATURE, (4) NORTHWESTERLY ALONG THE ARC OF 2141.91 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°00'00" A DISTANCE OF 224.30 FEET (CHORD BEARS NORTH 79°31'00" WEST 224.20 FEET), (5) NORTH 76°31'00" WEST 145.89 FEET; THENCE NORTH 13°29'00" EAST 30.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID RIGHT OF WAY; THENCE NORTH 83°45'36" EAST 103.27 FEET; THENCE NORTH 12°35'21" EAST 56.84 FEET TO A POINT ON THE ARC OF A 1130.00 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 77°17'07" EAST); THENCE NORTHEASTERLY ALONG THE ARC OF SAID 1130.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 15°33'23" A DISTANCE OF 306.81 FEET (CHORD BEARS NORTH 20°29'34" EAST 305.87 FEET) TO A POINT ON THE EASTERLY LINE EXTENSION OF GLASSEY SUBDIVISION, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE NORTH 27°57'55" EAST ALONG SAID EASTERLY LINE AND LINE EXTENDED 368.33 FEET; THENCE SOUTH 62°00'41" EAST 794.08 FEET; THENCE NORTH 27°59'19" EAST 445.00 FEET; THENCE NORTH 62°00'41" WEST 234.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PEBBLE HILLS DRIVE; THENCE NORTH 27°59'19" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE 45.92 FEET TO A POINT ON THE SOUTHERLY LINE OF PEBBLE HILLS NO. 1 SUBDIVISION AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE EASTERLY ALONG SAID SOUTHERLY LINE THE FOLLOWING (5) COURSES: (1) SOUTH 62°01'34" EAST 135.25 FEET, (2) NORTH 89°58'26" EAST 390.79 FEET, (3) NORTH 31°01'06" EAST 56.98 FEET, (4) SOUTH 89°48'49" EAST 100.00 FEET, (5) NORTH 00°11'11" EAST 65.77 FEET; THENCE NORTH 89°57'36" EAST 133.89 FEET TO A POINT ON THE WESTERLY LINE OF GRANITE MESA SUBDIVISION, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTH 23°26'21" EAST ALONG SAID WESTERLY LINE 539.46 FEET; THENCE SOUTH 24°02'47" EAST 15.82 FEET TO A POINT ON THE WESTERLY LINE OF SCHNEITER NO. 2 SUBDIVISION, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTHERLY ALONG SAID SCHNEITER NO. 2 SUBDIVISION THE FOLLOWING (10) COURSES: (1) SOUTH 23°26'21" EAST 119.29 FEET TO A POINT ON THE ARC OF A 76.31 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 12°24'47" WEST), (2) WESTERLY ALONG THE ARC OF SAID 76.31 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 12°24'00" A DISTANCE OF 16.52 FEET (CHORD BEARS SOUTH 83°47'13" WEST 16.48 FEET), (3) SOUTH 89°59'09" WEST 37.00 FEET, (4) SOUTH 00°00'51" EAST 50.00 FEET, (5) SOUTH 34°42'51" WEST 130.00 FEET, (6) SOUTH 23°26'21" EAST 304.12 FEET, (7) NORTH 66°33'39" EAST 130.00 FEET TO A POINT ON THE ARC OF A 159.07 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°33'36" EAST), (8) SOUTHEASTERLY ALONG THE ARC OF SAID 159.07 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 40°54'12" A DISTANCE OF 113.56 FEET (CHORD BEARS SOUTH 43°53'27" EAST 111.17 FEET) TO A POINT OF COMPOUND CURVATURE, (9) SOUTHEASTERLY ALONG THE ARC OF A 93.65 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 60°27'18" A DISTANCE OF 98.81 FEET (CHORD BEARS NORTH 85°25'48" EAST 94.29 FEET), (10) NORTH 55°12'09" EAST 131.73 FEET TO A POINT ON THE WESTERLY LINE OF SCHNEITERS SUBDIVISION, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT ALSO BEING ON THE ARC OF A 830.00 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 53°25'32" EAST); THENCE SOUTHERLY ALONG SAID SCHNEITERS SUBDIVISION THE FOLLOWING (3) COURSES: (1) SOUTHEASTERLY ALONG THE ARC OF SAID 830.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 01°26'23" A DISTANCE OF 20.85 FEET (CHORD BEARS SOUTH 37°17'39" EAST 20.85 FEET), (2) SOUTH

53°37'51" EAST 450.07 FEET, (3) SOUTH 89°46'37" EAST 94.95 FEET TO SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 00°13'26" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 545.13 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN TEMPORARY NONEXCLUSIVE LICENSE AGREEMENT BETWEEN SANDY CITY, A MUNICIPAL CORPORATION, AS LICENSOR, AND SCHNEITER ENTERPRISES, LTD., AS LICENSEE, RECORDED DECEMBER 18, 2009, AS ENTRY NO. 10862487, IN BOOK 9789 AT PAGE 9247, OF OFFICIAL RECORDS.

TOGETHER WITH THAT CERTAIN TEMPORARY NONEXCLUSIVE LICENSE AGREEMENT BETWEEN SANDY CITY, A MUNICIPAL CORPORATION, AS LICENSOR, AND SCHNEITER ENTERPRISES, LTD., AS LICENSEE, RECORDED DECEMBER 18, 2009, AS ENTRY NO. 10862488, IN BOOK 9789 AT PAGE 9261, OF OFFICIAL RECORDS.

TOGETHER WITH THAT CERTAIN TEMPORARY NONEXCLUSIVE LICENSE AGREEMENT BETWEEN SANDY CITY, A MUNICIPAL CORPORATION, AS LICENSOR, AND SCHNEITER ENTERPRISES, LTD., AS LICENSEE, RECORDED DECEMBER 18, 2009, AS ENTRY NO. 10862489, IN BOOK 9789 AT PAGE 9275, OF OFFICIAL RECORDS.

LESS AND EXCEPTING FROM PARCEL 3 THE FOLLOWING THREE (3) PARCELS:
ANY PORTION LYING WITHIN THE BOUNDS OF SCHNEITER SUBDIVISION NO. 3, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 26, OF SCHNEITER SUBDIVISION, A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 53°37' EAST 20.0 FEET; THENCE SOUTH 36°23' WEST 60.0 FEET; THENCE SOUTH 53°37' EAST 120.0 FEET; THENCE SOUTH 36°23' WEST 70.0 FEET; THENCE NORTH 53°37' WEST 363.03 FEET; THENCE NORTH 13°27'04" EAST 141.156 FEET; THENCE SOUTH 53°37' EAST 278.03 FEET TO THE POINT OF BEGINNING.

THAT CERTAIN DESCRIPTION DEEDED BETWEEN MIDVALE CITY, AS GRANTOR AND SANDY CITY, AS GRANTEE, IN THAT CERTAIN WARRANTY DEED RECORDED NOVEMBER 3, 1977, AS ENTRY NO. 3018535, IN BOOK 4573 AT PAGE 1180, IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

Parcel #: 28-05-251-022-0000
Address: 8968 S. 1300 E.

BEGINNING SOUTH 1822.66 FEET AND EAST 1321.98 FEET AND NORTH 83°50' WEST 39.6 FEET 83°50' WEST 185.4 FEET AND SOUTH 06°51' WEST 162.30 FEET FROM THE NORTH QUARTER SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 06°51' WEST 19.36 FEET; THENCE NORTH 83°09' WEST 1201.54 FEET; THENCE NORTH 76°13' WEST 395.53 FEET; THENCE NORTH 14°02'12" EAST 44.80 FEET; THENCE NORTH 85°30' EAST 160 FEET; THENCE SOUTH 12°32'21" WEST 14.60 FEET; THENCE SOUTH 83°45'36" WEST 103.27 FEET; THENCE SOUTH 13°29' WEST 30 FEET; THENCE SOUTH 76°31' EAST 32.42 FEET; THENCE SOUTH 76°31' EAST 145.89 FEET; THENCE SOUTHEASTERLY 224.20 FEET ALONG A 2141.91 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTH 82°30'59" EAST 441 FEET; THENCE SOUTHEASTERLY 125.82 FEET ALONG A 5757.83 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTH 84°08' EAST 596.38 FEET TO THE BEGINNING.

Parcel #: 28-05-279-006-0000
Address: 8968 S. 1300 E.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 26, OF SCHNEITER SUBDIVISION, A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 53°37' EAST 20.0 FEET; THENCE SOUTH 36°23' WEST 60.0 FEET; THENCE SOUTH 53°37' EAST 120.0 FEET; THENCE SOUTH 36°23' WEST 70.0 FEET; THENCE NORTH 53°37' WEST 363.03 FEET; THENCE NORTH 13°27'04" EAST 141.156 FEET; THENCE SOUTH 53°37' EAST 278.03 FEET TO THE POINT OF BEGINNING.

Parcel #: 28-05-252-001-0000
Address: 1145 E. Cys Road

COM 2024.01 FT S & 1151.75 FT E FR N 1/4 COR SEC 5, T 3S, R 1E, SL MER, S 38°17' E 290.36 FT M OR L; N 0°10'06" E 221.12FT; N 83°33'23" W 165 FT TO BEG

Parcel #: 28-05-251-007-0000
Address: 1145 E. Cys Road

(No legal description per Salt Lake County Assessor's Office. An area approximately 50 feet by 48 feet, 0.055 acres, surrounded on the north, west, and south by Parcel #28-05-251-011 and Parcel #28-05-251-023 to the east.)

Parcel #: 28-05-251-011-0000
Address: 1145 E. Cys Road

BEG S 1822.56 FT & E 1321.98 FT & N 83°50' W 38.6 FT FR N 1/4 COR OF SEC 5, T 3S, R 1E, SLM; N 83°50' W 185.4 FT; S 6°51' W 181.66 FT; N 83°09' W 1201.54 FT; N 76°13' W 395.53 FT; S 13°47' W 30 FT; S 76°13' E 399.19 FT; S 83°09' E 1454.49 FT M OR L; N 0°07' E 65.32 FT M OR L; N 89° 40'11" W50 FT; N 0°10'10" E 50 FT; S 84°40'11" E 50 FT; N 0°07' E 82.5 FT M OR L; N 59°59'16" W 44.28 FT TO BEG.

Parcel #: 28-05-176-007-0000
Address: 8855 S. Harvard Park Drive

The portion, approximately 0.41 acres, of the following parcel located to the east of Harvard Park Drive:
BEG 1380 FT S & 255 FT W OF N 1/4 COR SEC 5, T 3S, R 1E, S LM; S 48°51' W 460 FT; S 76°16' E 120 FT; N 85°30' E 160 FT; N 12°26'31" E 322.99 FT TO BEG.