

2. **SD(The Gardens) to Open Space**
1651 E. Dimple Dell, 1651 E. Badger Cove [Community #22] ZONE-08-17-5291

City staff, at the request of the City Council, generated an application for a rezone. The rezone application requests a change of zone of an entire zone area of approximately 6.61 acres from the Special Development District –Professional Office “The Gardens” (SD(The Gardens)) Zone to the Open Space District (OS) Zone. The zone area includes two parcels located at 1651 E. Dimple Dell Road (4.63 acres) and 1651 E. Badger Cove (1.19 acres) and a portion of the adjacent right of way (Dimple Dell Road). Both parcels are owned by Sandy City.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a rezone of the subject property from SD(The Gardens) to OS based on the following findings:

1. That the zone area will not likely be developed according to the purpose, uses, and regulations of the SD(The Gardens) Zone.
2. That the subject property is adjacent to existing open space (Dimple Dell Regional Park).
3. That the proposed change of zone will have no unmitigated negative impacts on the surrounding properties or the area as a whole.
3. That the proposed change of zone is consistent with the Sandy City General Plan.

ALTERNATIVE RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a rezone of the subject property from SD(The Gardens) to SD(OS) based on the following findings:

1. That the zone area will not likely be developed according to the purpose, uses, and regulations of the SD(The Gardens) Zone.
2. That the subject property is adjacent to existing open space (Dimple Dell Regional Park) that is also zoned SD(OS).
3. That the proposed change of zone will have no unmitigated negative impacts on the surrounding properties or the area as a whole.
4. That the proposed change of zone is consistent with the Sandy City General Plan.

Jake Warner presented this item to the Planning Commission. He stated this property was originally annexed into the city in 2000 and was rezoned at that time. SD(The Gardens) Zone was created for this property. This is the only property in Sandy City to have this zone. The

project that was anticipated at that time did not go forward. The city acquired the property and a road was constructed by the city, through the property. The City Council requested of staff to have the property rezoned to open space.

Commissioner Scott Sabey opened this item to public comment.

Maren Barker, 8013 South Pinewood Drive, Sandy, stated although she is a member of the City Council, she is attending this meeting as a Sandy City resident. She thinks rezoning the property is a great idea, but there are some things of concern to her. She stated she questions the procedures used to bring this item to the Planning Commission. She also stated the rezoning application says the City Council is the applicant. However, based on a discussion that happened at the last City Council meeting, the City Council disagrees as to whether they followed their own policies and procedures in this matter.

Commissioner Scott Sabey stated ultimately, the decision of procedure is not the Planning Commission's.

Maren Barker handed papers to the Planning Commission to review (the City Council minutes from August 29, 2017 and the City Council policy and procedures regarding this rezone). She stated she wanted to discuss this because she feels there is a question as to who the applicant is. The City Council meeting minutes show that Councilwoman Kris Nicholl brought up the idea of rezoning the Badger property during council member business, which is part of the work session. There is no indication in the minutes that a vote occurred by the City Council or that any direction was given to Staff from City Council. In the policies and procedures handout, it stated that during the work session, the Council does not vote or take any action. Since the discussion is of public record, the City Council has ordered a transcript of the discussion to determine exactly what happened at that discussion. She requested this item be tabled until the City Council can determine whether they actually are the applicants. She would like to see the proper procedures taken with this item.

Commissioner Lisa Hartman stated the City Council would have to vote on this item for it to be effective. The Planning Commission's vote is not the final vote.

Commissioner Jared Clayton stated the request is coming from the Community Development Department.

James Sorenson stated this rezone is a request from Sandy City.

Maren Barker stated the City Council would like to figure out the process. By tabling this, she hopes there could be some clarification on the process. She does not think the Planning Commission should get requests from individual City Council members to vote on rezoning.

Commissioner Lisa Hartman stated Maren Barker is one City Council member asking the Planning Commission not to vote. She is asking for the same thing.

Maren Barker stated she is coming before the Planning Commission as a Sandy City resident, not as a City Council member.

Monica Zoltanski, 10963 S. Bay Meadow Circle, Sandy, Chair of the Dimple Dell Preservation Community, stated she is here to encourage the Planning Commission to approve this rezone.

Commissioner Monica Collard asked which approval is Monica Zoltanski seeking, the SD(The Gardens) to OS Zone or the SD(The Gardens) to SD(OS).

James Sorenson stated Monica is recommending the approval of the alternative recommendation, the SD(The Gardens) to SD(OS) Zone

Dea Theadore, 9045 South Daybreak Drive, stated this rezone is a great idea. She is an avid user of the park and would love to see this area kept as open space.

Commissioner Scott Sabey closed this item to public comment.

Commissioner Scott Sabey stated the Planning Commissioner does not make a decision. We make a recommendation to the City Council.

Commissioner Monica Collard moved that the Planning Commission forward a positive recommendation to the City Council to approve a rezone of the subject property from SD(The Gardens) to SD(OS) based on the four findings in the staff report.

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