



Legislation Details (With Text)

File #: 17-038 **Version:** 1 **Name:**
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File created: 2/21/2017 **In control:** City Council
On agenda: 2/28/2017 **Final action:**
Title: Reconsideration of an application for rezone, the "789 Townhomes Rezone," located at approximately 789 East 7800 South pursuant to Sandy City Land Development Code Chapter 15A-05-04.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Development Code Chapter 15A-05, 2. Letter to Council Member McCandless from David George

Date	Ver.	Action By	Action	Result
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Reconsideration of an application for rezone, the "789 Townhomes Rezone," located at approximately 789 East 7800 South pursuant to Sandy City Land Development Code Chapter 15A-05-04.

Background:

On January 31, 2017 the City Council held a public hearing to consider the 789 Townhomes Rezone. Mr. David George with A Better Quality Home, LC requested to rezone approximately 3.68 acres from the R-1-20A "Single Family Residential District" to the PUD(18) "Planned Unit Development". The subject property is located at 789 East 7800 South. The resulting application of zoning would have allowed for a PUD subdivision proposal of the property creating approximately 60 housing units. The City Council denied the application for rezone.

Sandy City Land Development Code Chapter 15A-05-04 pertains to the re-submission of a Development Code or Zoning Map amendment request. A copy of that section is attached to this item. It says that, "if an application for amendment is denied by the City Council, resubmission of an application for the same amendment shall not be allowed for a period of 12 months unless significant new facts or information are presented."

Mr. David George has submitted a letter to the City Council proposing to reduce the density to 12 units per acre. A copy of the letter is attached to this item.

It is important to note that recognizing new facts or information about a previously proposed project under Land Development Code Chapter 15A-05-04 does not constitute approval of the project. It simply creates the opportunity to for the Council to reconsider the project. A new public hearing may not be legally required. However, Council Office staff recommends that the public be invited to comment on the project again in light of the new information. Standard noticing procedures and timelines should also apply.

Policy Questions:

1. Does a reduction in density as outlined in the letter from Mr. George constitute "significant new facts or information" as described in Chapter 15A-05-04?
2. If so, what is the process for resubmission? If the application is "the same" as the one previously considered, it is unnecessary to send the application through the development review process and Planning Commission again. In that regard the Council should simply reconsider the application. If the Council believes the reduction in density fundamentally changes the application previously considered through the Planning Commission process, the Council may want to consider allowing for resubmission of the application, but require the Planning Commission to first reconsider the project with the lower density.
3. What does reconsideration look like? A new public hearing may not be legally required. However, Council Office staff recommends that the City Council hold a new hearing so the public can comment on the new information. If the Council finds that this application is eligible for resubmission and reconsideration, and that a new Planning Commission recommendation is not required, a public hearing before the City Council can be scheduled for March 21, 2017.

Recommendation:

Motion to:

- 1) Find that the proposed reduction in density constitutes "significant new facts or information" pursuant to Sandy City Land Development Code Chapter 15A-05-04 allowing for resubmission of the application for the same amendment and,
- 2) Direct staff to renotice and schedule a new public hearing before the City Council on March 21, 2017 to reconsider the 789 Townhomes Rezone.