



Sandy City, Utah

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Meeting Minutes

Planning Commission

Dave Bromley
Monica Collard
Cameron Duncan
David Hart
Ron Mortimer
Daniel Schoenfeld
Jamie Tsandes
Steven Wrigley (Alternate)

Thursday, August 3, 2023

6:15 PM

Council Chambers and Online

Meeting procedures are found at the end of this agenda.

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4:00 PM FIELD TRIP

[23-292](#)

Map

Attachments: [080323](#)

6:15 PM REGULAR SESSION

Welcome

Introductions

Pledge of Allegiance

- Present** 8 - Commissioner Dave Bromley
Commissioner Monica Collard
Commissioner Jamie Tsandes
Commissioner Ron Mortimer
Commissioner Daniel Schoenfeld
Commissioner Steven Wrigley
Commissioner David Hart
Commissioner Cameron Duncan

Public Hearings

1. [REZ0614202](#) Brand Estates Rezone
[3-006552](#) 285 East 11000 South
[Crescent, #11]

Attachments: [Brand Estates Rezone REZ06142023-0065552 \(8.3.23\)](#)

Thomas Irvin introduced this item to the Planning Commission.

John Thomas, 11616 S State St, Draper, representing Next Level Homes said he understands the staff report.

Daniel Schoenfeld opened this item for public comment.

Daniel Schoenfeld closed this item to public comment.

David Hart wanted to confirm that the rezone does not add or subtract lots.

Thomas Irvin said it does not.

A motion was made by Dave Bromley, seconded by Monica Collard, that the Planning Commission forward a positive recommendation to the City Council to rezone the property located at 285 E 11000 South from the R-1-15 to the R-1-10.

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

2. [MSC061420](#) Sophie Lane (Street Vacation)
[23-006551](#) 285 East 11000 South
[Crescent, Community #11]

Attachments: [MSC06142023-006551 Sophie Lane Street Vacate](#)

Thomas Irvin introduced this item to the Planning Commission.

Daniel Schoenfeld opened this item for public comment.

Steve Van Maren, 11039 S Lexington Circle, Sandy, doesn't feel one photo is an accurate representation of the street vacation.

Daniel Schoenfeld closed this item to public comment.

A motion was made by Cameron Duncan, seconded by Jamie Tsandes, that the Planning Commission forward a positive recommendation to the City Council for the street vacation of Sophie Lane based on the four findings and two conditions detailed in the staff report.

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

3. [MSC072620](#) Rainbow Oaks P.U.D. Amended (Public Utility Easement Vacation)
[23-006573](#) 11489 S Oberland Road
[Bell Canyon, Community #27]

Attachments: [Staff Report and Exhibits - 11489 Oberland Rd](#)

Melissa Anderson introduced this item to the Planning Commission.

Laura Bunker, 1271 W Center St, Midvale, spoke about the water line repair location, the slope and an updated plat.

Cameron Duncan asked Melissa Anderson if the easement only allows for the water line and no other public utilities.

Melissa Anderson said yes.

Daniel Schoenfeld opened this item for public comment.

Dustin Freckleton, 14400 Laurenberg Drive, Austin TX, asked for clarification on the intent and impact this will have on the easements on Oberland Road.

Melissa Anderson replied that the easement vacation is on site and does not affect anything in the right of way.

Daniel Schoenfeld closed this item to public comment.

Jamie Tsandes asked if the utility easement is going to be installed.

Melissa Anderson said the water line has been installed.

Jamie Tsandes clarified that there's no additional construction just the easement.

Melissa Anderson said yes.

A motion was made by Dave Bromley, seconded by Monica Collard, that the Planning Commission forward a positive recommendation to the City Council for the public utility easement vacation based on the three findings and subject to the two conditions detailed in the staff report.

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

Public Meeting Items

4. [SUB0605202](#) Rainbow Oaks P.U.D. Amended (Preliminary Subdivision Review)
[3-006543](#) 11489 S Oberland Road
[Bell Canyon, Community #27]

Attachments: [Staff Report and Exhibits - 11489 Oberland Rd](#)

A motion was made by Dave Bromley, seconded by David Hart, that the Planning Commission determine preliminary review is complete for the proposed amendment to the Rainbow Oaks P.U.D. Amended Plat located at 11489 S Oberland Road based on the six findings and subject to the five conditions detailed in the staff report.

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

5. [CUP0703202](#) Tino's Small Engines (Conditional Use Permit - Category II Home
[3-006560](#) Occupation)
238 E. Shelly Louise Dr.
[Crescent White Willow, #10]

Attachments: [Tinos Small Engines Staff Report Final](#)

Sarah Stringham introduced this item to the Planning Commission.

Justin Openshaw, 238 Shelly Louise Dr, Sandy, said his business will mainly be a mobile business but occasionally may have to bring a small engine back to his property to work on in the garage. He plans on operating between 9a-5p M-F and then 9a-12p Saturdays. He also said the Sandy City Fire Department along with Building & Safety Department have come by to do their inspections which have passed.

Cameron Duncan asked him if this will be a full time job.

Justin Openshaw said his business will mainly be mobile and doesn't plan on working at home. He may have projects he needs to bring home where he has access to more tools and doesn't have to stay at the client's property for six to eight hours.

Daniel Schoenfeld opened this item for public comment.

Shaulana Barker, 10464 Beetdigger Blvd, Sandy, shared her concerns about safety, storage of flammable liquids, parking and liability if there's a fire.

Jayce Turner, 229 E 10430 S, Sandy, said that he and his partner work from home and they have made complaints to Code Enforcement regarding noise from this property.

Daniel Schoenfeld closed this item to public comment.

Sarah Stringham said that the Fire Department inspected this property therefore the applicant has met the conditions.

Monica Collard asked about the noise levels.

Justin Openshaw said the noise complaints were from his two dogs. He said there's lots of dogs in the neighborhood and Animal Control did visit them about the complaints and they now only have one dog.

Cameron Duncan asked if the Fire Department told him how much gas and oil can be stored.

Justin Openshaw said he doesn't plan on storing a lot of gas and oil which he will dump weekly. He only has five gallon container and a sixteen quart drip pan that he'll be using.

David Hart asked how he plans on parking his cars inside the garage.

Justin Openshaw said he is still cleaning out the garage.

David Hart asked him if he's going to have a work bench/table that will fit in the garage with the cars.

Justin Openshaw said the work bench is small and it will fit in the garage with two cars parked.

Monica Collard asked if he's aware of the noise decibel level and asked him to keep noise level down.

Justin Openshaw said he will keep the noise to a minimum because he doesn't want to bother anyone.

James Sorensen said that noise decibel levels are handled by Salt Lake County.

A motion was made by Jamie Tsandes, seconded by David Hart, that the Planning Commission approve a Conditional Use Permit for a Category II Home Occupation for the property located at 238 E Shelly Louise Drive based on the three findings and subject to the eight conditions detailed in the staff report.

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

6. [SPR1017202](#) WHW Engineering Office Building (Revised Site Plan Review)
[2-006421_2n](#) 733 W. 9000 S. St.
[d](#) [Civic Center, Community #2]

Attachments: [WHW Engineering Office Modified SPR P.C. Staff Report 8-3-2023.pdf](#)

Doug Wheelwright introduced this item to the Planning Commission.

Cameron Duncan asked if they were able to keep the same amount of parking stalls.

Doug Wheelwright said yes.

Monica Collard asked if we required better landscaping.

Doug Wheelwright said yes.

Winn Packer, 8619 Sandy Parkway, Sandy, said he thought he had a verbal agreement to shift the driveway but they didn't and spoke about the trees.

Daniel Schoenfeld opened this item for public comment.

Jen Archuleta, 1734 W Jordan Oaks Drive, Sandy, is opposed to the building.

Jeremiah Johnson, 722 W Jordan Oaks Drive, Sandy, is concerned that there's no barrier between his home and the property and that the existing trees are not growing.

Daniel Schoenfeld closed this item to public comment.

Cameron Duncan asked Doug if the project is over parked.

Doug Wheelwright said they are under by one stall.

Cameron Duncan said the new driveway will be significantly lower so the fence will be able to screen the headlights better than has happened with the 7-Eleven project.

Doug Wheelwright said yes.

Monica Collard asked if a landscape architect would be required to dig up the soil to help the trees grow.

Doug Wheelwright said staff will work with the landscape architect on all aspects of the 10' buffer strip abutting the WHW site.

Winn Packer said a landscape architect was hired to assist the contractor to help the existing trees grow. They are also trying to get back down to the natural elevation where the fence will be able to provide a better screen. He also said this plan does move the dumpster further away from fence line.

Jamie Tsandes said that the landscape architect can have a warranty and asked the applicant if that's something he's thinking about.

Winn Packer said as of now he has a one year warranty.

Jamie Tsandes asked if the one year warranty can be extended.

Doug Wheelwright said there is a bond release at completion and then there's a one year warranty period that could be extended with the owner's approval.

Winn Packer said they'd be glad to do that.

Cameron Duncan asked about a landscape bond.

Doug Wheelwright said that state has taken away local cities ability to bond for decorative landscaping.

David Hart asked if the easement is supposed to be paved over.

Doug Wheelwright said it has to be hard surfaced and available as a driveway.

David Hart asked the applicant if he anticipates the employees using the back ramp.

Winn packer said both accesses.

A motion was made by Cameron Duncan, seconded by David Hart, that the Planning Commission determine that preliminary site plan review is complete for the proposed WHW Engineering Office, located at 733 W 9000 S, based on the two findings and subject to the eight conditions detailed in the staff report with a modification to condition #2 that the developer hire a landscape architect to design and install and work with city staff that will help buffer the driveway and require a 2 year warranty on the landscape installation.

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

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.

2. Sandy City Development Report

[23-294](#) Development Report

Attachments: [08.03.2023 DEV REPORT](#)

3. Director's Report

Adjournment

An all in favor motion was made 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.

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