



## Legislation Details (With Text)

**File #:** 17-039      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/21/2017      **In control:** City Council  
**On agenda:** 2/28/2017      **Final action:** 2/28/2017  
**Title:** Reconsideration of an application for rezone, the "Quail Crest Rezone," located at approximately 1861 E, 1885 E, and 1889 East Dimple Dell Road pursuant to Sandy City Land Development Code Chapter 15A-05-04.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Development Code Chapter 15A-05

Date	Ver.	Action By	Action	Result
2/28/2017	1	City Council	approved	Pass

Reconsideration of an application for rezone, the "Quail Crest Rezone," located at approximately 1861 E, 1885 E, and 1889 East Dimple Dell Road pursuant to Sandy City Land Development Code Chapter 15A-05-04.

### Background:

On January 17, 2017 the City Council held a public hearing to consider the Quail Crest Rezone. Mr. Boyd Bradshaw of Quail Crest, LLC, is requested the City Council approve a rezone of approximately 4.56 acres from the R-1-20A "Single Family Residential District" to the R-1-40A "Single Family Residential District" and a rezone of approximately 3.22 acres from the R-1-20A "Single Family Residential District" to the R-1-12 "Single Family Residential District" for the subject property, located at approximately 1861 E, 1885 E, & 1895 East Dimple Dell Road. The application would have resulted in a 13 lot subdivision of the subject parcels. 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 the same 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."

At the January 17, 2017 public hearing and again on January 31, there was discussion about the possibility of creating a conservation easement on the lots immediately adjacent to Dimple Dell Park. A conservation easement would potentially restrict the type and/or location of structures on those lots. Staff from the Community Development Department and City Attorney's Office have been working with the developer on a draft conservation easement.

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 itself constitute approval of the project.

Per Chapter 15A-05-04, a finding of significant new facts or information simply allows for resubmission of the application for the same amendment. Without a finding of significant new facts or information, a one year prohibition on the the resubmission of the same application for rezone would apply.

**Policy Questions:**

1. Does a conservation easement 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. The Council Office recommends that the City Council simply reconsider the application.
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. Standard noticing procedures and timelines should also apply. If the Council finds that this application is eligible for resubmission and reconsideration, a public hearing can be scheduled for March 21, 2017.

**Motion to:**

- 1) Find that the creation of a conservation easement for the subject properties 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."
- 2) Direct staff to notice and schedule a public hearing before the City Council on March 21, 2017 to reconsider the Quail Crest Rezone applicaiton.