



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7256

Meeting Minutes

Planning Commission

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

Thursday, September 5, 2019

6:15 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

Voting Roll Call

Present 5 - Commissioner Dave Bromley
Commissioner Monica Collard
Commissioner Michael Christopherson
Commissioner Cory Shupe
Commissioner Cameron Duncan

Absent 4 - Commissioner Cyndi Sharkey
Commissioner Jamie Tsandes
Commissioner Jeff Lovell
Commissioner Ron Mortimer

4:00 PM FIELD TRIP

1. [19-301](#) Field Trip for September 5, 2019

Attachments: [Field Trip Map](#)

Tour will include multi-family project sites to review guest parking spaces

5:15 PM EXECUTIVE SESSION

2. [19-290](#) Discuss Planning Commission By-Laws - (POSTPONED)

6:15 PM REGULAR SESSION

Roll Call

Welcome

Pledge of Allegiance

Introductions

Public Hearings

3. [CUP-06-19-5](#) Dutch Bros. Coffee Restaurant with Drive-up Window and Extended
[673](#) Business Hours
7856 S. 700 E.
Community #3, Sandy Woods

Attachments: [CUP staff report for P.C. 9-5-2019](#)
[Dutch Bros. Coffee CUP Attachments for P.C. 9-5-2019](#)

Doug Wheelwright presented item to Planning Commission.

Applicant Kerry Rohrmeier gave additional information about the project to the Planning Commission.

Kerry Rohrmeier explained Dutch Bros philosophy towards the community.

Dave Bromley asked Doug Wheelwright about the condition of the existing sign and if they would need to come back to the Planning Commission.

Doug Wheelwright said that will be handled at the staff level under a separate application.

Michael Christopherson opened this matter to public comment.

No one came forward.

Michael Christopherson closed the matter to public matter.

Monica Collard asked about the 6-foot masonry wall.

Dave Bromley said it's fine.

Planning Commission members mentioned they are comfortable with the applicant repairing the existing masonry wall as outlined in the staff report.

A motion was made by Dave Bromley, seconded by Monica Collard, that the Planning Commission approve the Conditional Use request to allow "Restaurant, Drive-up Window" land use and "Extended Business Hours" to 5:00 a.m. to 11:00 p.m., based on the staff report, the staff findings 1 to 15 in the analysis of the Conditional Use Standards and the three additional findings and subject to the following three conditions contained in the staff report.

- Yes:** 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

[SPR-06-19-5](#) Dutch Bros. Coffee (Preliminary Site Plan Review)
[672](#) 7856 S. 700 E.
Community #3, Sandy Woods

Attachments: [staff report, maps, and supporting documents](#)
[Dutch Bros. Coffee attachments for P.C. 9-5-2019](#)

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No one came forward.

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Monica Collard asked about the 6-foot masonry wall.

Dave Bromley said it's fine.

Planning Commission members mentioned they are comfortable with the applicant repairing the existing masonry wall as outlined in the staff report.

A motion was made by Monica Collard, seconded by Cory Shupe that the preliminary site plan review is complete, based on this staff report, and the three findings listed in the staff report and subject to eight conditions listed in the staff report.

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

4. [CODE-06-19](#) Temporary Use Standards - Kuwahara Wholesale
[-5668 PC](#) Amend Title 15A, Chapter 11, Special Use Standards, Section 14,
Temporary Uses, Revised Ordinances of Sandy City, 2008

Attachments: [Staff Report.pdf](#)

Mike Wilcox presented item to Planning Commission.

Applicant Bruce Parker explained that they disagree with staff recommendation.

Bruce Parker explained why their code change is an appropriate change for the city.

Monica Collard asked if their structures are durable for weather since they do not want to take them down.

Bruce Parker explained that the structures can withstand the snow and rain.

Monica Collard asked why they don't just make it permanent.

Bruce explained that they would require much more structural support and financing.

Dave Bromley asked how long they can keep the plastic cover structure before replacing it.

Alex Kuwahara owner of Kuwahara Wholesale explained that it must be changed every 3 years.

Michael Christopherson asked how tall the greenhouse structures are.

Alex Kuwahara said it is between 6-10 feet depending on the structure.

Monica Collard asked if people will be allowed to go into the structures.

Alex Kuwahara explained that people are allowed in during growing season but not during the off season.

Dave Bromley asked how the structures are anchored.

Alex Kuwahara explained that they are in the ground and cemented.

Michael Christopherson explained that he feels like this proposed code amendment is for a different type of business than what they do and that this isn't the right solution.

Bruce Parker and Alex Kuwahara explained that other cities are making room for companies like them into their codes.

Michael Christopherson explained that he feels like it should be made into a permanent structure and business, not temporary.

Monica Collard asked if they live on site.

Michael Christopherson explained that, that is the second item.

Cory Shupe asked what caused them to want to change the code.

Bruce Parker explained the pressure from the temporary codes to take down structures two days after temp license expires caused them to want to change the code.

Michael Christopherson asked them to speak to the second issue.

Bruce Parker presented second item to Planning Commission.

Dave Bromley asked what their concern is.

Bruce Parker explained that they can't get financing because the commercial zone makes single family dwelling legal non-conforming.

Michael Christopherson asked if there are any other impacts.

Bruce Parker explained that after 12 months of vacancy they can't be occupied as residential.

Cameron Duncan said he still feels like this is a commercial project, not a residential.

Michael Christopherson invited staff back up.

Mike Wilcox explained that Kuwahara is not a temporary business by definition.

Michael Christopherson asked how the city feels about the business in general.

Michael Christopherson asked for clarification if they are a temporary business.

Bruce Parker said they are a temporary business.

Brian McCuiston explained they have not been given a temporary use permit for at least two years.

James Sorenson further explained that they have not gained permits because they are not in compliance to obtain temporary permits.

Mike Wilcox explained all the different things that are out of compliance.

Michael Christopherson asked what the outcome of this motion would be and a better understanding of what was being said.

Monica Collard explained she understands that if they didn't live in the home, which is now zoned as a commercial zone, they could continue operating as a business if they didn't live in the home and the structures came down every six months.

Dave Bromley disagreed. He believes this site would need to go through commercial site plan approvals in order to get approved.

Monica Collard explained that this is a temporary use and not a permanent use.

Darien Alcorn explained that a temporary use permit also requires a site plan.

Mike Wilcox clarified that the development of the property as a commercial property requires a site plan review or a vacant property wanting to have temporary use must meet

certain landscape and site plan standards that were established several years ago.

Michael Christopherson asked if that was a yearly or renewal process.

Mike Wilcox explained that a temporary use must either be located on the property that has a permanent business or a vacant lot that has met all developmental standards.

Darien Alcorn explained that this property won't be vacant because there are homes and this site has not been approved as commercial property.

Mike Wilcox explained that Planning Commission needs to evaluate the code amendment requests on their own merit and the standards of the code as given. The Planning Commission should focus their review on whether or not these proposed amendments are conducive to supporting the master plan and general plan for the city and furthering the goals and policies for the city.

Michael Christopherson opened items number four and five to public comment.

Sara Morris, another owner of Kuwahara Wholesale, explained where they started and how they have gotten to where they are.

Randy Keretege, neighbor to Kuwahara, said the greenhouses are not a problem, they are clean, and they have no problems with this business.

Steve Van Maren would like to see a conditional use permit for Kuwahara be granted.

Jessica Roadeigh, owner, explained the history of business with her grandmother and the roots Kuwahara has in the community.

Michael Christopherson closed items four and five to public comment.

Corey Shupe explained that we don't want them to go out of business or lose their home.

Dave Bromley thought that this probably isn't the best approach for this business and matter.

Corey Shupe asked if they should pause and let staff work to make a better solution with Kuwahara.

Michael Christopherson explained that there must be a better solution to come into compliance and keep this business.

Cory Shupe asked if they forward a negative recommendation, will that put Kuwahara out of business.

Monica Collard explained that, these matters are ultimately up to City Council.

Michael Christopherson explained that it sounds like they have multiple compliance issues and how the City decides to enforce that is beyond the scope of what the Planning Commission is responsible for.

Darien Alcorn clarified that Kuwahara does not qualify for a business license and hasn't had a business license for two years.

Michael Christopherson asked why.

Darien Alcorn explained that they both require a site plan.

Monica Collard asked if we should table the item.

Michael Christopherson thinks that tabling won't change anything, and this is out of the scope for the Planning Commission.

A motion was made by Dave Bromley, seconded by Cameron Duncan that the Planning Commission forward a negative recommendation to the City Council to amend a portion of Title 15A, Chapter 11, Special Use Standards, Section 14, Temporary Uses, Revised Ordinances of Sandy City 2008, as shown in the applicant's letter based on the two findings detailed in the staff report.

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

DRAFT

5. [CODE-06-19](#) [-5669 PC](#) Commercial Land Use Matrix - Kuwahara Wholesale Amend Title 15A, Chapter 8, Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts , Section 2, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Revised Ordinances of Sandy City, 2008

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- Yes:** 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

- Absent:** 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

6. [CODE-08-19](#) Publication and Codification of the Sandy City Municipal Code
[-5710](#)

Attachments: [staff report](#)

[Title 21](#)

Brian McCuiston presented item to Planning Commission.

Michael Christopherson opened item to public comment.

Steven Van Maren asked if there was a redline version that would be made public to the citizens. Steve is concerned that this hasn't had enough time for the public to review the code.

Michael Christopherson closed the item to public comment.

Dave Bromley asked for clarification on Steve Van Maren's comment and concerns.

Steve Van Maren elaborated on his concerns that he thinks more people need to read through it and see the changes.

Michael Christopherson said he trust staff that if there were changes staff would make that known opposed to cleaning up redundancies and stylistic changes.

James Sorensen explained that this is going to City Council and it's the entire city code. This portion is just the part that needed to come through Planning Commission.

Corey Shupe asked if the changes will be highlighted so that it will be easier to see the changes in the code.

Brian McCuiston said he can get a copy of their red lines and post them.

Darien Alcorn explained that the changes were sent to a codifier to be revised and probably were not tracked because the intent was to keep the same meaning, but to have language that would be acceptable to a proofreader.

Michael Christopherson asked what they legally mean by codify and if that means we are adopting a new code.

Darien Alcorn explained that we are adopting the code. It has always just been an assemblage of ordinances. We have always called them the Revised Ordinances of Sandy City and they have never been formally or officially codified.

A motion was made by Cory Shupe, seconded by Monica Collard that the Planning Commission forward a positive recommendation to the City Council to publish and codify the Sandy City Land Development Code.

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

7. [CODE-08-19-5712](#) Adoption of the 2018 International Fire Code to include Appendices B, C, D, & N.

Attachments: [staff report](#)

[Fire Marshal Memo for the Adoption of the 2018 IFC Appendix B C D](#)

[N](#)

[2018 IFC Appendix B](#)

[2018 IFC Appendix C](#)

[2018 IFC Appendix D](#)

[2018 IFC Appendix N](#)

Brian McCuiston presented item to Planning Commission.

Michael Christopherson asked for clarification if they are adopting the code.

Robert DeKorver Sandy City Fire Marshal clarified the appendices and what each appendix includes.

Dave Bromley asked if there are any instances that these revisions do not bring them into compliance.

Robert DeKorver explained that all those questions will be answered in the next item about implementing Appendix D.

Cameron Duncan asked in Appendix C related to hydrant spacing, will line up the development code.

Robert DeKorver said they do line up although they are a little bit more restrictive.

Michael Christopherson opened the item to public comment.

Michael Christopherson closed the item to public comment.

A motion was made by Monica Collard, seconded by Cory Shupe that the Planning Commission forward a positive recommendation to the City Council to adopt the 2018 International Fire Code to include Appendices B, C, D, and N.

8. [CODE-08-19](#) [-5713 PC](#) Implementing Appendix D of the International Fire Code and Other Miscellaneous Text Amendments
Amend Title 15A, Chapter 21, Subdivision Design Standards; Chapter 15, Sensitive Area Overlay Zone; Chapter 20, Residential Development Standards; Chapter 24, Parking, Access and Circulation Requirements; and Chapter 37, Definitions, Revised Ordinances of Sandy City, 2008

Attachments: [Staff Report.pdf](#)

Mike Wilcox presented item to Planning Commission.

Dave Bromley asked about the adoption of Appendix D and how it relates to the adoption of the Code. The amendment states that these requirements in this chapter shall apply to all developments within Sandy City. He felt this is overreaching and asked if there should be a clarification on when it is and isn't applicable.

Michael Christopherson explained that, this part of the code only affects Subdivision code.

Robert DeKorver explained how it will be applied.

Dave Bromley asked if hypothetically Target decided to remodel or added on to the back, would they have to bring their entire parking lot in the front into compliance.

Robert DeKorver explained that it would depend on which code the store was initially built under. There must be a change in occupancy or a major remodel to the building in order for these standards to apply.

Dave Bromley asked if the addition of Appendix D will require any additional burden that wouldn't otherwise be there.

Robert DeKorver said it does not.

Michael Christopherson said that it sounds like Appendix D may have more burdens and requirements but when and how it gets applied is no different than how the current code gets applied.

Robert DeKorver explained that is correct.

Michael Christopherson opened the item to public comment.

Steve Van Maren endorses the changes.

Michael Christopherson closed item to public comment.

A motion was made by Cameron Duncan, seconded by Cory Shupe that the Planning Commission forward a positive recommendation to amend Title 15A, Chapter 21 Subdivision Design Standards; Chapter 15, Sensitive Area Overlay Zone; Chapter 20, Residential Development Standards; Chapter 24, Parking, Access and Circulation Requirements; and Chapter 37 Definitions, Revised

Ordinances of Sandy City 2008 as shown in Exhibit A based on the findings detailed in the staff report.

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

Administrative Business

- 1. [19-292](#) Planning Commission meeting minutes from August 15, 2019

Attachments: [8.15.2019 PC Meeting Minutes](#)

A motion was made by Cory Shupe, seconded by Cameron Duncan to approve the previous meetings minutes.

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer

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

Adjournment

Planning Commission voted unanimously 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