



Sandy City, Utah

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

Meeting Agenda

Planning Commission

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

Thursday, April 19, 2018

6:15 PM

Council Chambers

Voting Roll Call

4:30 PM FIELD TRIP

[18-130](#) Planning Commission Tour for April 19, 2018

Attachments: [FT Map](#)

5:15 PM EXECUTIVE SESSION

Neighborhood Meeting Training

WFRC Steet Connectivity Presentation

6:15 PM REGULAR SESSION

Roll Call

Welcome

Pledge of Allegiance

Introductions

Public Hearings

1. [ANEX-3-18-5
378](#) Waterford III Annexation (PO) Zone
 9560 and 9572 South 1700 East
 (Community #17 -Willow Canyon)

 Attachments: [Staff report](#)

2. [CUP-04-18-5
384](#) Try It Out Motorsports Category II Home Occupation
 47 E. Main St.
 (Historic Sandy, Community #4)

 Attachments: [FINAL Staff Report II.pdf](#)
 [master_vicinity_map_2018.pdf](#)

Administrative Business

3. [18-122](#) Vote for Vice Chair

4. [18-123](#) Appointment to Civic Center Architecture Review Committee

5. [18-124](#) Minutes for April 5, 2018

 Attachments: [April 5, 2018 minutes](#)

Sandy City Development Report

Planning Commission Attendance List

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



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Staff Report

File #: 18-130, **Version:** 1

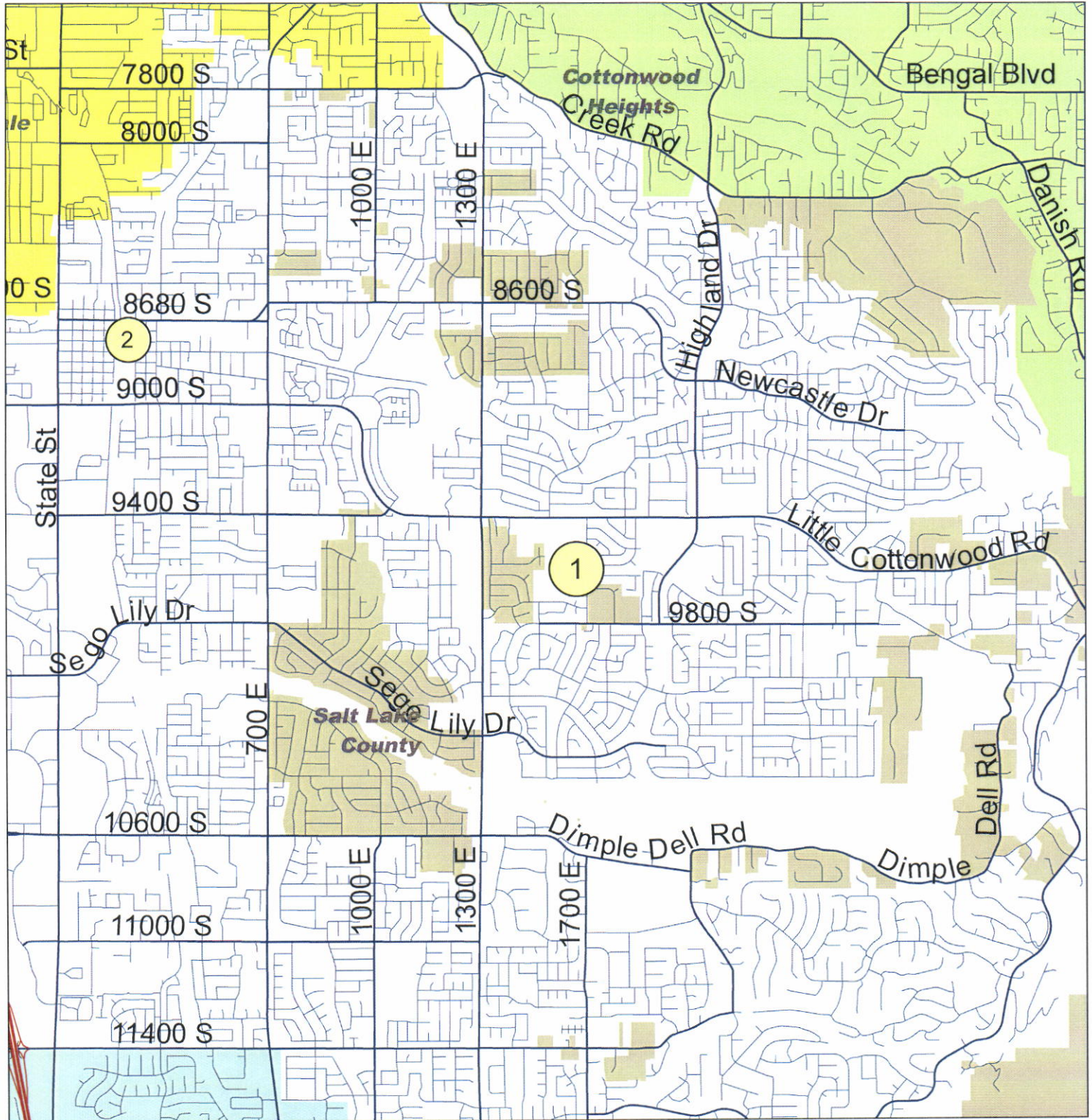
Date: 4/19/2018

Agenda Item Title:



Planning Commission Tour for April 19, 2018



Planning Commission Field Trip April 19, 2018



Legend

-  Locations to visit individually, with agenda item number
-  Locations to be visited on tour, with agenda item number

See Planning Commission agenda packet for specific addresses and details regarding the application.





Staff Report

File #: ANEX-3-18-5378,
Version: 1

Date: 4/19/2018

Agenda Item Title:

Waterford III Annexation (PO) Zone
9560 and 9572 South 1700 East
(*Community #17 -Willow Canyon*)

Presenter:

Brian McCuiston

Description/Background:

Greg Miles, Director of Finance for Waterford School, is requesting annexation for properties located at approximately 9560 and 9572 South 1700 East. The area under consideration for annexation contains two parcels, each owned by Waterford School. The north parcel is vacant and the south parcel has a residential dwelling, with plans to demolish this home within the next couple of months. The applicant is proposing to annex these properties into the City and is requesting the Professional Office (PO) zone to match the existing zone on the school campus. The property owner has consented to be annexed.

The subject properties are bordered by Sandy City on four sides.

The annexation is being considered by the City for the following reasons:

1. The area is **contiguous** to the Sandy City boundary (four sides).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing **fire service and emergency medical service** to this area.
4. The City can provide a high level of other **municipal services** to these properties.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

It is recommended that the Planning Commission send a positive recommendation to the City Council that the Waterford III Annexation be approved and zoned Professional Office based upon the following findings:

1. The area is **contiguous** to the Sandy City boundary (four sides).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.

-
3. The City is presently providing **fire service and emergency medical service** to this area.
 4. The City can provide a high level of other **municipal services** to these properties.
 5. The Professional Office Zone is appropriate for these parcels based upon the surrounding land uses.



Community Development Department

Kurt Bradburn
Mayor

Matt Huish
Chief Administrative Officer

James L. Sorensen
Director

MEMORANDUM

April 19, 2018

To: City Council via Planning Commission
From: Community Development Department
Subject: Waterford III Annexation (PO) Zone
9560 and 9572 South 1700 East
(Community #17 – Willow Canyon)

ANEX-3-18-5378
1.2 Acres (including
portion of 1700 East)

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area.*

BACKGROUND

Greg Miles, Director of Finance for Waterford School, is requesting annexation for properties located at approximately 9560 and 9572 South 1700 East. The area under consideration for annexation contains two parcels, each owned by Waterford School. The north parcel is vacant and the south parcel has a residential dwelling, with plans to demolish this home within the next couple of months. The applicant is proposing to annex these properties into the City and is requesting the Professional Office (PO) zone to match the existing zone on the school campus. The property owner has consented to be annexed.

The subject properties are bordered by Sandy City on four sides.

ANALYSIS

The annexation is being considered by the City for the following reasons:

1. The area is **contiguous** to the Sandy City boundary (four sides).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing **fire service and emergency medical service** to this area.
4. The City can provide a high level of other **municipal services** to these properties.

General Plan

Portions of the **Sandy City General Plan** which relate to this application are as follows:

- p.43 *Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*
- p.44 *Require proposed zoning changes to be in harmony with established neighborhoods.*

Zoning

The subject property is currently zoned R-1-8 in Salt Lake County. The R-1-8 Zone allows single family dwellings on minimum 8,000 square foot lots. In general, when Sandy City annexes a property into the City from Salt Lake County we have always been sensitive to what the property was zoned in the County. In most cases we have been able to zone property to a comparable zone as we annex them into the City. As we have done this we have taken into account the existing properties that are adjacent to the area being annexed and try to assure that the annexed area is compatible with the existing area.

In this particular situation, Waterford School has grown over a number of years. Waterford School, Sandy Campus, was founded in 1986 with nine acres. Currently, the campus includes approximately 43 acres with a number of buildings. In 1998, the Sandy City Council approved a rezone request from the R-1-8 and R-1-15 zoning districts to the Professional Office (PO) Zone. A school is a conditional use within the PO Zone. Any modification to the campus will require a conditional use permit review with the Planning Commission.

As we annex these parcels into Sandy City, staff is recommending that they be zoned Professional Office in order to be consistent with the existing Waterford School Sandy Campus.

STAFF RECOMMENDATION

It is recommended that the Planning Commission send a positive recommendation to the City Council that the Waterford III Annexation be approved and zoned Professional Office based upon the following findings:

1. The area is **contiguous** to the Sandy City boundary (four sides).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing **fire service and emergency medical service** to this area.
4. The City can provide a high level of other **municipal services** to these properties.
5. The Professional Office Zone is appropriate for these parcels based upon the surrounding land uses.

Planner:

Reviewed by:



Brian McCuiston
Planning Director

 for:

James Sorensen
Community Development Director

Legal Review:



Darien Alcorn
City Attorney

Waterford Annexation

<u>Property Owner</u>	<u>Sidwell Number</u>	<u>Market Value (2017)</u>	<u>Acres</u>
Waterford School, LLC	28-09-126-019	\$269,600	.48
Waterford School, LLC	28-09-127-001	\$258,900	.47



THE WATERFORD SCHOOL

RECEIVED
MAR 15 2018
SANDY CITY
COMMUNITY DEVELOPMENT

March 14, 2018

Attn: Brian McCuistion
Sandy City Community Development
10000 Centennial Parkway
Sandy, Utah 84070

My name is Greg Miles, Director of Finance for Waterford School.

Waterford School is now the property owner of property in the unincorporated area of Salt Lake County located at:

9560 South 1700 East, 28-09-126-019 (.48 acres)
9572 South 1700 East, 28-09-127-001 (.47 acres)

This property is part of an island or peninsula and is contiguous to Sandy City.

We **CONSENT** to have Sandy City annex this property.

I can be reached at: 801.816.2289 and GregMiles@WaterfordSchool.org

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you.

Greg Miles
Director of Finance
Waterford School

**WATERFORD III ANNEXATION TO SANDY CITY
(UNINCORPORATED SALT LAKE COUNTY ISLAND NO. 17)**

All that portion of unincorporated Salt Lake County located in the Northwest Quarter of Section 9, Township 3 South, Range 1 East, Salt Lake Base and Meridian, consisting of two parcels and a portion of 1700 East Street that is bounded as follows:

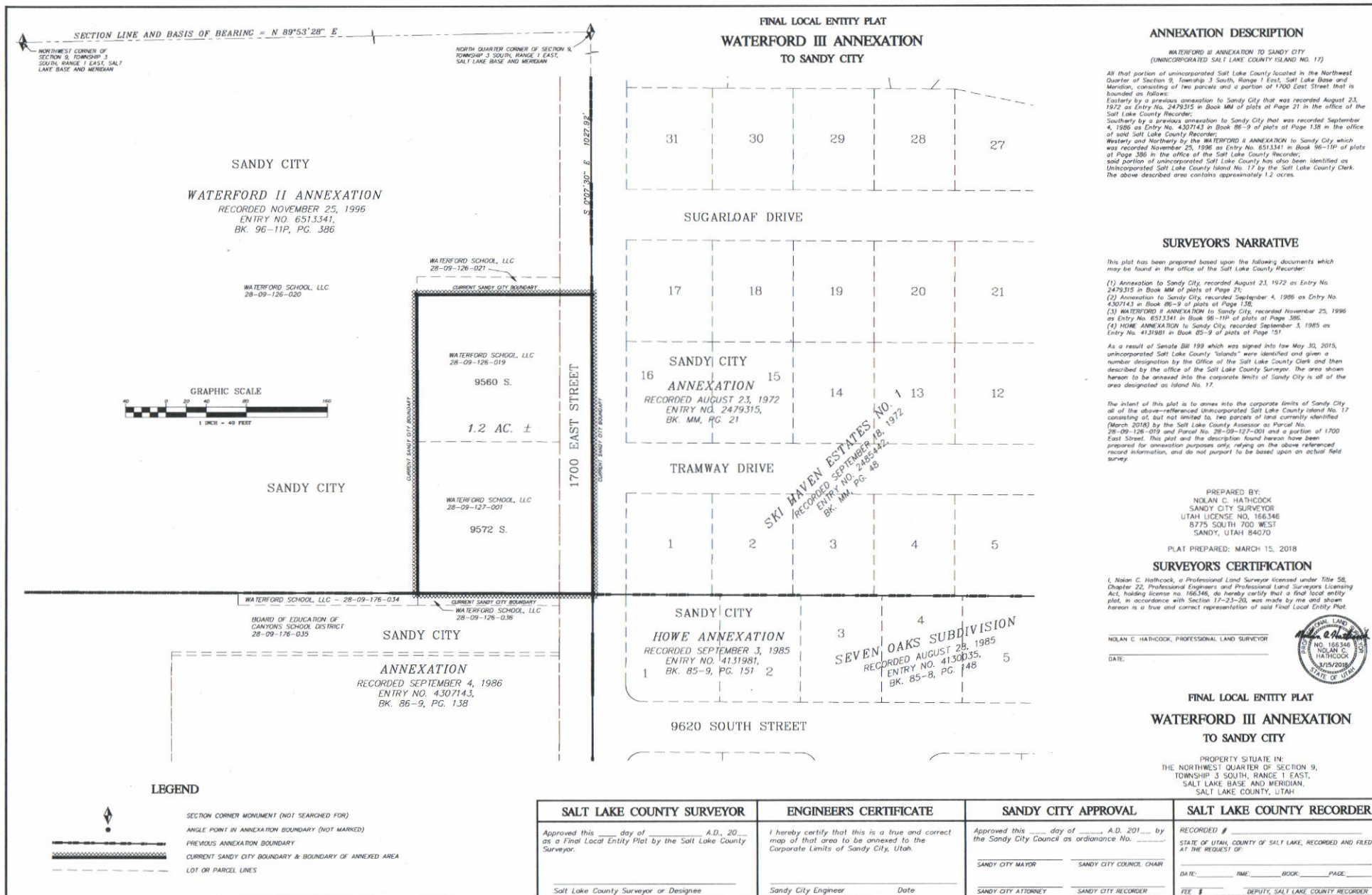
Easterly by a previous annexation to Sandy City that was recorded August 23, 1972 as Entry No. 2479315 in Book MM of plats at Page 21 in the office of the Salt Lake County Recorder;

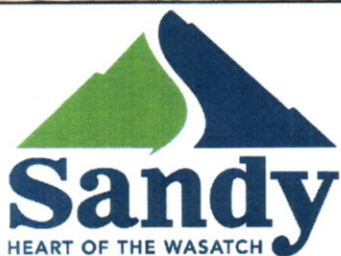
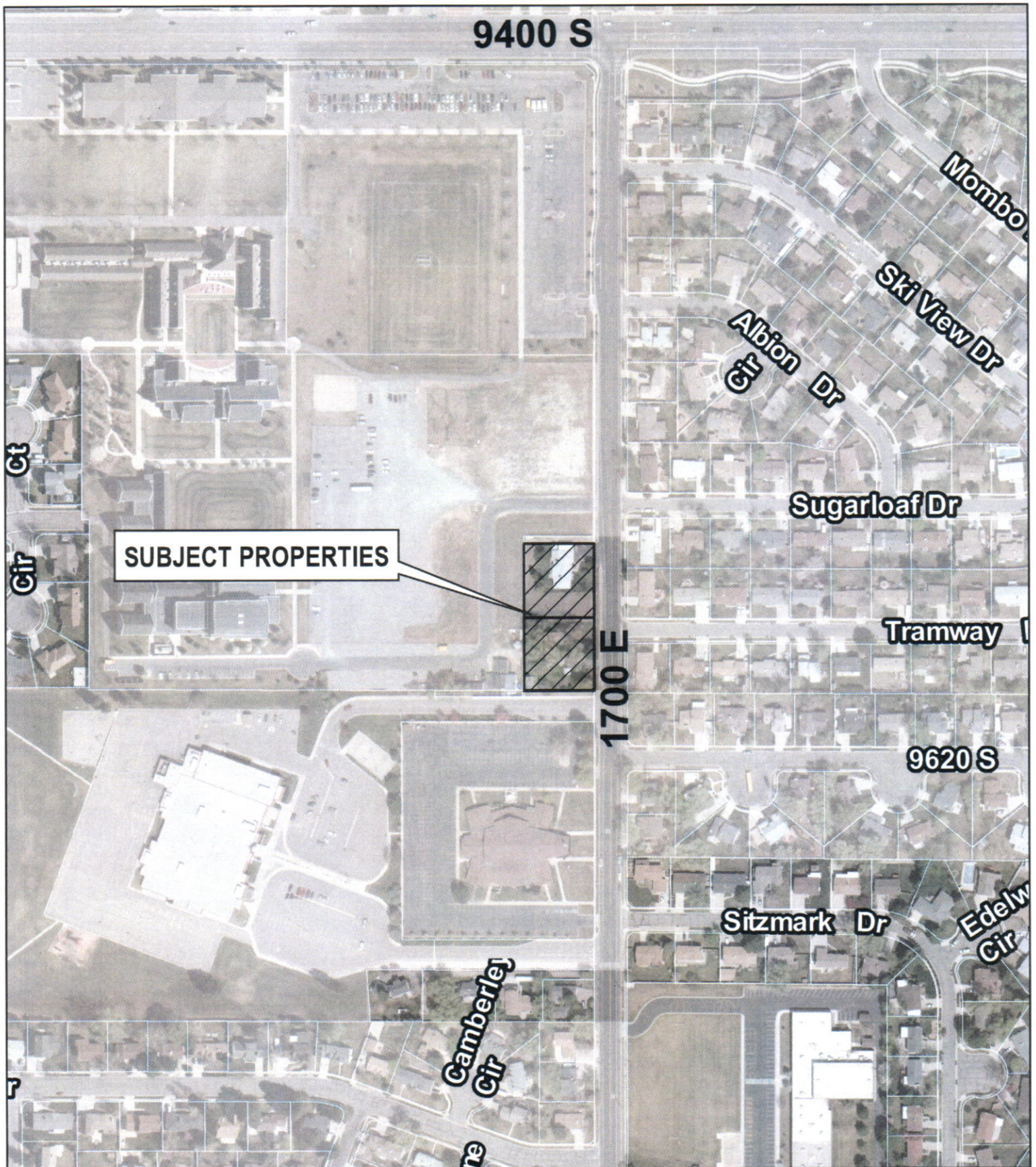
Southerly by a previous annexation to Sandy City that was recorded September 4, 1986 as Entry No. 4307143 in Book 86-9 of plats at Page 138 in the office of said Salt Lake County Recorder;

Westerly and Northerly by the WATERFORD II ANNEXATION to Sandy City which was recorded November 25, 1996 as Entry No. 6513341 in Book 96-11P of plats at Page 386 in the office of the Salt Lake County Recorder;

said portion of unincorporated Salt Lake County has also been identified as Unincorporated Salt Lake County Island No. 17 by the Salt Lake County Clerk.

The above-described area contains approximately 1.2 acres.





ANEX 03-18-5378
Waterford III Annexation
9560 & 9572 S. 1700 E.



Staff Report

File #: CUP-04-18-5384,
Version: 1

Date: 4/19/2018

Agenda Item Title:

Try It Out Motorsport Category II Home Occupation
47 E. Main St.
(Historic Sandy, Community # 4)

Presenter: Wade Sanner

Description/Background:

The applicant, Tim Zupancic, is requesting a Conditional Use Permit to operate a Category II Home Occupation business on the property located at 47 East Main Street. The property is located on the northeast corner of 40 East and Main Street. The property is 0.23 acres (10,019 square feet), and is located in the R-1-7(HS) zone district. Surrounding homes are single-family homes zoned R-1-7.5(HS).

The applicant is proposing to operate a business, Try It Out Motorsport, in a detached 600 square foot garage located in the northwest corner of the property. As part of the business, the applicant rents two Off Highway Vehicles (OHV) with a trailer from his home. The applicant is also proposing to service the vehicles in the detached garage when they are not rented out to customers. The applicant is proposing to park the trailer on the south side of the garage. The applicant does have a covered carport on the east side of the home for his personal vehicles. The business will operate Monday to Friday from 12:00 PM - 6:00 PM and Saturday from 10:00 AM - 2:00 PM.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Staff recommends that the Planning Commission grant Conditional Use Approval to Tim Zupancic, located at 47 East Main Street, subject to the following findings and conditions:

Findings

1. The proposed use meets the intent of the Home Occupation section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. That the business will take place in a detached garage that is not the primary garage for the property

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That this Conditional Use Permit be reviewed upon legitimate complaint.
4. That the trailer and/or OHV vehicles be parked in the rear or side yard on hard surface, and be screened behind a fence or parked inside the garage.
5. That the applicant comply with the noise ordinance relative to servicing of off highway vehicles.



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

April 19, 2018

To: Planning Commission
From: Community Development Department
Subject: Try It Out Motorsport Category II Home Occupation
 47 E. Main St.
 (Historic Sandy, Community #4)

CUP-04-18-5384
Zoned R-1-7.5(HS)

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
	None

DESCRIPTION OF REQUEST

The applicant, Tim Zupancic, is requesting a Conditional Use Permit to operate a Category II Home Occupation business on the property located at 47 East Main Street. The property is located on the northeast corner of 40 East and Main Street. The property is 0.23 acres (10,019 square feet), and is located in the R-1-7(HS) zone district. Surrounding homes are single-family homes zoned R-1-7.5(HS).

The applicant is proposing to operate a business, Try It Out Motorsport, in a detached 600 square foot garage located in the northwest corner of the property. As part of the business, the applicant rents two Off Highway Vehicles (OHV) with a trailer from his home. The applicant is also proposing to service the vehicles in the detached garage when they are not rented out to customers. The applicant is proposing to park the trailer on the south side of the garage. The applicant does have a covered carport on the east side of the home for his personal vehicles. The business will operate Monday to Friday from 12:00 PM – 6:00 PM and Saturday from 10:00 AM – 2:00 PM (*See Exhibit #1 – Application Materials*).

ANALYSIS

The purpose of the home occupation business section of the Sandy City Land Development Code is to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
2. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a neighborhood.
4. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Business License regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary terminate home occupations if violations of the ordinances regulating home occupations occur.

Per section **15A-11-05(D)(11)** of the Sandy City Land Development Code, one trailer may be used in association with a home occupation business. Trailers allowed in conjunction with a home occupation are as follows:

1. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
2. Materials/equipment shall not be stored outside of the trailer.
3. The trailer shall be placed in the side or rear yard behind a fence, or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
4. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.
5. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick, or other water impenetrable surface. This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
6. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.

Per section **15A-11-05(E)(11)** a home occupation license involving renting recreational vehicles from personal property in a single-family residential zone is classified as a Category I Home Occupation and does not require a conditional use permit. However, the proposed business must comply with the following requirements:

1. A property owner/resident living in the home may rent one (1) recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two (2) recreational vehicles.
2. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within this Code, except that any recreational vehicle that

is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with. Advertising on the recreational vehicle is prohibited.

3. Servicing the recreational vehicle shall be limited to those activities which will comply with the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
4. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented.

Regarding the location of any **Business Not Conducted within a Home**, per section **15A-11-05(F)(6)**:

1. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
2. No more than a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is greater) of an accessory structure, or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
3. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
4. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
5. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
6. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in the window. The sign may not have an area greater than one square foot.

NOTICE

A neighborhood meeting was held on Tuesday, April 10, 2018. No neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting as per Sandy City Land Development Code requirements.

STAFF CONCERNS

Staff is concerned with trailers associated with the business and off highway vehicles being parked in the yard and/or in front of the detached garage visible from Main Street and 40 East. In discussing this concern with the applicant, he is willing to comply with the Sandy City Land Development Code and park the trailers inside the garage and behind the fence on hard surface.

COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions, which address standards 15A-33-03 “A” to “O”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “A” through “O”, except the following conditions, which merit discussion or additional consideration by the Planning Commission:

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

That the applicant comply with Section 15A-11-05(D)(11) of the Sandy City Land Development Code, and park the trailer in the detached garage or on hard surface behind a fence and not within the front yard of the dwelling.

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant Conditional Use Approval to Tim Zupancic, located at 47 East Main Street, subject to the following findings and conditions:

Findings

1. The proposed use meets the intent of the Home Occupation section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. That the business will take place in a detached garage that is not the primary garage for the property

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That this Conditional Use Permit be reviewed upon legitimate complaint.
4. That trailers and/or OHV vehicles be parked in the rear or side yard on hard surface, and be screened behind a fence or parked inside the garage.
5. That the applicant comply with the noise ordinance relative to servicing of off highway vehicles.

Planner:

Reviewed by:

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-04-18-5384 Try It Out Motorsport

Exhibit #1 – Application Materials

Application Letter

To whom it may concern,

I am requesting permission to operate a small OHV rental business from my home. I am pursuing the home occupation to enable me to fulfill this goal because I do not have the resources at this time to operate a business from a traditional commercial property. The business (Try It Out Motorsports) is a rental company designed to provide affordable rental machines to individuals and families. At this stage, I am limited to just a couple machines which would be the very popular side by side machines i.e. the Polaris RZR. Due to the limited allowable space and machines I am allowed to rent I would have minimal impact on traffic. The business would operate Mon-Fri from approximate hours of 12-6, and possibly Saturday's 10-2. The customers would only be coming to the home to pickup and drop off the rental machines. I would operate the business through the detached two car garage located on the side of my house, which the garage faces 40 East. This is a low traffic street, and having everything on the side will not detract from atmosphere of Historic Sandy. I have spoken with several neighbors already and expressed my goals of starting a small business at my home and all have given positive feedback. The opportunity to be in business sharing a sport that my family and I love with others has been a dream of mine for many years.

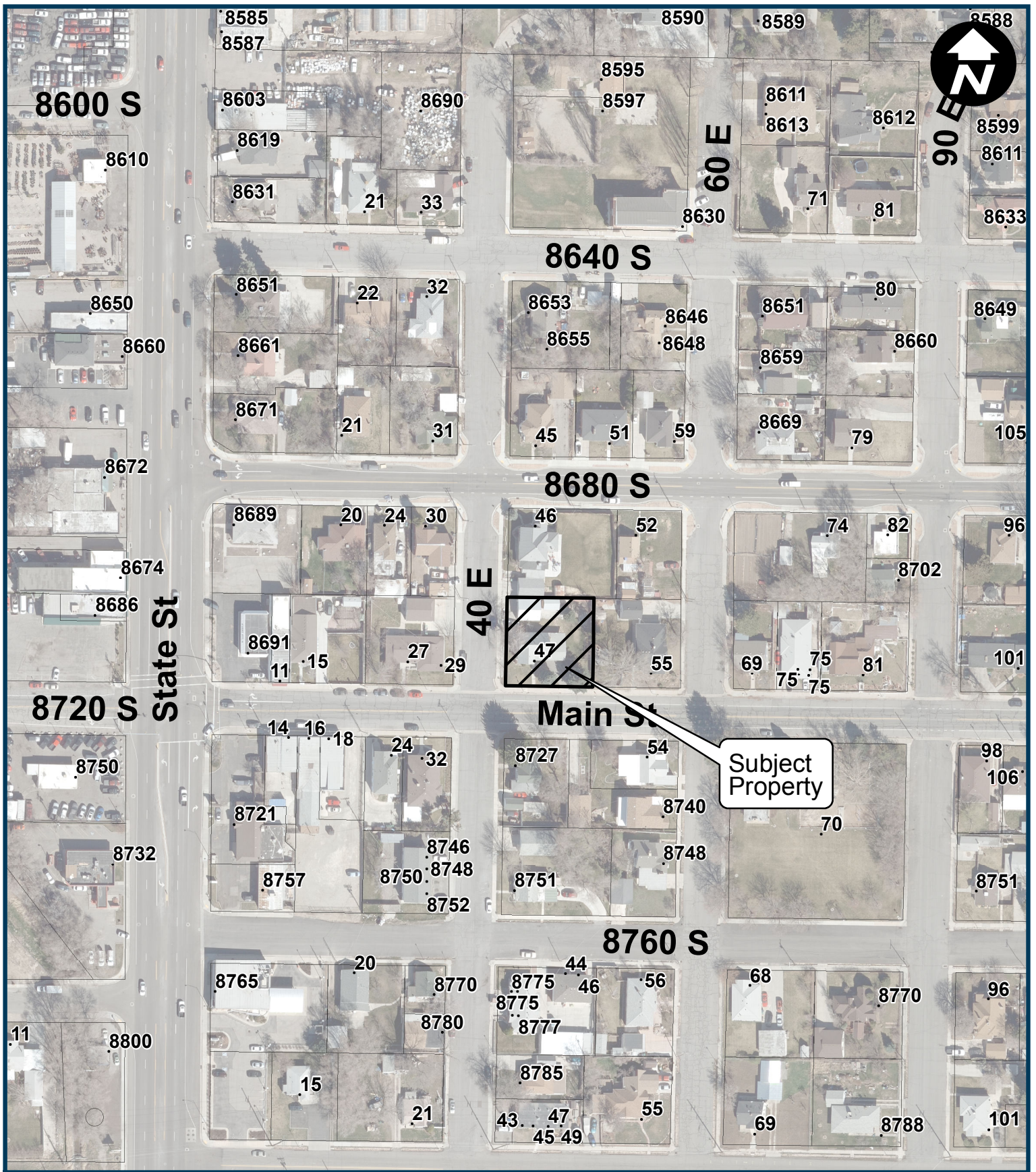
Thank you,
Tim Zupancic



Proposed detached garage with off-highway vehicles parked inside.



Proposed detached garage with trailers parked outside.





Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Staff Report

File #: 18-122, **Version:** 1

Date: 4/19/2018

Vote for Vice Chair



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Staff Report

File #: 18-123, **Version:** 1

Date: 4/19/2018

Appointment to Civic Center Architecture Review Committee



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Staff Report

File #: 18-124, **Version:** 1

Date: 4/19/2018

Minutes for April 5, 2018

Field Trip

THOSE PRESENT: Monica Collard, Dave Bromley, Cyndi Sharkey, Joe Baker, James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Mitch Vance, Planner; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Matthew Huish, Chief Administrative Officer, Raima Fleming, Planning Secretary

THOSE EXCUSED: Jamie Tsandes, Jeff Lovell, Alternate Member; Ron Mortimer, Cory Shupe, Michael Christopherson, Alternate Member; Darien Alcorn, Senior City Attorney

Regular Session

THOSE PRESENT: Monica Collard, Dave Bromley, Cyndi Sharkey, Joe Baker, James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Mitch Vance, Planner; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Matthew Huish, Chief Administrative Officer, Raima Fleming, Planning Secretary

THOSE EXCUSED: Jamie Tsandes, Jeff Lovell, Alternate Member; Ron Mortimer, Cory Shupe, Michael Christopherson, Alternate Member;

**1. Lyon - Review of 30% Slope – Pepperwood Phase 9, Lot 91533 Lone Hollow
(approx. 11350 South 2500 East) [Pepper Dell, Community #28] SPEX-02-18-5367**

Mr. Matt Lyon is requesting to modify a 30% slope designation on his property located at 33 Lone Hollow (approx. 11350 South 2500 East). This proposal is to have the Planning Commission determine that a small area along the east side of this lot is not actually an area of 30% or greater slope and restricted from improvements. An approval will allow the area to be further improved. The applicant has plans to add a pool, retaining wall, and other landscape improvements to this area.

STAFF RECOMMENDATION

Staff asks that the Planning Commission **determine whether an alteration to a designated 30% slope** should be granted for Lot 915 of the Pepperwood Phase 9 Subdivision. If an alteration is granted, it shall be based on the following:

Findings:

1. The Pepperwood Phase 9 Subdivision's Conditions of Approval states that Planning Commission may allow alterations to a designated 30% slope with a recommendation from the City Engineer.

2. The City Engineer has recommended approval of the request to alter the 30% slope area based on the site plan prepared by Focus Engineering.

Conditions:

1. That the applicant/builder/owner be required to comply all other applicable requirements related to the Sensitive Area Overlay Zone.
2. That the balance of conditions of approval, as shown on the recorded plat (refer to recorded conditions of approval - S#88-10), remain in force and are not nullified by this action.
3. That the applicant improves the site based on the site plan presented to the Planning Commission and City Engineer, except as required to be modified for the retaining wall design.
4. That portions of the proposed retaining wall be redesigned to comply with development code requirements for additional step back when placed along the property line and are over five (5') in height.
5. That the applicant obtains the necessary building permits for construction of the proposed retaining walls and pools.

Mitch Vance introduced this item to the Planning Commission.

Brett Hollingshead, 12086 S. Draper Ridge Drive, Applicant, stated he is wanting to build a swimming pool at this location. When the building permit application was submitted, he then learned that the area is at a 30% slope. The City Engineer proposed to move the 30% slope. He was approved by Pepperwood HOA to build the pool. He is here to ask the Planning Commission to grant approval.

Commissioner Monica Collard opened this item to public comment and there were none.

Commissioner Joe Baker stated he is impressed with the investment of a pool, which would beautify and enrich this area. He agrees that the 30% slope starts beyond the rock field that is there.

Commissioner Cyndi Sharkey asked if all the Planning Commissioner was asked to consider is redefining the small triangular space.

Mitch Vance replied that is correct. A new field survey was done and it found that the slope was drawn incorrectly on the plat. All the improvements as drawn and proposed would be reviewed during the building permit process.

Commissioner Cyndi Sharkey asked if a map had to change.

Mitch Vance stated that is correct.

Commissioner Joe Baker moved that the Planning Commission grant an alteration to the designated 30% slope for Lot 915 of the Pepperwood Phase 9 Subdivision. If an alteration is granted, it shall be based on the two findings and five conditions in the staff report.

Commissioner Cyndi Sharkey asked if the Planning Commission needed to decide on the retaining wall.

James Sorenson replied no.

Mitch Vance stated that is listed in the conditions in the staff report. He also stated there is a portion that is eight feet tall that is proposed on the property line.

Commissioner Cyndi Sharkey stated that the question is if Joe would like to propose an exception and allow the applicant to go to eight feet.

Commissioner Joe Baker stated they can go up to eight if it is not a property line.

Commissioner Monica Collard stated it does come near the property line.

Mitch Vance stated the drawing shows that it is closer to eight feet. The staff report recommends that the retaining wall be redesigned to be five feet to follow the development code.

Commissioner Cyndi Sharkey seconded the motion. The votes were as follows. Joe Baker, yes; Cyndi Sharkey, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

2. Jorgensen Accessory Structure (Review of Conditions)

1104 E. Fallbrook Way [High Point, Community #6] CUP-01-18-5349

The applicant, Ron Jorgensen, is returning to the Planning Commission to request a review of the conditions of approval for a Conditional Use Permit (CUP) that he was recently granted to construct a detached garage in his rear yard. An email with the staff report attached for the March 1st meeting was sent to the applicant prior to the meeting for his review, however the applicant did not see the attachment. In the report, staff recommended that the application for the CUP be approved, but that the minimum setback of two (2) feet be increased to 4'6" due to the height of the structure. The applicant is requesting that the Planning Commission waive the requirement for increased setback for increased height and allow him to use the two (2) foot setback to his side property line. As proposed, the building will maintain a seven (7) foot setback to the rear property line to avoid a public utility easement.

STAFF RECOMMENDATION

Staff asks that the Planning Commission determine whether an adjustment to the conditions of approval be made to the approved Conditional Use Permit for Ron Jorgensen for the property located at 1104 E Fallbrook Way. The determination specifically relates to the 5th condition of approval from the findings and conditions of the original application as found below:

Findings

1. That the proposed structure is permitted by the zoning of the property.
2. That the impact of a detached garage built to enclose recreational vehicles may be less than it would be if the vehicles were stored unenclosed.
3. The property owners who would be most impacted by the structure are aware of the application.
4. That the impact of the structure is reduced due to the topography and landscaping of the property.

Conditions

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
3. That any other existing accessory structures on the property be removed prior to the construction of the proposed garage.
4. That the structure have a maximum size of 936 square feet and 17'6" in height measured from average grade to peak of the roof as proposed in the application material.
5. That the structure be setback a minimum of 4'6" from the south side property line. The rear setback must be at least seven (7) feet so as not to encroach on the existing easement, unless the applicant submits waiver letters from all appropriate utility companies. In no case shall the rear setback be less than 4'6" unless the Planning Commission determines otherwise.
6. That the design and materiality of the accessory structure is architecturally compatible to the primary structure on the property.

7. That this Conditional Use Permit be reviewed upon legitimate complaint.

Mitch Vance introduced this item to the Planning Commission.

Ron Jorgenson, 1104 E. Fallbrook Way, Sandy, Applicant, stated he didn't open the attachment to the email that was sent to him explaining the conditions of approval. He had a surveyor to assess the property line and the placement of the garage. He also stated if he had to move the garage over 2 ½ feet, he would infringe on the easement. If moved, he would also have to remove the deck off the back of his home. He would like the Planning Commission to approve an adjustment to the conditions that were previously approved.

Commissioner Monica Collard asked if the property line is located on the fence line.

Ron Jorgenson replied no. The fence is a foot before his property.

Commissioner Monica Collard asked if the applicant tried to rearrange the placement of the garage.

Ron Jorgenson replied yes.

Commissioner Monica Collard asked about downsizing to comply with code.

Ron Jorgenson replied he did downsize the garage to fit within the perimeters he was granted before. The size of the garage is now 936 sq. ft. He contacted all the utility's and he received easement encroachment from all of them.

Commissioner Cyndi Sharkey mentioned the measurements from the base of the garage to the peak of the roof. She asked how this was measured.

Ron Jorgenson replied from the front driveway. There's railroad ties on both sides to hold back the grade. In the front of the garage, all except the door way is 1 ½ foot. It slopes up two feet higher in the rear. The total distance above the average grade is 17.6 feet.

Commissioner Cyndi Sharkey asked if the slope area would be flattened to grade. She also asked if the maximum height would be 19 feet tall but average at 17.5 feet.

Ron Jorgenson replied yes. The rear is 17 feet high and the front is 17.6 from grade. It's a 2-foot slope to the rear and 1 ½ inch on each side.

Commissioner Cyndi Sharkey asked if the utility company specified how much they would allow the applicant to encroach.

Ron Jorgenson stated the only utility company that put restrictions on the encroachment was Century Link. Century Link told him he could encroach up to 3-feet out of the 7-feet.

Commissioner Cyndi Sharkey asked is it not possible to move the garage closer to the rear of the property and gain enough space to have the 6-feet between the deck and the garage that is needed to be compliant.

Ron Jorgenson stated because of the shape, if he goes 3-feet over, it would come closer to his deck. He must maintain the fire clearance on the deck and would like to keep the deck. He stated his neighbor has stated that this is space they don't have any plans on using.

Commissioner Monica Collard stated it is smart to keep it out of the utility easement.

Commissioner Dave Bromley commended the applicant for informing his neighbors ahead of time.

Commissioner Monica Collard opened this item to public comment.

Keith Pugmier, 1096 E. Fallbrook Way, Sandy, stated Ron has been very forth coming and he is in support of the garage.

Commissioner Cyndi Sharkey asked if he had any problem with the oversized garage.

Keith Pugmier replied no. He is fine with the garage.

Mike Stewart, 1114 E. Fallbrook Way, stated he is in full support of his neighbor.

Commissioner Monica Collard closed this item to the public comment.

Commissioner Cyndi Sharkey stated in a two-foot section, there would be a potential for weeds, overgrowth and rodents.

Commissioner Monica Collard stated this property would not have this problem because it would only be a foot from the property line and most likely that would be concrete footing.

Commissioner Cyndi Sharkey asked how would it only be a foot from the property line.

Commissioner Monica Collard replies that if the applicant is going to go two feet from the property line, it is a foot on the other side of the fence, therefore it would be built one foot from the fence and it must have a footing.

Brian McCuiston stated there is also a requirement that if you are closer than 3-feet, that area must be hard surfaced.

Commissioner Cyndi Sharkey asked if that requirement would be enforced.

Brian McCuiston replied yes.

Commissioner Joe Baker stated he is very impressed and comfortable with the garage.

Commissioner Joe Baker moved that the Planning Commission approved an adjustment to the conditions of approval of the approved Conditional Use Permit for Ron Jorgensen for the property located at 1104 E. Fallbrook Way. The determination specifically relates to the 5th condition of approval from the findings and conditions of the original application. The 5th condition being modified to read: That the structure be setback a minimum of 2'0" from the south side property line.

Commissioner Dave Bromley seconded the motion. The votes were as follows. Joe Baker, yes; Dave Bromley, yes; Cyndi Sharkey, yes; Monica Collard, yes. The vote was unanimous in favor.

**3. Witherspoon Subdivision – Preliminary Review
8751 S. 40 E. [Historic Sandy, Community #4] SUB-02-18-5365**

The applicant, Mr. Jim Witherspoon, is requesting preliminary subdivision review for a two lot single-family subdivision located in Historic Sandy. The 0.29-acre property is proposed to be split to create a 6,683 square foot corner lot where the existing home is located and a 5,688 square foot interior lot that would front onto 8760 South. The implementing the Historic Sandy Development (HSD) Overlay zone with this subdivision. The HSD Overlay zone is a floating zone meant to promote human scale pedestrian activity through the incorporation of specific development guidelines in exchange for reduced minimum lot size and frontage requirements.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that preliminary review is complete using the Historic Sandy Development Overlay zone for the Witherspoon Subdivision, located at 8751 South 40 East, based on the following findings and subject to the following conditions:

Findings:

1. The subdivision, as proposed, meets all the standards required by the HSD Overlay zone.
2. That the Sandy Historic Committee has reviewed the application and has recommended approval.
3. That the subdivision will encourage additional investment in the Historic Sandy area.

Conditions:

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.

2. That all City provisions, codes and ordinances are adhered to during the review, construction, and operations process of this project.
3. That all lots comply with all requirements of the Historic Sandy Development Overlay zone.
4. That the existing driveway on the south side of the property be removed along with any existing structure that would prohibit conformance with the regulations of the overlay or underlying zones.

Mitch Vance introduced this item to the Planning Commission.

Jim Witherspoon, 123 E. Main Street, Sandy, Applicant, stated he has owned this property for 27 years. He has been working with staff since November to comply with the subdivision requirements. He will preserve the existing house on the property. He meets all the tier one neighborhood requirements. He had a public meeting and with the Historic Committee. He also provided the landscape plan.

Commissioner Joe Baker asked if the applicant was building a home or selling the lot.

Jim Witherspoon replied he would develop the lot and sell it.

Commissioner Monica Collard opened this item to the public and there was none.

Commissioner Joe Baker asked if the applicant would sell the lot with the restrictions.

Jim Witherspoon replied yes.

Commissioner Monica Collard opened this item to public comment and there was none.

Commissioner Dave Bromley mentioned condition number four. He asked if both structures, the barn and carport were included.

Mitch Vance stated it may be helpful to include both structures.

Commissioner Dave Bromley mentioned waterways and gutters. He asked how would the new utilities impact the waterways and gutters.

Ryan Kump, City Engineer, asked if the question is about the lateral stubs out to the road.

Commissioner Dave Bromley replied there is only one culvert that is about 12-inches wide. How would this impact the sewer, water, gas and power.

Ryan Kump stated the original intent was for the driveway to be repurposed for the new lot. There would not be any new bridging of the ditch. The applicant is not required to convert the ditch to curb and gutter because it is mid-block. As far as the utilities, they would have to trench it and salvage the flagstone and reconstruct the ditch as part of the construction project.

Commissioner Monica Collard asked if there needs to be a condition for where the driveway is.

Commissioner Dave Bromley stated without separation, there would be an impact.

Ryan Kump stated that is something that could easily be worked with.

Commissioner Dave Bromley asked do we need something in the conditions to have the ditch reconstructed.

Ryan Kump replied yes.

Commissioner Cyndi Sharkey moved that the Planning Commissioner determine that preliminary review is complete using the Historic Sandy Development Overlay zone for the Witherspoon Subdivision, located at 8751 South 40 East, based on the three findings and four conditions in the staff report and amending the fourth condition to read: 1. That the existing driveway on the south side of the property be removed along with any existing structure that would prohibit conformance with the regulations of the overlay or underlying zones including all or part of the barn and patio cover.

Commissioner Monica Collard asked if there needed to be an added condition about the ditch.

Commissioner Cyndi Sharkey replied she don't think it's needed since utilities are going underground.

Commissioner Joe Baker seconded the motion. The votes were as follows. Cyndi Sharkey, yes; Joe Baker, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

**4. Dimple Dell Ridge Subdivision – Preliminary Review
1713 E. Dimple Dell Rd [Community #26]**

SUB-09-17-5300

The applicant, Mr. Adam Nash, is requesting preliminary subdivision and Sensitive Area Overlay review for a proposed three lot subdivision. The subject property is 3.21 acres in size and is located on the southern rim of Dimple Dell Park. The proposed subdivision includes a 1.68 acre lot for an existing home, and the creation of two lots (0.68 and 0.81 acres) that have large portions of steep slope area. The two new lots will be accessed via Dimple Dell Road to the south, while the existing home is accessed via Badger Cove. The proposed subdivision also defines the boundaries for a parcel currently used as a utility station located between the two proposed new lots. The utility parcel is not a buildable residential lot.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that the preliminary subdivision and Sensitive Area Overlay zone reviews area complete for the Dimple Dell Ridge Subdivision, located at 1713 East Dimple Dell Road subject to the following conditions:

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes and ordinances are adhered to during the review, construction and operations process of this project.
3. That all residential lots comply will all requirements of the R-1-20A zone and Sensitive Area Overlay zone.
4. That dwelling structures be prohibited from any area that is equal to or in excess of a 30% slope. The location of a dwelling structure shall be within an average of 20 feet (no point being closer than 10 feet) of a continuous hillside slope of 30% or greater.
5. That any area equal to or in excess of a 30% slope be indicated (cross-hatched) on the final plat, and that perspective builders and homeowners be apprised of the restrictive nature of the hillside lots.
6. That the existing slope ratio be unaltered and that grading and landscaping of any of the hillside areas have approval of the Sandy City Engineering Division in accordance with the Sensitive Area Overlay Zone prior to building permits being issued.
7. That grading, home placement, and vegetation plans be submitted and approved for all lots prior to issuance of a building permit. The grading plan shall include a driveway plan and profile to assure conforming driveway slope. Any down sloping driveway will require approval by the City Engineer.
8. That structures comply with the Urban Wildland Interface requirements. This means that all homes and accessory structure be constructed of materials approved with a minimum of a one hour rated fire resistive construction on the exterior side or constructed with approved noncombustible materials. This will be determined on a case by case basis at building permit review. Also, that an approved noncombustible or fire treated roof covering be utilized for each home.
9. That homes be placed in a manner that minimizes the removal of vegetation on each property. Where it must be removed to accommodate a house, areas with the least mature vegetation should be prioritized for home locations over areas with more mature vegetation.
10. That compliance be made with the Sandy City Water Policy, e.g., water line extensions,

connections, water rights, and fire protection.

11. That a shared maintenance and access agreement for Lots 1 and 2 be recorded with the plat for the shared driveway access and private trail easement that provides access to Dimple Dell Park.
12. That the driveway access for Lot 1 be installed as part of the subdivision improvements and not by the future owner of Lot 1, that the installation of the driveway will be bonded as part of the subdivision improvements, and that the engineering and configuration of the driveway be reviewed and approved by the City Engineer.
13. That Lot 4 be approved as a public utility station lot and not deemed as a buildable residential lot.

Mitch Vance introduced this item to the Planning Commission. He stated since the staff report was written, staff has received new information and is recommending that this item is continued to a new date.

Adam Nash, 6076 S. 900 E., Sandy, Applicant, stated he would like to commend staff. He has been working with staff for about a year on this project. This property is in a sensitive area overlay zone so there are lots of challenges. Historically, the property has had challenges as well with non-compliance because of prior property owners. Most of these issues have been remediated. Since that time, the applicant purchased the property from the prior property owner. As to, the owner of the proposed lot 3. The previous owner sold property on metes and bounds descriptions rather than through a subdivision. He also stated he was notified by staff of this when the application was made. He tried to comply with staff, which was to have all the property subdivided properly. Dominion Energy stated they are not an illegally created subdivision. They are a public utility and they can be on this size of property. They are opposing to being involved in signing the plat. Dominions Energy's lot is what makes his lot difficult to use. He stated he has worked around this and has put a plan together. He thinks the real issue is working out the technicalities of an actual subdivision. There will be no widening of roads or dedications. He is happy to delay this process to make sure this is properly done.

Commissioner Monica Collard opened this item to public comment.

Joyce Walker, 2486 E. Sego Lily Drive, Sandy, stated she is addressing concerns with this item. She believes the homes would not fit on such tiny lots. Pumping of the sewage presents some challenges. The previous owner of this land has a long history of being out of compliance. Cars lights may shine in the window.

Camille Trapp, Owner of lot 3, stated she had no idea that the previous owner conducted an illegal sale of this property. She purchased this property 16 years ago. She then proceeded to buy an extra .75 acre for the widening of the road. She stated she is not opposed to a home being built on the property, she would have liked to have been informed. She would like to find out how this would impact her. She also stated Mr. Nash has never discussed this with her. Until a day ago,

she had no idea the lots were undivided.

Commissioner Monica Collard closed this item to the Planning Commission.

Commissioner Joe Baker moved that this item is continued to a later date.

James Sorenson stated there was an issue that came up on the zoning. He wants to assure that this property is zoned R-1-20A for animal rights. There's been no exceptions asked for. Staff is committed to keeping the zoning as is. Whatever can fit and be built in this zone is what staff would recommend.

Brian McCuiston stated since we are not sure of the date this item should come back to the Planning Commission, this item should be tabled instead of continued.

Commissioner Monica Collard stated she believes an item can be continued without a specific date. This would save the applicant from refileing.

Darian Alcorn stated it's a continuation if it is date specific.

Brian McCuiston stated the applicant would not have to reapply. Reapplying occurs when the item is denied. If it is tabled or continued, we can wait until the applicant is ready to come back.

Commissioner Joe Baker moved that the Dimple Dell Ridge Subdivision – Preliminary Review is tabled to a later date.

Commissioner Cyndi Sharkey seconded the motion. The votes were as follows. Joe Baker, yes; Cyndi Sharkey, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

5. Minutes

Commissioner Cyndi Sharkey moved to approve the March 15, 2018 minutes. The vote was unanimous in favor.

6. Sandy City Development Report

7. Planning Commission Attendance List

18. Director's Report

James Sorenson gave the directors report.

Brian McCuiston updated the Planning Commission member on the new program staff would be using called Granicus.

Matt Huish, CAO, discussed the details for the televised City Council meetings and the future of recording the Planning Commission meetings.

The meeting adjourned at 7:17 p.m.

The content of these minutes are not intended nor are they submitted as a verbatim transcript of the meeting. These minutes are a brief overview of what occurred at the meeting.

Respectfully submitted: _____
Raima Tobler- Fleming, Minutes Secretary