



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
Jamie Tsandes
Cameron Duncan
Daniel Schoenfeld

Thursday, December 15, 2022

6:15 PM

Council Chambers & 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:

https://us02web.zoom.us/webinar/register/WN_oMWtl_j0TwySHxG7TXqLdQ

After registering, you will receive a confirmation email containing information about joining the webinar.

You can join the meeting with the following link:

<https://us02web.zoom.us/j/82009437149>

Or join via phone by dialing:

US: 253 215 8782 or 346 248 7799 or 669 900 6833 or 301 715 8592 or 312 626 6799 or 929 436 2866
(for higher quality, dial a number based on your current location):

Webinar ID: 820 0943 7149

Passcode: 137622

4:00 PM FIELD TRIP

[22-448](#)

Map

Attachments: [12.15.22](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 5 - Commissioner Dave Bromley
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Cameron Duncan
Commissioner Daniel Schoenfeld
- Absent** 2 -
Commissioner Monica Collard
Commissioner Ron Mortimer

Public Meeting Items

1. [SUB1025202](#) Tannenbaum Cove Amended (Preliminary Subdivision Review)
[2-006428](#) 9668 & 9682 S. Tannenbaum Cove

- Attachments:** [Tannenbaum Staff Report](#)
[Tannenbaum Amended Plat](#)
[Tannenbaum Cove Recorded Plat](#)

Thomas Irvin introduced this item to the Planning Commission.

Alec Moffitt, 9055 S 1300 E #147, said he didn't realize the lot line ran right through the Tree Preservation Easement until he sold Lot 102.

Cameron Duncan said the fence has been installed and asked if he wanted the property line to match the fence.

Alec Moffitt said yes.

Cameron Duncan opened this item to the public.

Cameron Duncan closed this item to the public.

Staff recommends that the Planning Commission determine the Tannenbaum Cove Amended Plat review is complete as described in the staff report is for the properties located at 9668 and 9682 S. Tannenbaum Cove based on the two findings and subject to the four conditions detailed in the staff report.

- Yes:** 5 - Dave Bromley
Jamie Tsandes
Michael Christopherson
Cameron Duncan
Daniel Schoenfeld
- Absent:** 2 - Monica Collard
Ron Mortimer

2. [CUP1014202](#) Werner Accessory Structure
[2-006420](#) 2 Circle Oaks
[Pepper Dell, #28]

Attachments: [Staff Report](#)

Mike Wilcox introduced this item to the Planning Commission.

Michael Christopherson asked Mike Wilcox if there's any legal ability to prevent removing the mature trees if both neighbors are in agreement to remove them.

Mike Wilcox said the City encourages property owners to protect mature vegetation but it doesn't extend to single family homes. However, it is part of the consideration that the applicants identify, as mitigation measures, that there are mature trees on the south side that would mitigate some of the height and removing the trees removes the mitigation factor.

Jamie Tsandes asked, even with a building permit that wouldn't require them to mitigate per caliper size of removal?

Mike Wilcox said it's specifically related to site development plans unless there are other stipulations that are made through conditions of approval.

Joe & Ann Werner, 2 Circle Oaks, Sandy, said they're requesting the additional height in the rear of the structure is because they need the house to be leveled. Ann Werner said the front of the house would be compliant, it's just the rear. She said the trees are all on her property and need to be removed because they are diseased and they are planning to plant new trees. Ann Werner said they've spoken to their neighbors who are on board and have no concerns.

Cameron Duncan asked the applicants if they understood what Mike Wilcox was saying that depending on the soil type and the proximity to the property line they may have to further cut open which might affect the trees on the adjacent property.

Joe and Ann Werner said it's just scrub oak and an old chain link fence that belongs to them that they were planning to replace.

Michael Christopherson asked Joe and Ann Werner if their neighbors really understand how much excavation will need to take place on their property in order for the Werner's to build what they're proposing.

Ann Werner said that the neighbor has seen their plans.

Michael Christopherson asked if their plan detailed that they'd have to over excavate sixteen feet into the neighbor's property.

Ann Werner said her engineer didn't mention anything about needing to go that far into their neighbor's property.

Dave Bromley asked if the cut is going to be seventeen feet.

Joe Werner said it should only be eight feet because it's already sloping down.

Dave Bromley said that on the east corner, that abuts the driveway, his understanding is

that there will be about a seventeen foot cut in order to get the footing and foundation in place. With it being Sandy soil, and in order to not have it cave in, you have to cut wider and if they understood the full extent of how it will affect the neighbor.

Michael Christopherson said it's not necessarily an issue with the planning commission however they want to make sure that the neighbor understands and is fully aware of what is going to happen before the construction begins.

Dave Bromley said there are ways to mitigate that which does require extra costs.

Joe & Ann Werner said their builder didn't tell them they would have to dig that far and neither did their engineer.

Dave Bromley said there are ways to mitigate that where they would not have to dig so far but it would be an extra cost.

Cameron Duncan asked what the ceiling height is in the basement.

Ann Werner said fourteen feet.

Dave Bromley asked if the Pepperwood Home Owner's Association has reviewed the project.

Ann Werner said yes the Pepperwood Home Owner's Association approved it.

Ryan Kump, Sandy City Engineer, offered two options. He said that if they don't want to go through the extra effort to create a shore wall and create a more vertical cut then they need to assume a worse case scenario on their slope. Given the Sandy soil condition, that would be a Soil C, which on an excavation requires a one and a half to one layback. Ryan calculated twenty three feet of cut into the neighbor's property and wants to see, in their drawing, the full footprint of what the cut would be and how it impacts the neighbor's yard and have the neighbor acknowledge the extent of the cut. He said it needs to show the full extent of the fencing, the scrub oak and irrigation and that the neighbor actually understands that twenty feet into their yard, there will be a deep hole that will be filled back in once the foundation is poured. If they don't want to impact the neighbor's property that significantly, the second option is to hire a geotech engineer that will need to determine the exact soil type and the best way to hold up the wall without disturbing the neighbor's property without having to go that deep. Ryan Kump said that it was concerning to him that the engineer had not discussed the impacts of a seventeen foot deep foundation on a property line.

Mike Wilcox said they could be contemplating a shoring mechanism that wouldn't impact the neighbor's property as much.

Ryan Kump said that he would need to see the engineering.

Mike Wilcox said he hasn't seen that to date.

Joe & Ann Werner said their engineer did not tell them this would be a significant impact and is leaning towards the path of minimal impact to their neighbor.

Cameron Duncan opened this item to public comment.

Brian Roderick, 4 S Dawn Hill, Sandy, asked if it's a double deck garage with living

quarters below and is concerned that it is a mother in law apartment.

Steve Van Maren, 11039 S Lexington Circle, suggested to review, with the applicant, the possibility of moving it further away from property line and asked for pine trees to be planted.

Cameron Duncan closed this item to public comment.

Mike Wilcox answered Brian Roderick's concern about this structure being a mother in law and said that the city does not allow detached accessory dwelling units. Mike also answered the question about depth and that it would be fourteen feet. In response to Steve Van Maren's question, the planning commission can not waive the entire setback but they could reduce it.

Jamie Tsandes asked if the other improvements on the plans are proposed or if they're in the ground.

Mike Wilcox said he believes they're proposed.

Ann Werner said that's correct.

Mike Wilcox said they could modify the deck to move it away from the property line but the deck and structure would need to maintain the six foot separation.

Jamie Tsandes asked what the separation is now.

Mike Wilcox replied eight feet.

Cameron Duncan asked the applicants how much distance will be between the back of the proposed structure to the tennis court.

Joe Werner said maybe a couple of feet.

Mike Wilcox said his guess is roughly twelve feet.

Dave Bromley said he's okay with moving forward with an additional condition and based on whatever occurs on the excavation it makes sense to add trees.

Jamie Tsandes said they won't know until a contractor is on board.

Dave Bromley said correct but it could potentially be part of the plan that is addressed. If it's an expansive cut that there also be a requirement to put trees to mitigate.

Michael Christopherson clarified Dave Bromley's suggestions for additional conditions.

Jamie Tsandes said the restoration would be on someone else's property which makes things tricky.

Michael Christopherson said it could be subject to neighbor consent.

Cameron Duncan asked if we want to get involved in a neighbor agreement or should they just work it out.

Dave Bromley said no but the neighbor would need to buy into what is being proposed.

Jamie Tsandes suggested a restoration plan needs to be prepared that both parties agree on and needs to include visual impact as well as soil stability.

A motion was made by Michael Christopherson, seconded by Dave Bromley that the Planning Commission approve a Conditional Use Permit for additional height of a detached structure as well as a setback waiver as described in the staff report for the property located at 2 Circle Oaks based on the two findings and subject to the four conditions detailed in the staff report with three additional conditions #5) The applicant provide one of the following: a. Site plan that shows the extent of impact to neighboring property from required layback slope without any temporary shoring OR b. additional engineering to provide an appropriate shoring mechanism #6) The applicant provide written confirmation from impacted neighbors consenting to disturbance #7) The applicant provide a restoration plan along all property lines impacted by construction/excavation, agreed to by all impacted owners, including, where possible and practicable, the planting of replacement trees.

Yes: 5 - Dave Bromley
Jamie Tsandes
Michael Christopherson
Cameron Duncan
Daniel Schoenfeld

Absent: 2 - Monica Collard
Ron Mortimer

- 3. [CUP1019202](#) Cowire Research Home Occupation
[2-006423](#) 9277 S. Sterling Dr.
[Falcon Park, #16]

Attachments: [Staff Report](#)

This Planning Item was withdrawn.

- 4. [CUP1028202](#) Sky's the Limit Gym
[2-006433](#) 10701 S. State Street
[Crescent, #11)

Attachments: [Staff Report](#)

Mike Wilcox introduced this item to the Planning Commission.

Brian Switter said that he and his daughter want to open a fitness gym structured around boxing.

Cameron Duncan asked Brian Switter if he read the staff report and agrees with it.

Brian Switter said yes.

Mike Wilcox said that an indoor recreation use doesn't have a set parking standard and asked the Planning Commission to make a determination on the parking.

Cameron Duncan opened this item to public comment.

Cameron Duncan closed this item to public comment.

A motion was made by Michael Christopherson, seconded by Daniel Schoenfeld that the Planning Commission approve a Conditional Use Permit for indoor recreation in the Limit Commercial (LC) zone for the property located at 10701 S. State Street based on the two findings and subject to the four conditions detailed in the staff report.

Yes: Dave Bromley, Jamie Tsandes, Michael Christopherson, Daniel Schoenfeld, Cameron Duncan

Absent: Monica Collard, Ron Mortimer

A motion was made by Michael Christopherson, seconded by Daniel Schoenfeld that the Planning Commission determine that 23 stalls is sufficient for indoor recreation use Sky's the Limit Gym on the property located at 10701 S State Street, based on two findings detailed in the staff report.

Yes: 5 - Dave Bromley
Jamie Tsandes
Michael Christopherson
Cameron Duncan
Daniel Schoenfeld

Absent: 2 - Monica Collard
Ron Mortimer

- 5. [CUP1104202](#) Shiny Little Stars Daycare
[2-006438](#) 8029 S. 700 E.
 [High Point, #6]

Attachments: [Staff Report](#)

Mike Wilcox introduced this item to the Planning Commission.

Betsy Bolivar spoke about the hours of the daycare and the age's of the children.

Cameron Duncan asked Betsy if she read through the staff report and if she's comfortable with findings and conditions.

Betsy Bolivar said yes.

Cameron Duncan opened this item for public comment.

Cameron Duncan closed this item for public comment.

A motion was made by Jamie Tsandes, seconded by Dave Bromley, that the Planning Commission approve a Conditional Use Permit for a daycare center to operate in the BC zone as described in the staff report for the property located at 8029 S 700 E. based on the three findings and subject to the four conditions detailed in the staff report.

Yes: 5 - Dave Bromley
 Jamie Tsandes
 Michael Christopherson
 Cameron Duncan
 Daniel Schoenfeld

Absent: 2 - Monica Collard
 Ron Mortimer

Administrative Business

1. Minutes

[22-449](#) Minutes from November 17, 2022

Attachments: [11.17.2022 PC Minutes \(DRAFT\)](#)

An all in favor motion was made by Dave Bromley to approve the meeting minutes for 11.17.2022

2. Sandy City Development Report

[22-450](#) Development Report

Attachments: [12.09.2022 DEV REPORT](#)

3. Director's Report

4. Election of Chair and Vice Chair

[22-452](#)

Vote for Chair and Vice Chair

Ron Mortimer was voted in a Chair and Daniel Schoenfeld was voted in as Vice Chair.

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.

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