



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
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Meeting Minutes

Planning Commission

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

Thursday, December 5, 2019

6:15 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

Voting Roll Call

4:00 PM FIELD TRIP

1. [19-440](#) Field Trip for December 5, 2019

Attachments: [12-5-19](#)

6:15 PM REGULAR SESSION

Roll Call

Present 7 - Commissioner Dave Bromley
Commissioner Monica Collard
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Jeff Lovell
Commissioner Ron Mortimer
Commissioner Cameron Duncan

Absent 1 - Commissioner Cyndi Sharkey

Welcome

Pledge of Allegiance

Introductions

Public Hearing Item

2. [ZONE-10-19-5751\(PC\)](#) Rees Rezone
1680 E. Dimple Dell Road
[Community #22]

Attachments: [Staff Report, map and materials.pdf](#)
[11.13.19 Neighborhood Meeting Summary.pdf](#)

Jake Warner presented this item to the Planning Commission.

Amy Rees Anderson further explained this item to the Planning Commission.

Monica Collard asked if the garage would be for guest or just for her own personal use.

Amy Anderson replied that it would just be for her and her husband's personal use.

Michael Christopherson opened this item to public comment.

Nick Milouich a neighbor is worried about the impact of traffic and safety to the surrounding neighborhood.

Valerie Zigmen who lives on Baden Lane is also concerned about the safety impact and doesn't feel like a commercial use makes sense in a residential zone.

Howard Hyden is in favor of this item and thinks this is the best use of the land and for the community.

Steve Van Marren agrees it would be a good use of the land but is concerned about the entrance on 10600 South.

Michael Christopherson closed this item to public comment.

Michael Christopherson asked Britney Ward, City Traffic Engineer, to explain what the trip generation for this development would look like.

Britney Ward explained that they will require a trip generation report as part of the site plan approval.

Ryan Kump explained that a commercial use of this scale would generally produce the same amount as traffic as 5 homes.

A motion was made by Monica Collard, seconded by Dave Bromley that the Planning Commission forward a positive recommendation to the City Council for the Rees Rezone from an R-1-10 to a PO Zone at 1680 East Dimple Dell Road based on the comments expressed earlier.

Yes: 7 - Dave Bromley
Monica Collard
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Ron Mortimer
Cameron Duncan

Absent: 1 - Cyndi Sharkey

Public Meeting Items

- 3. [CUP-11-19-5](#) Storybrook Kids Club
[761](#) 688 E. Union Square
[Community #5]

Attachments: [Staff Report, map and materials.pdf](#)

Claire Hague presented to the Planning Commission.

Savanna Bower the applicant further explained item to the Planning Commission.

Savanna Bower commented that the city has already done an inspection and has provided a list of conditions that will need to be completed prior to business license approval. A number of the items have been completed.

Michael Christopherson opened this item to public comment.

Steve Van Marren is in favor of this item.

Michael Christopherson closed this item to public comment.

A motion was made by Jeff Lovell, seconded by Cameron Duncan that the Planning Commission approve a Conditional Use Permit to allow for Storybrook Kids to operate a daycare within 250 feet of a residential property at 688 E. Union Square based on the 2 findings and 5 conditions detailed in the staff report.

- Yes:** 7 - Dave Bromley
Monica Collard
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Ron Mortimer
Cameron Duncan

Absent: 1 - Cyndi Sharkey

- 4. [SUB-05-19-5](#) Larson Webster Subdivision No. 2
[649](#) Amending Lot 2, Larson Webster Subdivision No. 1
3351 E. 9980 S.
[Community #29 - The Dell]

Attachments: [Staff Report, map and materials.pdf](#)

Mike Wilcox presented this item to the Planning Commission

Michael Christopherson asked Mike Wilcox to follow up after applicant to clarify if staff is comfortable with the item.

Jeff Knighton, architect representing the property owner, further explained item to the Planning Commission.

Mike Wilcox explained that staff is comfortable with the proposed amended plat. Mike also commented on an issue that came up regarding the property being smaller than originally thought. Because the lot has been approved as a buildable lot with the previous plat, staff is supportive of the amendment and associated lot as legal non-conforming lot to the existing zone.

Michael Christopherson opened this item to public comment.

Michael Christopherson closed this item to public comment.

A motion was made by Dave Bromley, seconded by Jamie Tsandes, that the Planning Commission determine that preliminary subdivision review and Sensitive Area Overlay Zone review is complete for the proposed amended plat, Larson Webster Subdivision No. 2, located at 3351 East 9980 South and be subject to the 8 conditions detailed in the staff report.

- Yes:** 7 - Dave Bromley
Monica Collard
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Ron Mortimer
Cameron Duncan

- Absent:** 1 - Cyndi Sharkey

- 5. [SPR-02-19-5](#) BD Medical Warehouse Addition
[604](#) 9450 S. State Street
[Community #2 - Civic Center]

Attachments: [Staff Report, map and materials.pdf](#)

Doug Wheelwright presented this item to the Planning Commission.

Jake Tate, representing the property owneres, offered to answer any questions the Planning Commission might have.

Michael Christopherson asked if they are comfortable with the staff report.

Jake Tate explained that they have read and are comfortable with the staff report.

Michael Christopherson opened this item to public comment.

Michael Christopherson closed this item to public comment.

A motion was made by Cameron Duncan, seconded by Monica Collard, that the Planning Commission approve the proposed master development and phasing plan and determine that preliminary site plan for phase one is complete and that the building architectural design, materials and colors are approved, based on the staff report, and the three findings and subject to the seven conditions detailed in the staff report.

- Yes:** 7 - Dave Bromley
Monica Collard
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Ron Mortimer
Cameron Duncan

- Absent:** 1 - Cyndi Sharkey

6. [MISC-11-19-5766](#) Development Code Interpretation

Attachments: [Staff Report and materials.pdf](#)
[Map.pdf](#)

Brian McCuiston presented this item to the Planning Commission.

Jeff Nilsen, the applicant, further explained the item.

Monica Collard asked the applicant if he had moved the structure away from the fence.

Jeff Nilsen explained that he had moved it two feet away from the fence.

Monica Collard asked for clarification as to what the problem is if the structure has been moved away from the fence.

Jeff Nilsen said that he wanted to see how this process works.

Monica Collard explained that in her opinion that the structure does look like a barrier when it is right up against the property line. Having it away from the fence seemed more appropriate and less like a barrier.

Jamie Tsandes asked if there were any modifications to the structure when it was moved away from the fence.

Jeff Nilsen clarified that he had taken off the top and the sides of the structure.

Dave Bromley asked if it was the same height.

Jeff Nilsen replied that it was one foot shorter.

Jamie Tsandes asked the applicant what his intent behind building the structure was.

Jeff Nilsen explained he built it for privacy from the home that was built next door.

Michael Christopherson asked Steve Osborne, the City Attorney, since the structure was moved, if the item is now moot.

Steve Osborne explained that it is not moot because he could move it back.

Michael Christopherson opened this item to public comment.

Elizabeth Finlinson, a neighbor of the applicant, would like it on the record that she feels like Sandy City failed them in what was allowed to be built in their neighborhood. She backs what the Nilsen's have done to have a small amount of privacy.

Brenda Durell, a neighbor of the applicant, wants the Planning Commission to know that she supports the Nilsen's and the privacy they are asking for.

Michael Christopherson closed this item to public comment.

Monica Collard asked if the neighboring home was built to a standard residential height.

Brian McCuiston explained that is was surveyed and it does comply with the height requirement. Brian also mentioned that he had recieved two emails from nearby residents that were in favor of the Nilsen request.

Michael Christopherson clarified that they are not here to comment on the neighboring house because there is nothing they can do about that. He then proceeded to explain that although technically there is no issue now that the structure has been moved away from the fence, the city code leaves room for a grey area.

Dave Bromley explained that the Planning Commission does take comments into consideration and are open to new information that is presented during the meeting.

Ron Mortimer explained that he thought it was an arbor from the beginning.

Cameron Duncan explained that he would agree with Mr. Sorensen in that the structure appears to be a fence.

Dave Bromley explained that he can understand the ambiguity and for him it comes down to the proximity to the property line. With he structure being on the property line, he would consider it a fence.

Jeff Lovell thinks that the interpretation is fair and that they owe it to the citizens who are trying to comply with code to add clarity whenever possible. This is one of those situations that the city should add some clarity to avoid these types of situations.

Jamie Tsandes explained that for her as a landscape architect, when she looks at the structure it doesn't look like an arbor but more like a fence. She feels the interpretation is correct, but because it has been moved away, he now complies with the code.

Michael Christopherson expalined that as a lawyer he tries to drill down on the language and its frustrating that moving something two feet changes everything. The two foot setback does make a huge difference. When it is against the property line, he feels the structure is a fence.

A motion was made by Monica Collard, seconded by Jamie Tsandes, that the Planning Commission determine that the interpretation from the Community Development Director is correct.

- Yes:** 6 - Dave Bromley
 Monica Collard
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell
 Cameron Duncan

- No:** 1 - Ron Mortimer

- Absent:** 1 - Cyndi Sharkey

Administrative Business

1. [19-443](#) Planning Commission meeting minutes for 11.07.2019

Attachments: [11.07.19 PC Meeting Minutes](#)

Postponed

2. Sandy City Development Report
3. Director's Report

Adjournment

A unanimous 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.

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