



Sandy City, Utah

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

Meeting Minutes

Planning Commission

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

Thursday, October 18, 2018

6:15 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

Voting Roll Call

4:00 PM FIELD TRIP

1. [18-401](#) Field Trip Map

6:15 PM REGULAR SESSION

Roll Call

Staff: James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Wade Sanner, Planner; Doug Wheelwright, Development Services Manager; Matt Huish, CAO; Steve Osborn, Sr. City Attorney; Britney Ward, Transportation Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

- Present** 5 - Commissioner Joe Baker
Commissioner Cyndi Sharkey
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Jeff Lovell
- Absent** 4 - Commissioner Dave Bromley
Commissioner Monica Collard
Commissioner Cory Shupe
Commissioner Ron Mortimer

Welcome

Pledge of Allegiance

Introductions

Public Hearings

According to the bylaws, Commissioner Joe Baker was appointed Chair in the absence of the Chair and Vice Chair. However, he delegated this responsibility to Commissioner Michael Christopherson.

- 2. [ANEX-09-18-5489\(PC\)](#) Mosher Annexation
11465 and 11467 E. Oberland Road
[Lone Peak, Community #27]

Brian McCuiston introduced this item to the Planning Commission.

Phillip Mosher, Applicant, gave reasons why he would like to be annexed into Sandy.

Commissioner Joe Baker asked the applicant if he owned both properties.

Phillip Mosher stated no. There is another owner involved.

The Planning Commission and the applicant had a brief discussion about the proposed property.

The Chair opened this item to public comment and there was none

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission send positive recommendation to the City Council that the Mosher Annexation be approved and zoned R-1-20 based upon the five findings listed in the staff report. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

- Absent:** 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

- 3. [ANEX-09-18-5488\(PC\)](#) Garza Annexation
2893 E. Little Cottonwood Road
[Granite, Community #30]

Brian McCuiston introduced this item to the Planning Commission.

Mark Garza, Applicant, gave reasons why he would like this property annexed into Sandy.

The Chair opened this item to public comment and there was none.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning Commission send a positive recommendation to the City Council that the Garza Annexation be approved and zoned R-1-15 based on the five findings listed in the staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

4. [ANEX-09-18-5494\(PC\)](#) Willow Creek Country Club Annexation
 Approximately 8214 South to 8506 South Willow Creek Drive, 2550 East to 2570 East Robidoux Road, and 8300 South Etienne Way
 [Community #18]

Commissioner Michael Christopherson per the bi-laws, wanted to acknowledge that Commissioner Cyndi Sharkey disclosed to the Planning Commission of her limited involvement with the applicant on this item. She also discussed this involvement with the City Attorney. The Planning Commission voted unanimously to have her participate as a Planning Commission member on this item.

Brian McCuistion presented this item to the Planning Commission.

The Chair opened this item to public comment.

Victoria Newman stated her property has been subject to an annexation twice. She would like to remain in Cottonwood Heights.

Commissioner Michael Christopherson asked Victoria if her home was located in the yellow area (the area being annexed shown on the screen).

Victoria Newman stated no, her home is not in the yellow area shown on the screen but she received a public notice.

Commissioner Michael Christopherson stated what most likely happened is she received a letter of notification because her home is within 500 feet of the subject area.

Alan Payne stated he would like to see this property annexed.

The Chair closed this item to public comment.

A motion was made by Jeff Lovell, seconded by Joe Baker, that the Planning Commission send a positive recommendation to the City Council that the Willow Creek Country Club Annexation be approved and zoned R-1-10 and Open Space based upon the four findings listed in the staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

5. [CUP-09-18-5](#) The Movement Center
[491](#) (Recreation Center)
 9314 S. 700 E.
 [Historic Sandy, Community #4]

Wade Sanner introduced this item to the Planning Commission.

Jack Session, Applicant, gave an overview of the proposed item.

Commissioner Cyndi Sharkey asked if music would be played during operating hours.

Jack Session replied yes. He also stated the music would not be loud and the doors would remain closed during business hours.

Commissioner Cyndi Sharkey, Staff, and the applicant had discussion about noise and conditions in the staff report.

The Chair opened this item to public comment and there was none.

Commissioner Joe Baker asked if the building is air conditioned. He stated the question is important and relevant to whether the applicant would have the back door open during the summer months.

The Jack Session stated yes, the building is air conditioned.

The Planning Commission members had discussion about noise levels.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission approve a Conditional Use Permit to allow for The Movement Center to operate a recreation center within 250 feet of a residential property at 9314 South 700 East based on the one finding and four conditions listed in the staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

6. [CUP-09-18-5](#) The Elite Training Facility
[492](#) (Recreation Center and Extended Hours)
 9322 S. 700 E.
 [Historic Sandy, Community #4]

Wade Sanner presented this item to the Planning Commission.

Matt Johnson, Applicant, gave an overview of the proposed item.

Commissioner Cyndi Sharkey asked Matt about the noise levels.

Matt Johnson stated all activities will be inside the building.

The Planning Commission and the applicant had discussion about noise.

Commissioner Joe Baker asked why such early hours.

Matt Johnson stated there are people that work out early. There is a need for the early hours.

The Chair opened this item to public comment and there was none.

The Planning Commission had discussion on the conditions in the staff report.

A motion was made by Cyndi Sharkey, seconded by Joe Baker, that the Planning Commission approve a Conditional Use Permit to allow for The Elite Training Facility to operate a recreation center within 250 feet of a residential property with extended hours opening at 5:00 AM at 9322 South 700 East based on the one finding and the five conditions listed in the staff report, with a modification to condition number four to read: 4. That loud music not be heard beyond the property line during operating hours and that no music be heard beyond the property line before 7:00 am. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

- 7. [CUP-09-18-5](#) La Puente Mexican Restaurant
[490](#) (Extended Hours and Alcohol Sales)
 7460 S. Union Park Ave.
 [High Point, Community #6]

Wade Sanner introduced this item to the Planning Commission.

Maria Flores, Applicant, stated she read and agreed with the staff report. She also gave an overview of the proposed project.

The Chair opened this item to public comment and there was none.

A motion was made by Joe Baker, seconded by Jamie Tsandes, that the Planning Commission approve a Conditional Use Permit to allow for extended business hours from 10:00 AM to 10:30 PM and for the Alcohol Beverage Restaurant Full Service License at 7460 South Union Park Avenue for La Puente Mexican Restaurant based on the two findings and four conditions listed in the staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

Absent: 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

8. [CUP-09-18-5](#) West Accessory Apartment
[493](#) 9988 S. Eastdell
[Falcon Hill, Community #21]

Wade Sanner introduced this item to the Planning Commission.

Commissioner Cyndi Sharkey stated the sketch in the staff report shows 773 sq.ft. The applicant is requesting 914 sq.ft. and staff is suggesting 800 sq.ft. She asked if there is a 914 sq.ft. sketch that shows the entrance elsewhere.

Wade Sanner stated the initial square footage is what the applicant submitted with the application. He also stated when he went out to the location, the square footage was larger than what was submitted.

The Planning Commissioners and staff had discussion on the square footage, the configuration of the basement, and the basement entrance.

Rikki Curtis, representing the applicant, gave an overview of the proposed item. She stated there would not be any street parking.

The Chair opened this item to public comment.

Karen Smith stated parking would be an issue for her. She asked how parking would be enforced. She also asked about occupancy rates.

Wade Sanner stated off street parking and occupancy numbers are enforced on a complaint basis.

The Planning Commissioners and staff had discussion about street parking and occupancy.

Steve Van Maren asked about the square footage of the basement. He also stated the application states the basement apartment would be rented for one to four months at a time. He said that is the definition of a short term rental.

James Sorensen stated as long as it is over thirty days it is not considered a short term rental.

The Chair closed this item to public comment.

The Planning Commissioners, staff, and the applicant had discussion about building code, access, and square footage.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning

Commission approve a Conditional Use Permit for Angela West to allow for an 914 square foot accessory apartment on the property located at 9988 South Eastdell Drive based on the three findings and four conditions listed in the staff report with condition three modified to read: 3. That the applicant submit for a building permit showing a maximum 914 square foot configuration of the basement. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

9. [CUP-09-18-5](#) Madsen Accessory Apartment
 [485](#) 9019 S. North Forty Rd.
 [Mountain Views, Community #19]

Wade Sanner introduced this item to the Planning Commission.

Jon and Karen Madsen, Applicants, gave an overview of the proposed item and stated the they would be widening their existing driveway which will help with more parking.

The Chair opened this item to public comment.

Michael Beckman, stated he is opposition of this item. He stated this project would bring a greater influx of traffic and people.

The Chair closed this item to public comment.

A motion was made by Jeff Lovell, seconded by Cyndi Sharkey, that the Planning Commission approve a Conditional Use Permit for Jon and Karen Madsen to allow for an accessory apartment on the property located at 9019 South North Forty Road for 821 square feet as approved by the Planning Commission based on the three findings and four conditions listed in he staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

10. [SIGN-10-18-](#) Shops at South Town Sign Theme Amendment -
 [5499](#) Dillard's Site
 10450 S. State St.
 [South Towne, Community#9]

Wade Sanner presented this item to the Planning Commission.

Mike Jorgenson and John Lee, Applicants, gave an overview of what is being developed at the Shops at South Town and the reasons why a theme sign amendment is needed.

The Chair opened this item to public comment.

Steve Van Maren stated he hopes the west side sign utilization could be restricted in size to get it closer to the other two sides.

The Chair closed this item to public comment.

A motion was made by Jamie Tsandes, seconded by Cyndi Sharkey, that the Planning Commission approve the sign theme for 10450 South State Street to allow the installation of wall signs based on the two conditions listed in the staff report. The motion carried by the following vote:

Yes: 5 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Michael Christopherson
 Jeff Lovell

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

11. [CUP-09-18-5](#) Stor-N-Lock Storage Building Conditional Use
 [484](#) 8594 S. Harrison Street
 [Northwest Exposure, Community #1]

Doug Wheelwright introduced this item to the Planning Commission.

Commissioner Cyndi Sharkey asked if parking was allowed on Harrison Street.

Doug Wheelwright stated yes, unless it's restricted by the city's Transportation or Public Works Departments. Those departments can regulate street parking.

Ben Jones, Applicant, gave an overview of the proposed item.

Cyndi Sharkey asked if the two parking areas are for employees.

Ben Jones stated no, the stalls are for customers. The employees live onsite and their vehicles are parked in their garage.

Commissioner Cyndi Sharkey and the applicant had discussion on parking.

The Chair opened this item to public comment and there was none.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning Commission grant the Conditional Use request to allow the commercial storage building use, 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 three conditions listed in the staff report with a modification to condition number two to read: 2. That the Conditional Use Permit for the storage facility, be reviewed

upon future legitimate citizen complaint or staff observation of non-compliance with conditions. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

- Absent:** 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

12. [SPR-09-18-5](#) Stor-N-Lock Storage Building
[482](#) 8594 S. Harrison Street
 [Northwest Exposure, Community # 1]

The Chair opened this item to public comment and there was none.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission determine that preliminary site plan review is complete, and that no new customer parking is necessary in this application, based the two findings and nine conditions listed in the staff report. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

- Absent:** 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

13. [SUB-09-18-5](#) Stor-N-Lock Storage Building Subdivision
[483](#) 8594 S. Harrison Street
 [Northwest Exposure, Community #1]

The Chair opened this item to public comment and there was none.

A motion was made by Jamie Tsandes, seconded by Cyndi Sharkey, that the Planning Commission determine that preliminary review is complete for the Stor-N-Lock Sandy one-lot commercial subdivision based on the two findings and the two conditions listed in the staff report. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

Absent: 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

14. [CUP-07-18-5](#) 7-Eleven Convenience Store with Gasoline Sales and 24/7 Operating
[462](#) Hours

711 W. 9000 South Street
[Civic Center, Community #2]

Doug Wheelwright introduced this item to the Planning Commission.

Commissioner Michael Christopherson asked staff if there are other detrimental impacts the Planning Commission should know regarding the gasoline sales or extended hours request.

Doug Wheelwright stated it was pointed out during the field trip that the headlights from cars turning into the site from the east side would shine across the residences on the west. He also stated this impact could be mitigated by the height of a wall.

Justin Atwater, Applicant, spoke about permitted uses and reasons why this item should be approved.

Commissioner Jamie Tsandes stated the proposed site is close to the river bottom. Because there will be underground tanks, she asked what the depth to ground water is.

Logan Johnson stated he is not sure. He also stated he is not opposed to considering a 10-foot wall.

Commissioner Cyndi Sharkey asked about headlights coming in from 700 west.

Logan Johnson stated the proposed site would be a traffic interceptor not a destination. Cars traveling to this store would be traveling towards the store already. He stated his view is that traffic is already there and would be already presenting an issue. He believes the height of the 10-foot wall should mitigate this issue.

The Planning Commissioners, the applicant, and staff had discussion about the disturbance from car headlights, other detrimental impacts, and the land use.

The Chair opened this item to public comment.

Jen Archuletta stated she is concerned about the light and the noise. She also stated although the 10-foot wall would be great for her living room, her bedroom is on the second floor and the light will shine in her bedroom at night.

Bruce Tillman, stated he has a problem with gas and alcohol sales.

Jeremiah Johnson, stated his home sits directly behind the proposed item and he is concerned about safety. He is not sure if the proposed fence would be tall enough to block the noise.

Steve Van Maren stated looking at the online documents, he could not find the applicants response to the staff report.

Commissioner Michael Christopherson stated the Planning Commission members received the applicants response just a day ago. It most likely hasn't been made available online yet.

The Chair closed this item to public comment.

Commissioner Jamie Tsandes asked staff about the depth of the ground water.

Ryan Kump replied it has been a long time since he reviewed the geo reports, so he doesn't have the exact number memorized. He also stated the closer you get to the river, the ground water is zero. That is the reason why homes on the far west of the neighborhood to the south don't have basements. As you get closer to 700 west within the subdivision to the south, the ground water starts to drop. Those homes are allowed to have half dept basements.

The Planning Commissioners and staff had discussion on the depth of ground water and flood retention.

The Planning Commission had discussion about this item and how this convenience store is a permitted use in the zone.

The Planning Commission members and staff had discussion about Conditional Use Permits and how things could be mitigated.

A motion was made by Cyndi Sharkey, seconded by Joe Baker, that the Planning Commission grant the Conditional Use requests to allow the gasoline sales use and to extended business hours to 6:00 A.M. to Midnight, 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 five conditions listed in the staff report with an added sixth condition to read: 6. Dense landscape screening to be included, defined as additional Conifer trees with 10% overlap, with trees reaching 20-feet at maturity. The motion carried by the following vote:

Yes: 4 - Joe Baker
 Cyndi Sharkey
 Jamie Tsandes
 Jeff Lovell

No: 1 - Michael Christopherson

Absent: 4 - Dave Bromley
 Monica Collard
 Cory Shupe
 Ron Mortimer

- 15. [SPR-07-18-5](#) 7-Eleven Convenience Store Site Plan
[461](#) 711 W. 9000 South Street
 [Civic Center, Community #2]

The Chair opened this item to public comment.

All comments were made during the CUP review of this item as it relates to item 14

A motion was made by Joe Baker, seconded by Jeff Lovell, that the Planning Commission determine that preliminary site plan review is complete, based on two findings and nine conditions listed in the staff report. The motion carried by

the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

- Absent:** 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

- 16. [SUB-07-18-5](#) Riverside Commons Subdivision
[463](#) 711 W. 9000 South Street
[Civic Center, Community #2]

The Chair opened this item to public comment.

All comments were made during the CUP review of this item as it relates to items 14 & 15

A motion was made by Cyndi Sharkey, seconded by Joe Baker, that the Planning Commission determine that preliminary review is complete for the Riverside Commons two-lot commercial subdivision based on the two findings and two conditions listed in the staff report. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

- Absent:** 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

Administrative Business

Minutes

- [18-402](#) Approval of the September 20, 2018 Planning Commission Meeting Minutes.

A motion was made by Joe Baker, seconded by Cyndi Sharkey, to approve the September 20, 2018 meeting minutes. The motion carried by the following vote:

- Yes:** 5 - Joe Baker
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Jeff Lovell

Absent: 4 - Dave Bromley
Monica Collard
Cory Shupe
Ron Mortimer

Sandy City Development Report

Director's Report

Adjournment

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