



Sandy City, Utah

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Meeting Minutes

Planning Commission

Dave Bromley
Cameron Duncan
David Hart
Ron Mortimer
Daniel Schoenfeld
Jamie Tsandes
Steven Wrigley
Craig Kitterman (Alternate)
Jennifer George (Alternate)

Thursday, May 16, 2024

6:15 PM

Council Chambers and Online

Meeting procedures are found at the end of this agenda.

This Planning Commission meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

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Webinar ID: 892 2330 6296

Passcode: 302655

4:00 PM FIELD TRIP

1. [24-182](#) Field Trip Info
In addition to the tour of Agenda Items, there will be a tour of missing middle housing in Daybreak. See the attached maps and itinerary for details.

Attachments: [Agenda Items Field Trip Map](#)
[Missing Middle PC Tour Itinerary](#)
[Daybreak Field Trip Map](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 6 - Commissioner Dave Bromley
Commissioner Cameron Duncan
Commissioner Daniel Schoenfeld
Commissioner Steven Wrigley
Commissioner Craig Kitterman
Commissioner Jennifer George
- Absent** 3 - Commissioner David Hart
Commissioner Ron Mortimer
Commissioner Jamie Tsandes

Public Hearings

2. [REZ1127202](#) Riverside Park Rezone
[3-006661](#) 9016 S. Riverside Drive from CvC to PUD(12)
[\(2nd PC\)](#) [Community #2, Civic Center]

Attachments: [PC Report-Riverside Park Rezone \(5.7.24\).pdf](#)

Jake Warner introduced this item to the Planning Commission.

Adam Nash, spoke about the two adjacent properties and resident concerns with one of the properties. He spoke about staff's interpretation of the ordinance relating to the access point which he doesn't agree with and said that he has direct access to 9000 S and 700 W. He spoke about amenities on the property and that they've considered other zones but doesn't feel that the change in zoning should be an issue.

Steven Wrigley asked Adam Nash if he's done a commercial feasibility study.

Adam Nash said yes.

Steven Wrigley said that the only way to access this development is going eastbound on 9000 S or from 700 W. There is no access from 9000 S going west.

Adam Nash said that he has a profile of the road that he should have submitted but this isn't going to be a limited right in right out but turning left from 90th won't be an issue if UDOT allows and if it is then 7th West is available.

Steven Wrigley said that turning left out of this development would be an issue due to the traffic on 90th unless a turn lane is there and that the only access to the development would then be off of 7th West.

Adam Nash said that this development wouldn't create a lot of traffic.

Cameron Duncan asked if there's an access agreement that would give him access across the front and back.

Adam Nash said yes.

Cameron Duncan said no matter what the use is, they'd have to access from 7th west. He also asked if the Jordan River Trail will remain on his side or if they'll reroute it.

Adam Nash said it's already built as you go along the golf course.

Cameron Duncan asked what's the most productive amount of units he could have with constraints of the sewer lines.

Adam Nash said 21.

Cameron Duncan asked if they would rent or sell the units.

Adam Nash said they'd be owner occupied units.

Daniel Schoenfeld opened this item for public comment.

Raju Pusapati, 746 W Jordan Oaks Drive, Sandy, asked if there will be a road that would come in between the office building and the homes behind and shared concern with

lighting from cars entering the property and disturbing his home.

Daniel Schoenfeld closed this item to public comment.

Jake Warner replied to the resident concern regarding road access. Jake said there is one access point onto 9000 S but it's entirely on the adjoining property and access points are not roads. He mentioned that Adam Nash has a concept plan to widen the existing access point and unsure if that's allowed.

Dave Bromley asked what would be difference if there was a titled access to the easement.

Jake Warner said there's a residential project on 9400 S and 700 E on the north east corner where you need to access the units by going through the commercial area. They've improved the access to a standard street cross section.

Dave Bromley replied that there is a physical differences between what is there versus what would be.

Jake Warner said it's a designated street built to an approved cross section.

Mike Wilcox said what's currently at the site is a commercial drive aisle which is built at a 24' width with no sidewalk and no park strip. Mike said that this was not developed for residential in a commercial zone.

Dave Bromley asked if staff's determination would be different if it were physically improved for a residential street cross section entrance.

Jake Warner said yes.

Cameron Duncan asked if both accesses would need to meet the residential standard or just the primary one in the front.

Jake Warner said the code does require two access points.

Dave Bromley asked if the easement on 9000 S is large and wide enough for the improvements.

Mike Wilcox said no, not without modifying the existing commercial development that's currently under construction.

Steven Wrigley asked if the road behind on 700 W should be 50' wide instead of 20'.

Jake Warner said per city code it's not recognized as a road.

Steven Wrigley asked if there's any guidelines with residential roads that close to major intersections.

Brittney Ward, Sandy City Transportation Engineer, said 9400 S is a UDOT road with their own set of standards and reviewed the different dimensions of roads within the city.

Steven Wrigley asked if the road on 700 W is long enough.

Brittney Ward said it's a drive aisle and not a road.

Craig Kitterman said that it seems they're being pressured to change the zone and they need to do what is right.

Steven Wrigley asked if a wall is common to separate residential from commercial.

Jake Warner said there is a code that requires a masonry wall to separate residential from commercial.

Craig Kitterman spoke about a resident's concern regarding after hours traffic which is concerning to him and disturbing resident's privacy.

Mike Wilcox mentioned the resident's concern regarding lighting and said that's related to the site plan.

Cameron Duncan said he feels different from Craig Kitterman relating to residents privacy.

Dave Bromley said he's still uncertain with the access.

Jennifer George asked if the project was downsized would the road be allowed.

Brittney Ward said that if a road is put in, it would need to be designed and submitted.

Mike Wilcox said they'd most likely be limited to one point of access being that 9000 S is a UDOT road.

Brittney Ward said access spacing requirements will not allow for another access on 700 W. There will be a raised median down 9000 S and this project will only allow for right in and right out.

Cameron Duncan said the applicant would need to come up with a solution.

Steven Wrigley asked if permission is needed to use the road as a residential access.

Jake Warner said it would include physical improvements to provide street access.

Steven Wrigley asked if they need permission for that.

Jake Warner said there's legal access across both properties.

Steven Wrigley said it's commercial access not residential.

Jake Warner said it's not the appropriate type of access which would require a subdivision amendment in order to resolve that.

Steven Wrigley said if one road is allowed for access.

Jake Warner said code requires two but the Planning Commission can make an exception.

Craig Kitterman asked if the only legal reason to not make the zone change is road access.

Jake Warner said as a legislative item, so the City Council is given broad discretion in

making the final decision.

Craig Kitterman said it's their responsibility to consider the residents who would be affected by the zone change.

A motion was made by Cameron Duncan, seconded by Steven Wrigley, that the Planning Commission forward a negative recommendation, recommending that the City Council not approve the zone change from the CvC Zone to PUD(12) Zone. The motion carried by the following role call vote:

Yes: 6 - Dave Bromley
 Cameron Duncan
 Daniel Schoenfeld
 Steven Wrigley
 Craig Kitterman
 Jennifer George

Absent: 3 - David Hart
 Ron Mortimer
 Jamie Tsandes

3. [CA04262024](#) Amendments to Title 21 of the Land Development Code related to Rear
[-0006760](#) Setback Exceptions
[\(PC\)](#)

Attachments: [Staff Report and Exhibits](#)

Melissa Anderson introduced this item to the Planning Commission.

Daniel Schoenfeld opened this item for public comment.

Daniel Schoenfeld closed this item to public comment.

Steven Wrigley asked if they're approving this item because it's a law that legislature passed.

Melissa Anderson said yes.

Steven Wrigley asked staff if they agree with this.

Melissa Anderson said yes.

A motion was made by Dave Bromley, seconded by Cameron Duncan, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to rear setback exceptions as shown in Exhibit "A", based on the findings detailed in the staff report. The motion carried by the following role call vote:

Yes: 6 - Dave Bromley
 Cameron Duncan
 Daniel Schoenfeld
 Steven Wrigley
 Craig Kitterman
 Jennifer George

Absent: 3 - David Hart
Ron Mortimer
Jamie Tsandes

4. [CA04262024](#) Amendments to Title 21 of the Land Development Code related to
[-0006759](#) Improvement Completion Assurances for Public Sidewalks
[\(PC\)](#)

Attachments: [Staff Report and Exhibits](#)

Melissa Anderson introduced this item to the Planning Commission.

Daniel Schoenfeld opened this item for public comment.

Daniel Schoenfeld closed this item to public comment.

Dave Bromley asked if the bond can be extended at any point or does it need to be done up front.

Melissa Anderson said we cannot pull the bond any sooner than 18 months and if an applicant needs to extend the bond then it would be allowed under certain circumstances.

Dave Bromley said that he understands the ordinance means that if the developer requests an extension, the request has to be made before the 12 months.

Ryan Kump, Sandy City Engineer, said if the sidewalks aren't done by month 12, they would grant the extension for that.

Dave Bromley asked if the code should be changed to reflect that because he understands it to say that the developer needs to request the extension.

Ryan Kump said yes.

Cameron Duncan said the developer needs to request the extension in writing and it needs to be approved by the director and engineer.

Dave Bromley said he thinks it needs to be called out that the public sidewalk is an 18 month bond.

Darien Alcorn, Sandy City Attorney, said that it was supposed to say that they have to request if they want a separate bond because state law allows for a separate bond for sidewalks and the city does not want to do a separate bond every time there's a sidewalk.

Dave Bromley asked if they're meeting state law.

Darien Alcorn said no because they don't have to make the demand if the work isn't done by month 12.

Mike Wilcox said it's consistent with how the state code reads.

Ryan Kump said he agrees with Mike Wilcox.

Cameron Duncan said if they file for a second bond that will be 18 months.

Dave Bromley asked if that's done in the beginning or end.

Ryan Kump said the reality is he takes the requests at anytime. Generally towards the end of the project.

A motion was made by Jennifer George, seconded by Dave Bromley, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code. related to improvement completion assurances for public sidewalks as shown in Exhibit "A" based on the findings detailed in the staff report. The motion carried by the following role call vote:

Yes: 6 - Dave Bromley
Cameron Duncan
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

Absent: 3 - David Hart
Ron Mortimer
Jamie Tsandes

5. [CA04182024](#) Amendments to Title 21 of the Land Development Code related to
[-0006755](#) Accessory Apartments (aka Internal Accessory Dwelling Units (IADUs))
[\(PC\)](#)

Attachments: [Final Staff Report and Exhibits](#)

Brynn Bohlender introduced this item to the Planning Commission.

Steven Wrigley asked where would the additional parking be.

Brynn Bohlender said they could park on the street.

Mike Wilcox said Utah Code prevents the city from requiring additional parking beyond the four off street, which is two in the garage and two in the driveway.

Craig Kitterman asked if the main home needs to be owner occupied.

Brynn Bohlender said that's already required.

Craig Kitterman asked that if a home is out of compliance if the owner is renting to a tenant upstairs and downstairs.

Brynn Bohlender said yes.

Craig Kitterman asked if that's enforced.

Brynn Bohlender said yes.

James Sorensen said that's a common complaint that is enforced.

Cameron Duncan asked if the owner can live in the basement and rent out the upstairs.

Brynn Bohlender said yes.

Dave Bromley asked if there's a more comprehensive ADU code amendment and if so will it address this issue by not requiring the internal access to be a common wall and feels it needs to be much more comprehensive.

Melissa Anderson said that this proposal is to align with state law.

Dave Bromley said he's in favor of detached as well as expanding internal to be more comprehensive than just a common wall.

James Sorensen said that staff has to separate them and welcomed Dave Bromley's opinion going on record with how he feels.

Melissa Anderson asked Dave Bromley for clarity on what he would be looking for and spoke about options for ADU's.

Dave Bromley said his concern is the common wall between living quarters.

Mike Wilcox said if the only connection is through a garage or non habitable space then it could not be an internal dwelling unit.

Dave Bromley said that's what his concern is and wanted further discussion on this amongst the Planning Commission.

Cameron Duncan said they saw really creative options while on the tour.

Dave Bromley said there are other issues in the ordinance that relate to where a door is to make sure things look like a single family and feels there needs to be more latitude.

James Sorensen said there are ordinances that are being worked on that address ADU's.

Daniel Schoenfeld opened this item for public comment.

Steve Van Maren, 11039 S Lexington Circle, agrees with the modification.

Daniel Schoenfeld closed this item to public comment.

A motion was made by Cameron Duncan, seconded by Steven Wrigley, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to accessory apartments as shown in Exhibit "A", based on the findings detailed in the staff report. The motion carried by the following role call vote:

- Yes:** 6 - Dave Bromley
Cameron Duncan
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

- Absent:** 3 - David Hart
Ron Mortimer
Jamie Tsandes

Administrative Business

1. Minutes

[24-183](#) Minutes from May 2, 2024

Attachments: [05.02.2024 Minutes \(DRAFT\)](#)

An all in favor motion was made by Dave Bromley to approve the meeting minutes for 05.02.2024.

- Yes:** 6 - Dave Bromley
Cameron Duncan
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

- Absent:** 3 - David Hart
Ron Mortimer
Jamie Tsandes

2. 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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