



Sandy City, Utah

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Phone: 801-568-7256

Meeting Minutes

Planning Commission

Dave Bromley
Michael Christopherson
Monica Collard
Ron Mortimer
Jamie Tsandes
Cameron Duncan
Jeff Lovell
Daniel Schoenfeld (Alternate)

Thursday, June 17, 2021

6:15 PM

On-line

Meeting procedures are found at the end of this agenda.

Electronic Meeting

Planning Commissioner Chairman Statement

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in person Planning Commission meeting, including attendance by the public and the Planning Commission is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and commission members by meeting remotely through electronic means without an anchor location.

Community Development staff are hereby authorized and directed to include a copy of the above notice with each Planning Commission agenda.

Cameron Duncan, Chair
Sandy City Planning Commission

The June 17, 2021 Sandy City Planning Commission meeting will be conducted via Zoom Webinar. Public comment may be allowed after the presentation of the particular item by the Staff and Applicant, as directed by the Planning Commission Chairman. Each speaker is allowed two minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below and must use the "raise hand" feature. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the Planning Director at bmccuiston@sandy.utah.gov by 3:00 PM the day of the Planning Commission meeting to have those comments distributed to the Commission members and/or have them read into the record at the appropriate time.

Register in advance for this webinar:

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Webinar ID: 829 4288 4527

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FIELD TRIP

[21-231](#) Field trip map for 6-17-21

Attachments: [Field trip map.pdf](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

Present 6 - Commissioner Dave Bromley
Commissioner Monica Collard
Commissioner Ron Mortimer
Commissioner Michael Christopherson
Commissioner Jeff Lovell
Commissioner Daniel Schoenfeld

Absent 2 - Commissioner Jamie Tsandes
Commissioner Cameron Duncan

Public Meeting Items

1. [SUB042720](#) Crescent View Peaks Subdivision (Preliminary Review)
[21-006035](#) 137 E. 11000 S.
[Community #11 - Crescent]

Attachments: [Staff report.pdf](#)
[PC maps and materials.pdf](#)

Craig Evans presented this item to the Planning Commission.

Brittney Ward explained redlines on the road for this new subdivision and that the curves do not match city code and that the applicant will continue to work with staff to match the city code.

Kyle Simons further presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Steve Van Maren asked if the project should be pushed back until the issues with the road are worked out.

Jeff Lovell closed this item to public comment.

Craig Evans explained that there could be impacts with the road, but the road and master plan has to be done with staff before final review and doesn't need to come back to the Planning Commission, but it can if the Planning Commission would like to see the new road plans.

Brian McCuiston explained that the applicant is in an R-1-20A zone and can work with staff and if there is significant changes staff will bring it back to the Planning Commission.

Dave Bromley explained that he is comfortable with staff working through the road issues with the applicant.

A motion was made by Dave Bromley, seconded by Monica Collard that the Planning Commission determine that preliminary review is complete for Crescent View Peaks Subdivision, located at 137 E. 11000 S., based on the four findings and five conditions outlined in the staff report.

Yes: 6 - Dave Bromley
Monica Collard
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Absent: 2 - Jamie Tsandes
Cameron Duncan

2. [SUB050620](#) Sandy Mall Subdivision 2, Amending Lot 1 (Preliminary Review)
[21-006044](#) 9471 S. 700 E.
[Community #8 - Edgemont]

Attachments: [Staff report.pdf](#)
[PC maps and materials.pdf](#)

Craig presented this item to the Planning Commission.

Susan Petheram further presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Jeff Lovell closed this item to public comment.

A motion was made by Monica Collard, seconded by Ron Mortimer that the Planning Commission determine that preliminary review is complete for Sandy Mall Subdivision 2, Amending Lot 1, located at 9471 S. 700 E., based on the two findings and subject to the five conditions outlined in the staff report.

Yes: 6 - Dave Bromley
Monica Collard
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Absent: 2 - Jamie Tsandes
Cameron Duncan

3. [CUP-05-30-2](#) Anderson Accessory Structure (Conditional Use Permit - Increased height
[021-6037](#) and setback waiver)
36 S. Northridge Way
(Community #28 - Pepper Dell)

Attachments: [Staff report, documents and map.pdf](#)

Claire Hague presented this item to the Planning Commission.

Chad Anderson further presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Gunn Challis is in favor of this item.

Jeff Lovell closed this item to public comment.

A motion was made by Dave Bromley, seconded by Monica Collard that the Planning Commission approve a Conditional Use Permit for Chad Anderson for the property located at 36 S. Northridge Way to allow for an accessory structure as described in the application materials based on the one finding and six conditions outlined in the staff report.

Yes: 6 - Dave Bromley
Monica Collard
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Absent: 2 - Jamie Tsandes
Cameron Duncan

4. [MISC-06-04-2021-6064](#) Pioneer Crossing Subdivision (Reconsideration of Condition of Approval Number 16)
143 E. Pioneer Ave. (8530 South)
[Community #3 - Sandy Woods]

Attachments: [Staff report with attachments.pdf](#)

Claire Hague presented this item to the Planning Commission.

Kyle Borton further presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Jeff Lovell closed this item to public comment.

Jeff Lovell explained that he agrees with the sound concerns from Trax and would be okay with approving the fence.

Michael Christopherson agreed with Jeff Lovell and explained that he takes the staff recommendation seriously but thinks the fence would not be a problem for the area.

Ron Mortimer agreed and explained that the landscaping and tree screening would not omit any sound coming from Trax.

Jeff Lovell agreed and said he understands how an opaque fence could create opportunities for vandalism.

Michael Christopherson asked if vandalism was the main concern with building an opaque fence.

Jeff Lovell explained that the main concern is the visibility.

Michael Christopherson explained that the residents on the east side will have visibility of the trail.

Monica Collard agreed.

Ron Mortimer asked how the motion would need to be made since this item is a reconsideration of a previous item.

Michael Christopherson explained that there is not a written recommendation and that they need to create findings for the approval if that is what the Planning Commission thinks is best.

Brian McCuiston explained that staff does have the original meeting minutes and if the Planning Commission wants to approve the fence, then they would just need to amend the original condition. He also explained that if the Planning Commission does approve the opaque fence that they need to make it clear in the amended condition that it is only for the west side and not the east side of the trail.

Michael Christopherson agreed.

Daniel Schoenfeld asked if the Planning Commission approves the fence, then do they

create a precedent for all future residents that want to build a fence.

Michael Christopherson explained that technically every decision by the Planning Commission creates a precedent but that is something they need to consider.

Jeff Lovell agreed and explained that precedent is already there.

Dave Bromley explained that they look at things on a case by case basis and that is the precedent.

James Sorensen agreed that all future requests would need to be looked at on a case by case and the orientation of the property.

Michael Christopherson asked if the Planning Commission needed to add findings or list any specific characteristics as to why they are amending the original condition on the fence.

James Sorensen explained that the Planning Commission could also consider the narrowness of the corridor versus where it widens where the trail is.

Daniel Schoenfeld explained that he would be willing to make a reversal of the decision the previous Planning Commission had made if it was a stipulation that this decision would not be a precedent for other properties.

Michael Christopherson agreed.

Jeff Lovell asked if that was something the Planning Commission wanted the staff to come up with.

Michael Christopherson explained that he thought that the Planning Commission can come up with and will add it to the motion.

Monica Collard agreed.

Jeff Lovell asked if staff had any concerns with the Planning Commission leaning in the direction of approval and including findings in the motion.

James Sorensen explained that staff will follow whatever the Planning Commission decides.

Doug Wheelwright explained that if the fence is approved then they are adding privacy as a benefit because it increases what they currently have and that others do not have. He also explained that walls and fences create division and the purpose of a trail like this is to create unity between the residential and the public properties.

Michael Christopherson expressed that he appreciated Doug Wheelwright's comments and asked if that changes any of the Commissioners' opinions on approving the proposed fence.

Ron Mortimer explained that he supports the approval of the fence with articulated findings.

Jeff Lovell agreed and appreciated the points that Doug Wheelwright raised about adding

property value but also thinks that the homeowner is looking for additional privacy.

Michael Christopherson explained that the ideals and the overarching principals that govern city planning run onto very specific facts and circumstances and creates a tough balance between creating patchwork or spot zoning but also being sensitive to individual circumstances and that is why items come to the Planning Commission.

Jeff Lovell agreed.

Monica Collard was excused from the meeting.

A motion was made by Michael Christopherson, seconded by Daniel Schoenfeld that the Planning Commission approve the request to reconsider condition number sixteen of the Pioneer Crossing subdivision and as a result eliminate the existing last sentence of condition sixteen and replace it with a sentence that says substantially that any replacement fencing to be installed will be consistent with the aesthetic value and be consistent with the example presented to the Planning Commission from the applicant on June 17, 2021 based on the one finding made by the Planning Commission.

1. That the Planning Commission has weighed the general principals outlined in the staff report and also articulated by the staff members during the deliberation against the specific features of this specific property and the specific concerns of the property owner and that the Planning Commission has found that the benefits of removing the limitation in the previous condition sixteen outweigh the detriments only in this specific case and that the Planning Commission does not intend to implement any precedent that is more widely applicable.

Yes: 5 - Dave Bromley
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Excused: 1 - Monica Collard

Absent: 2 - Jamie Tsandes
Cameron Duncan

5. [SPR-04-21-6
024](#) Comcast Headquarters Modified Site Plan (Preliminary Review)
9602 S. 300 W.
[Community #2 - Civic Center]

Attachments: [Staff report.pdf](#)
[PC Exhibits.pdf](#)

Doug Wheelwright presented this item to the Planning Commission.

Greg Allshouse further presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Jeff Lovell closed this item to public comment.

A motion was made by Dave Bromley, seconded by Michael Christopherson that the Planning Commission find that the Modified Site Plan Review is complete for the proposed Comcast Headquarters site, located at 9602 S. 300 West, based upon the four findings and five conditions detailed in the staff report.

Yes: 5 - Dave Bromley
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Excused: 1 - Monica Collard

Absent: 2 - Jamie Tsandes
Cameron Duncan

6. [SPX060320](#) Clark Special Exception for Alteration of 30% Slope
[21-006063](#) 3 Pepperwood Drive
[Pepper Dell, Community #28]

Attachments: [Staff Report](#)
[Applicant Letter to PC.pdf](#)
[DRAWING OF SLOPE DEVIATION.pdf](#)
[AS-BUILT SITE PLAN.pdf](#)
[City Engineer Letter.pdf](#)
[Original Approved Grading Plan.pdf](#)
[Original Approved ReVegetation Plan.pdf](#)
[Photos](#)

Mike Wilcox introduced this item to the Planning Commission.

Bryce Rowland presented this item to the Planning Commission.

Mike Wilcox explained in more detail about the deviations between the original grading plan and the as-built grading plans.

Jeff Lovell opened this item to public comment.

Megan Farr explained that they had gone through the Board of Adjustment process, and it was found that the building permit was approved in error. The Clark's were supposed to restore the slope of the hillside and the vegetation and has not done so and is now asking for special exceptions to maintain that plan to rebuild the slope and re-vegetate the hillside and would like the original intent to be maintained on the project to provide privacy for the Farr Property.

John Farr explained that the privacy and safety of the neighborhood should be the priority of the community and not the inconvenience of the owner/builder.

Mike Dennis explained that agreed with John and Megan Farr and that the restoration of the slope was imperative and should remain so.

Jeff Lovell closed this item to public comment.

Ryan Kump explained that the major issue is the vertical slope and trying to match that same vertical point could potentially cause more issues.

Dave Bromley asked what the discrepancy is.

Ryan Kump explained that it is close to 10ft at the most severe point.

Dave Bromley clarified that it is 10ft higher and asked how much it varies as it moves further west.

Ryan Kump explained that it basically catches the original grade and that the downhill slope is to the back patio which creates that triangle of discrepancy at the top of the hillside.

Dave Bromley asked if additional fill were brought in, would it make the slope more significant and if there was a plan made when the condition was made for the restoration and how that would that have occurred then.

Ryan Kump explained that if the slope had been returned prior to any building, it would not have created that discrepancy and that the original approved stamped plan did not include a walk-out basement, but the plan was modified and not burying the new walk-out basement created that discrepancy.

Mike Wilcox further explained that the original plan had a finished elevation of 5118 ft and the finished area where that porch is shown at 5106ft, so there is a 12-foot drop and the architectural plans did not show a walk-out basement but there was clearly room to allow for one and this issue is the difference in the slope height between the two that would have needed a retaining wall or down sloping back towards the house originally.

Daniel Schoenfeld asked if the walk-out basement was approved and built after the original permit was approved or was the need for a retaining wall missed for the walk-out basement.

Mike Wilcox explained that often homes get built and field changes are made based on conditions and does not create architectural issues or does not affect the maximum height.

Daniel Schoenfeld asked if the 30% slope would have required the changes to be brought back to staff.

Mike Wilcox explained that if the home were a multi-level home, then it would have run into potential problems, but this is a single-family rambler so there was not any concern or issue with having a walk-out basement regarding overall height.

Michael Christopherson clarified that the real open issue is the height of the slope.

Mike Wilcox explained that the plan shown is the revegetation plan that was given and approved by staff when the second building permit and grading permit were issued. The issue was that when the city went to go inspect the revegetation that was planted, the wildlife had eaten it so new measures need to be taken to keep the revegetation to grow and help stabilize the hillside.

Michael Christopherson clarified that the vegetation has been dealt with and now they are left with the height of the slope. He asked if this is a timing issue or is it creating a bigger problem for the neighbors and potential slides.

Ryan Kump explained that it does put the lower properties at risk for a longer period of time. While there is not any substantial vegetation there is some grass that has been growing for a year and starting to stabilize. The hillside now, is more stable than it would be if it were to be built back up now.

Mike Wilcox explained that there is a \$50,000 bond in place for the site restoration and vegetation. The city did allow them to occupy the house with a temporary Certificate of Occupancy because they moved in the middle of winter. That bond is still being held and it will be held until that vegetation is in place and stabilized.

Michael Christopherson asked if that bond is sufficient to cover the cost of vertical restoration as well as the vegetation.

Ryan Kump explained that it would be more than enough for the revegetation, and it could be enough for the slope restoration depending on the type of retaining wall that is built and other materials brought in.

Michael Christopherson clarified that from an engineering perspective the project is better off how it is now without the full restoration opposed to completing the restoration of the vertical slope.

Ryan Kump explained that the original goal was to rebuild the hillside as is but at the same time the original hillside had been removed. Staff had approved a plan that would have had the slope rebuilt to the same grade but what actually was built is a lesser grade and from an engineering perspective, the lesser grade is a more stable hillside.

Mike Wilcox also explained the slope and soil type in the area. The Sandy soil is not as solid as the angle increases.

Dave Bromley asked if there are any legal ramifications of home values if the slope was not restored to its original grade.

Michael Christopherson explained without expert advice, he did not think that the slope difference would devalue any of the homes in the neighborhood. He also asked what flexibility the Planning Commission has to approve or deny the special exception.

Darien Alcorn explained that legally the requirement is to evaluate the special exception based on the criteria required for that specific special exception. If the devaluation of a property was part of the criteria than you would be obligated to look at that but if it is not specified in the criteria than it is not required to be looked at or considered.

Mike Wilcox explained that in the staff report it is stated that "No grading, cuts, fills, or terracing will be allowed on a continuous hillside of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer". In the City Engineers recommendation, he had several findings of fact to support the request.

Michael Christopherson explained that it seems that the Planning Commission does have the factors in front of them that they can consider for the special exceptions.

Dave Bromley explained that he can appreciate the fact that having a lesser grade is a better outcome overall subject to vegetation being replaced. With that being the case, he is inclined to grant the special exception.

Jeff Lovell agreed and explained that he understands the frustration of the neighbors and them wanting the hillside built to its original grade, but if keeping the slope as it currently is, then he is also inclined to grant the special exception with a condition to restore the vegetation on the hillside.

Mike Wilcox explained that if the Planning Commission were to add a condition or parameters of when to release the bond regarding the establishment of that vegetation then that could be done to ensure that the revegetation is done.

Dave Bromley asked if the staff had a time recommendation.

Mike Wilcox recommended at least one growing season.

Daniel Schoenfeld explained that he leans towards denying the special exception and require them to return the hillside to the previous grade based off precedent and maintain the original plan that was approved.

Jeff Lovell explained that Daniel Schoenfeld made a great point but from his understanding, building the vertical slope back up to the original grade would not necessarily make the situation better but could potentially create more issues by not granting the special exception.

Dave Bromley agreed and explained that the city does take a vigilant stand in maintaining the sensitive overlay zone which does not make him concerned with precedent but more concerned on whether it should be brought back up to the original grade.

Michael Christopherson explained that it does feel unfair and unjust to allow a developer or owner fail to comply with what is required and then ultimately benefit from that and seemingly be rewarded for it, but then there is the City Engineers and City staff's recommendations that the slope is better off left at the current grade rather than rebuilding it to the original grade.

Mike Wilcox explained that the Planning Commission can add any condition to the special exception that they see fit to balance the scales regarding the impacts that the Planning Commission decision might make.

Daniel Schoenfeld explained that he would like to see the bond held for 1-2 years in order make sure that the revegetation is restored.

Dave Bromley asked if there were any restrictions with the ability to irrigate any additional plantings that would be there.

Mike Wilcox explained that there was a drip system installed to irrigate the planted areas that were on the plan, but he would not recommend rotor head sprinklers to be installed because over saturation is where you run into issues with destabilization or slides.

Dave Bromley suggested that more evergreens be planted that were irrigated off the installed drip system.

Michael Christopherson asked if the other Commissioners were comfortable with a longer holding period on the bond release and if there are statutory restrictions as to how long we can hold it for or would leaving it up to staff's determination for how long the bond needs to be held for based on how the revegetation is going.

Darien Alcorn explained that she is not aware of any limitations put in place for how long a bond can be held for so the Planning Commission could create a condition that does have a set time on it or make the condition related to the completion of the revegetation.

Michael Christopherson asked who or what standard would be used to determine if the vegetation has been planted and protected.

Dave Bromley suggested that they use the two years that Daniel Schoenfeld suggested and then have staff review at the end of those two years to determine if the revegetation has been completed and protected.

A motion was made by Michael Christopherson, seconded by Dave Bromley that the Planning Commission grant the Special Exception for alterations of the continuous hillside of 30% or greater slope for the property located at 3 Pepperwood Drive based on the four findings and subject to the one condition outlined in the staff report with an additional two conditions as followed:

2. That a number of evergreen trees that is reasonably determined by city staff to be planted to provide privacy shielding for the walk-out basement and neighboring homes be added to the revegetation plan.

3. That the bond that is currently being held by Sandy City to secure the completion of the revegetation plan including the additional condition be held for a minimum of two years and at such time the city will review and determine whether the revegetation has been protected and sufficiently allowed to be established to accomplish the purposes of the revegetation plan before being released to the owner.

Yes: 5 - Dave Bromley
 Ron Mortimer
 Michael Christopherson
 Jeff Lovell
 Daniel Schoenfeld

Excused: 1 - Monica Collard

Absent: 2 - Jamie Tsandes
 Cameron Duncan

Public Hearing Item

7. [CA06012021](#) Effects of Eminent Domain Proceedings
[-0006062](#) Amend Title 21, Chapter 2, General Provisions, of the Sandy Municipal Code

Attachments: [Staff report.pdf](#)
[Exhibit A.pdf](#)

Mike Wilcox presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Steve Van Maren asked why the Community Development Department stuck this code change in the middle of code and renumbering it two sections below.

Jeff Lovell closed this item to public comment.

Mike Wilcox explained that City Attorney Darien Alcorn did draft this amendment and chose to put it in this section of code because it is in relation to related titles in the sections preceding it.

A motion was made by Michael Christopherson, seconded by Daniel Schoenfeld that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, Chapter 2, General Provisions, of the Sandy Municipal Code, as shown in (Exhibit "A") based on the one finding detailed in the staff report.

Yes: 5 - Dave Bromley
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Excused: 1 - Monica Collard

Absent: 2 - Jamie Tsandes
Cameron Duncan

Administrative Business

1. [21-232](#) Planning Commission Minutes for 6.3.21 (DRAFT)

Attachments: [06.03.2021 PC Minutes \(DRAFT\).pdf](#)

An all in favor motion was made to approve the meeting minutes for 6.3.2021

Yes: 5 - Dave Bromley
Ron Mortimer
Michael Christopherson
Jeff Lovell
Daniel Schoenfeld

Excused: 1 - Monica Collard

Absent: 2 - Jamie Tsandes
Cameron Duncan

2. [21-224](#) Voting for Chair and Vice Chair

A vote was taken by secret ballot to vote for Chair and Vice Chair

Chair: Jeff Lovell
Vice Chair: Monica Collard

3. Director's Report

Adjournment

A unanimous vote was taken to adjourn.

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256