

7. [MSC032020](#) Interpretation of the term “Mixed Use Development”  
[23-006505\\_2](#)  
[nd](#)

**Attachments:** [Staff Report](#)  
[CUP Application Materials](#)

Mike Wilcox introduced this item to the Planning Commission.

Wade Budge, representing land owner, clarified he is not the applicant and gave a long presentation.

Mike Wilcox said that this proposal does not fit the definition of a standard mixed use development and has not met the minimum level of requirements in the code.

James Sorensen said that staff feels this project has been designed as an apartment project with not much regard to other elements for a mixed use development.

Jamie Tsandes asked Mike Wilcox to pull up the definition for the CN Zone.

Mike Wilcox explained the definition of the CN Zone.

Daniel Schoenfeld asked under that definition would it assume mixed use home ownership.

Mike Wilcox said it's more about land use than who owns the property.

Jamie Tsandes said she understands it to be mainly commercial and some residential.

Dave Bromley said a mixed use aspect is a conditional use of that zone.

David Hart said it's a commercial zone with a conditional use to allow for residential so from that standpoint they would anticipate more commercial.

Monica Collard said these busy corridors were buffered more with commercial versus residential so the gathering spot does not feel right to her.

Wade Budge said they've achieved a mixed use project in reply to Mike Wilcox's comments.

Dave Bromley asked Mike Wilcox to explain critical massing.

Mike Wilcox said that putting uses next to each other alone does not create a mixed use project.

Dave Bromley said there's office to the east and the library to the north.

Mike Wilcox said there's no cohesive plan to coordinate, integrate and connect the adjacent properties.

Dave Bromley said that Segoly Lily would be a big barrier for this to occur.

David Hart asked if staff is looking to the applicant to develop a plan to integrate all the

properties into a whole

Mike Wilcox said that would go a long way towards achieving a true mixed use development in the area.

David Hart asked about the process if a landowner to the adjacent property does not want to participate.

Mike Wilcox explained the process.

Daniel Schoenfeld said that he struggles with the definitions of mixed use.

Mike Wilcox said it's an interpretation relative to the context to this site.

Monica Collard spoke about parking and retail should be accessible to all Sandy City residents not just for the residents in this setting.

Ron Mortimer said this project is weak because it's not coordinated.

David Hart said the applicant needs to work with the commercial center and office center and tie it together. The intent needs to be to work together and bring it all together into one cohesive whole.

Ron Mortimer asked the applicant if he's willing to work with surrounding properties.

Wade Budge said yes.

Dave Bromley said he wants to see some improvements with connections but feels something like this is the best thing for this site and feels it will help the neighboring property.

David Hart said if the applicant were to go back to work with the surrounding land owners and return with a plan would that work.

Mike Wilcox said in the staff report there are recommendations where the applicant can revise their application and return to the Planning Commission.

David Hart said he believes having the residential is a good idea and the master plan is a good idea so the overall area becomes cohesive.

Jamie Tsandes said that she doesn't feel there's a balance. She feels that this is more of a residential proposal and not predominately heavier commercial which would be 50% or more in this zone and it doesn't belong as designed.

Cameron Duncan said it feels like a residential development with small retail. He feels like it's an internal development vs outward and wants a broader picture of what it would look like overall.

David Hart said he would assume that the retail is only for the apartment complex.

Dave Bromley said the area doesn't need much more retail but having more rooms will be more beneficial.

Monica Collard asked about office use.

Mike Wilcox said the property used to be zoned professional office but the applicant requested it to be zoned CN with the intent of having a Maverik. City Council approved the zone but not the gas station element.

Daniel Schoenfeld said that based on the definition of a mixed use then the applicant may need to go back to the drawing board.

Wade Budge said if the Planning Commission takes that action then they're saying they don't want to see them back because staff is going to work hard to keep them off of the agenda.

James Sorensen clarified the Planning Commission's job is to determine the interpretation.

David Hart doesn't feel this project meets the definition but wants the project to move forward with some adjustments.

Darien Alcorn gave background on interpretation of the code and gave the Planning Commission some options.

Wade Budge said he agrees with Darien and said they would be willing to do a work session.

Dave Bromley said he feels comfortable tabling the item so the applicant can work with surrounding property owners.

Ron Mortimer feels the same as Dave Bromley.

Cameron Duncan said he doesn't feel this project is mixed use but doesn't want to cut the applicant's legs out.

Mike Wilcox said it doesn't cut their legs out but does give them clear direction as to how to address and revise the application so it does meet the definitional standards.

Wade Budge said Lynn Pace told him they were not coming back on August 17 and their application would not receive any further consideration.

Mike Wilcox clarified that their application will not receive further consideration unless they revise it.

David Hart said if the applicant had done a better job at connecting with surrounding property owners this could be mixed use the way it sits.

Dave Bromley said that some consultation from the city's group assisting with the General Plan may be appropriate to engage at this point.

Monica Collard said she would consider this mixed use just looking at it.

Dave Bromley said it would be good for them to work with surrounding property owners but not sure if it'll change anything. There's some significant barriers.

Wade Budge said they'd be willing to talk to the surrounding property owners to help make this work.

Jamie Tsandes asked if they're clarifying what the CN Zone is and what is considered multi use within the CN Zone and isn't sure why they're not rezoning the area as multi use.

Darien Alcorn said that mixed use is a conditional use in the CN Zone. The reason they're talking about the mixed use definition is because staff does not believe what's being presented was actually a mixed use project that doesn't qualify for a conditional use permit in that zone. The applicant has presented a different position saying it is a mixed use and they do qualify for a conditional use permit.

Jamie Tsandes said she looks at the CN Zone different than the mixed use and feels that it's not a mixed use zone and that she would like to see them go back to the drawing board and return with a different proposal.

Daniel Schoenfeld asked staff if there's a continuance what would be the next step.

Darien Alcorn said they would make a motion to table it at a future date and allow staff to coordinate the date with the applicant.

Mike Wilcox said if the Planning Commission tables the item that would push them beyond the "rip cord provision" period.

Darien Alcorn suggested a date that's agreed to by the applicant.

Mike Wilcox said they could have an Executive Session and seek feedback from the Planning Commission.

**A motion was made by David Hart, seconded by Monica Collard, that the Planning Commission table the item so the applicant may go back and work with the surrounding land owners and GSBS to consult with them on the commercial area revitalization efforts with the General Plan, to develop a mixed use master plan that would be presented to the Planning Commission in a work session at a date mutually agreed upon by staff and the applicant.**

**Yes:** 7 - Dave Bromley  
Monica Collard  
Jamie Tsandes  
Ron Mortimer  
Daniel Schoenfeld  
David Hart  
Cameron Duncan

## Administrative Business

### 1. Minutes

[23-293](#) Minutes from July 20, 2023 Meeting

**Attachments:** [07.20.2023 Minutes \(DRAFT\)](#)

**An all in favor motion was made by Dave Bromley to approve the meeting minutes from 07.20.2023.**