



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, July 19, 2018

6:15 PM

Council Chambers

Meeting procedures are found at the end of this agenda.

Voting Roll Call

4:30 PM FIELD TRIP

1. [18-272](#) Field Trip for July 19, 2018 Planning Commission meeting.

Attachments: [071918](#)

5:15 PM EXECUTIVE SESSION

Discussion regarding Short Term Rentals

2. [18-259](#) Vote for Chair and Vice Chair

6:15 PM REGULAR SESSION

Roll Call

Welcome

Pledge of Allegiance

Introductions

Public Hearings

3. [SUB-07-17-52](#) Miles Olsen Subdivision (Preliminary Review)
[85](#) 8860 S. 220 E.
Historic Sandy, Community #4
- Attachments:** [vicinity map](#)
[Olsen Staff Report](#)
[Olsen plat and grading](#)
[July 7, 2016 minutes](#)
4. [CODE-06-18-5446](#) Alcohol and Tobacco Specialty Store Update - Amend Title 15A, Chapter 8, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, & Chapter 37, Definitions, Revised Ordinances of Sandy City, 2008
- Attachments:** [Staff Report.pdf](#)
5. [CODE-06-18-5441](#) Residential Short Term Rentals (STRs) - Amend Title 15A, Chapter 11, Special Uses, Chapters 7, 8, 9, & 10, Permitted Land Use Matrices for Residential, Commercial, Office, Industrial, Mixed Use, Transit Corridor, Research and Development, Institutional Care, and Open Space Districts, & Chapter 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008
- Attachments:** [Revised Staff Report](#)

Administrative Business

6. [18-271](#) Minutes from the July 5, 2018 Planning Commission meeting.
- Attachments:** [PC07-05-2018](#)

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



Sandy City, Utah

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

Staff Report

File #: 18-272, **Version:** 1

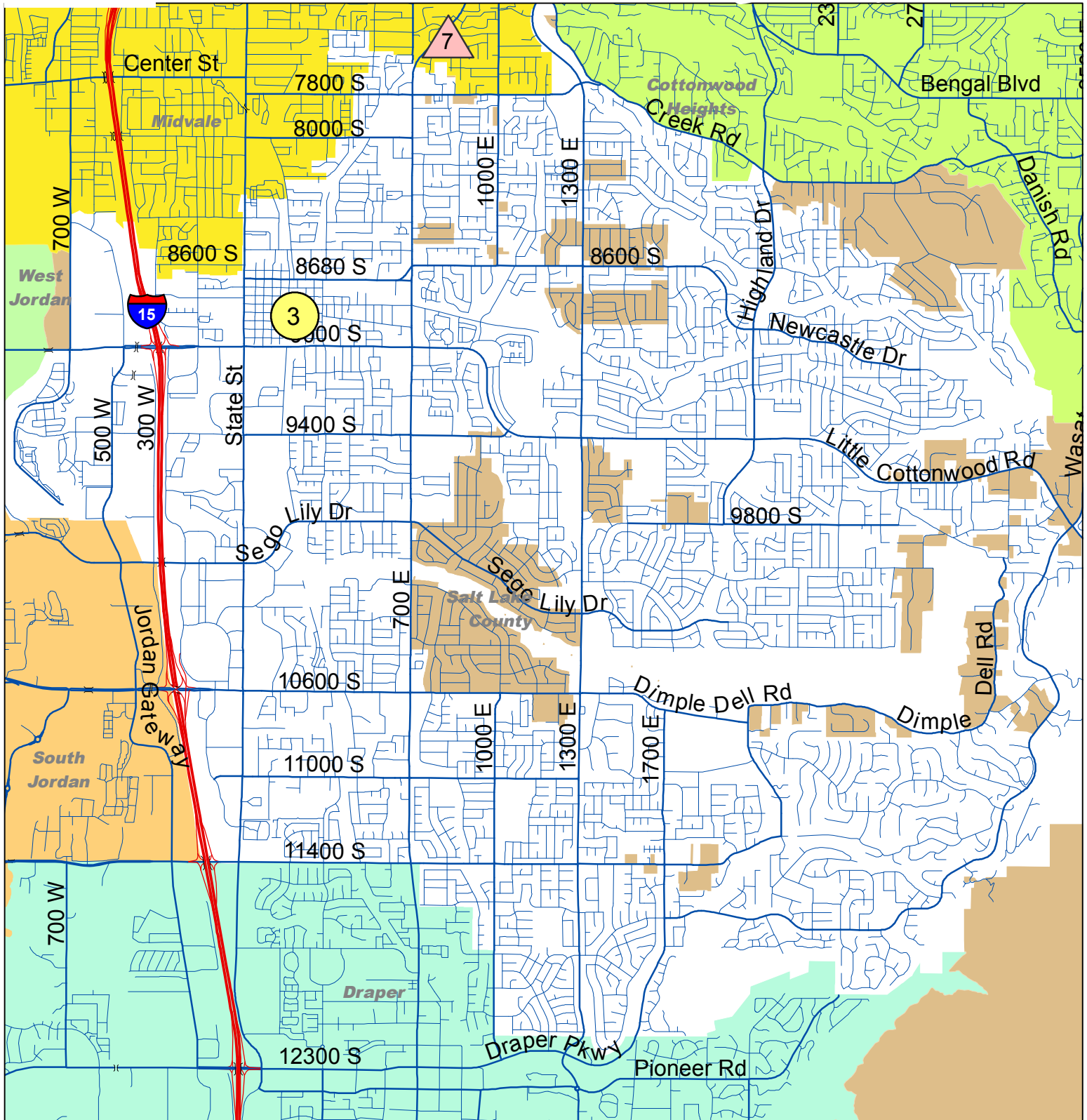
Date: 7/19/2018

Field Trip for July 19, 2018 Planning Commission meeting.



Planning Commission Field Trip

July 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.**



PRODUCED BY THE
COMMUNITY DEVELOPMENT DEPARTMENT



Sandy City, Utah

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

Staff Report

File #: 18-259, Version: 1

Date: 7/19/2018

Vote for Chair and Vice Chair



Staff Report

File #: SUB-07-17-5285,
Version: 1

Date: 7/19/2018

Agenda Item Title:

Miles Olsen Subdivision (Preliminary Review)
8860 S. 220 E.
Historic Sandy, Community #4

Presenter:

Mike Wilcox

Description/Background:

Mr. Bryce Dallimore (applicant) and Miles Olsen (owner) are requesting preliminary subdivision review for a two lot single-family subdivision located at 8862 S. 220 E. The applicant is 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. The 0.52 acre property currently has two single-family homes located on one parcel. The property has been legally non-conforming because the homes existed prior to the zoning ordinance. The proposed subdivision would divide the property and create an individual parcel for each home and bring the structures into compliance with the zoning requirement to have only one single-family home on each lot. No new vacant lots will be created as part of this subdivision.

The owner of the property applied for a building permit to substantially expand on one of the homes in 2016. Because the property had a legal non-conforming status, the applicant was required to go to the Planning Commission and obtain a Special Exception for the continuance and expansion of a non-conforming use. The special exception was approved (see attached minutes) with the condition that a subdivision application be submitted within one year in order to bring the property into compliance. This application is in response to this condition of approval to subdivide the property. As part of the building permit application, the applicant submitted a plan for this subdivision showing the subject property divided into three lots - one for each home on the property, and one new lot. However, the plan for the property has since changed and the third new lot will not be part of this subdivision, rather it will simply divided the property into two for the existing homes.

Recommended Action and/or Suggested Motion:

Staff recommends that the Planning Commission determine that preliminary review is complete for the Miles Olsen Subdivision, located at 8860 South 220 East, based on the following findings and subject to the following condition:

Findings:

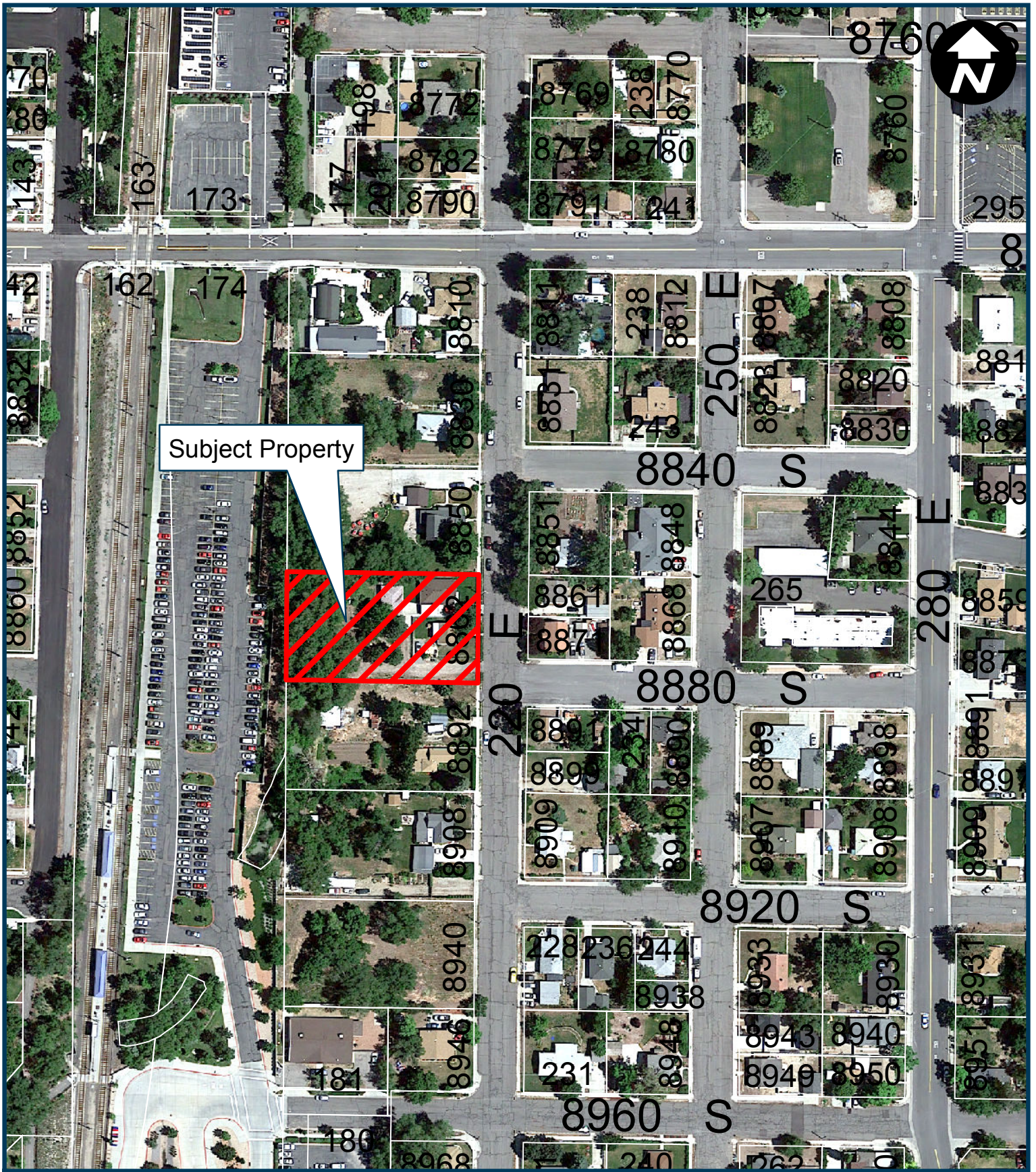
1. That the proposed subdivision brings otherwise non-conforming uses more into compliance

with requirements for single-family residences outlined in the Development Code.

2. That the application reflects the fulfillment of a conditional of approval imposed on the property during the review of a Special Exception in 2016.

Condition:

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.



SUB-07-17-5285 :: Miles Olsen Subdivision
8862 S 220 E



PRODUCED BY OLIVIA CVETKO
 THE COMMUNITY DEVELOPMENT DEPARTMENT



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 19, 2018

To: Planning Commission
From: Community Development Department
Subject: Miles Olsen Subdivision (Preliminary Review)
8862 S. 220 E.
[Historic Sandy, Community #4]

SUB-07-17-5285
Zone: R-1-7.5(HS)
0.52 Acres, 2 Lots

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
SPEX-06-16-5099	Miles Olsen Special Exception to allow for a continuance of a non-conforming use. The Planning Commission heard the item on July 7, 2016 and voted 4-2 in favor of granting the special exception that allowed the applicant to add onto their home. The application was approved with the condition that a subdivision for the property be submitted within one year and that occupancy of the new addition would not be granted until the subdivision application was submitted.

DESCRIPTION OF REQUEST

Mr. Bryce Dallimore (applicant) and Miles Olsen (owner) are requesting preliminary subdivision review for a two lot single-family subdivision located at 8862 S. 220 E. The applicant is 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. The 0.52 acre property currently has two single-family homes located on one parcel. The property has been legally non-conforming because the homes existed prior to the zoning ordinance. The proposed subdivision would divide the property and create an individual parcel for each home and bring the structures into compliance with the zoning requirement to have only one single-family home on each lot. No new vacant lots will be created as part of this subdivision.

BACKGROUND

The owner of the property applied for a building permit to substantially expand on one of the homes in 2016. Because the property had a legal non-conforming status, the applicant was required to go to the Planning Commission and obtain a Special Exception for the continuance and expansion of a non-

conforming use. The special exception was approved (see attached minutes) with the condition that a subdivision application be submitted within one year in order to bring the property into compliance. This application is in response to this condition of approval to subdivide the property. As part of the building permit application, the applicant submitted a plan for this subdivision showing the subject property divided into three lots – one for each home on the property, and one new lot. However, the plan for the property has since changed and the third new lot will not be part of this subdivision, rather it will simply divided the property into two for the existing homes.

NOTICE

Notices were mailed to property owners within a 500 foot radius of the subject parcel to notify them of the Planning Commission meeting. The Community Development Director along with Planning Staff determined that a neighborhood meeting was not necessary for this application.

ANALYSIS

The R-1-7.5(HS) zone allows for single-family housing on lots with a minimum size of 7,500 square feet. Because the property is implementing the HSD Overlay, the minimum allowable lot size is 5,000 square feet. As proposed, Lot 1 is 24,218 square feet and Lot 2 is 5,660 square feet in size. A note has been added to the plat that states that any new home or modification of existing homes on either of these lots will need to conform to the architectural design standards of the HSD Overlay zone. The home on Lot 2 will continue to be legally non-conforming because it does not meet the code requirement that all homes have a two-car enclosed garage on the property (Chapter 15A-20-05A). The applicant has shown on the plat a potential location of a detached garage that meets all the requirements of the code, however there are no immediate plans for the garage to be built. Because no new development will be happening as part of this application, no infrastructure improvements were required as part of the application.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that preliminary review is complete for the **Miles Olsen Subdivision**, located at 8860 South 220 East, based on the following findings and subject to the following condition:

Findings:

1. That the proposed subdivision brings otherwise non-conforming uses more into compliance with requirements for single-family residences outlined in the Development Code.
2. That the application reflects the fulfillment of a conditional of approval imposed on the property during the review of a Special Exception in 2016.

Condition:

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.

Planner:



Mitch Vance
Planner

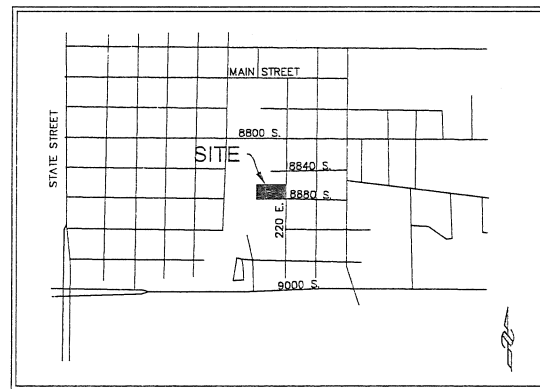
Reviewed by:



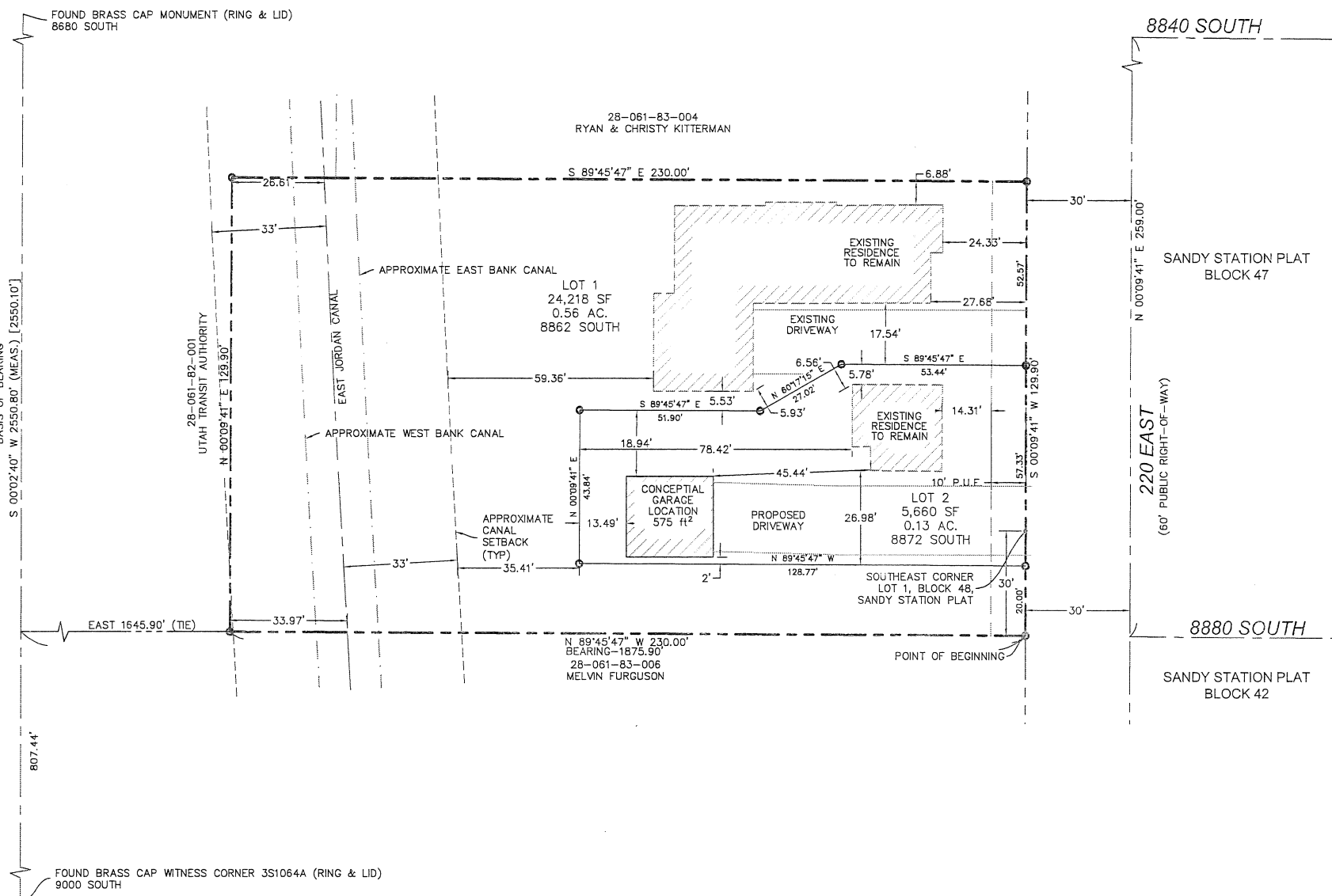
Brian McCuiston
Planning Director

MILES OLSEN SUBDIVISION

A PORTION OF BLOCK 48, SANDY STATION PLAT LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER, SECTION 6, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SANDY CITY, SALT LAKE COUNTY, UTAH



VICINITY MAP
N.T.S.



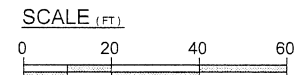
SANDY CITY GENERAL PLAT NOTES:

1. Requirements have been imposed relating to the development of this subdivision and development on each of the lots.
2. Building Permits/Certificates of Occupancy may not be issued until certain improvements have been installed.
3. certain measures are required to control blowing soil and sand during construction on a lot.
4. No trees shall be planted in the public park strip less than 8 feet wide. Centerline of tree(s) shall be planted a minimum of 4 feet away from back of curb and edge of sidewalk.
5. No driveways shall be constructed so as to slope toward any structure, without written permission from Sandy City Engineer.
6. Evidence that the contractor has a Sandy City Permit to work in the public way shall be presented to the Building Division prior to issuance of a building permit. Contact the Public Works Department for more information.
7. All Roadways that are not private roads (if any) are dedicated to Sandy City as right of way (R.O.W.) for public use.
8. New homes or modification to existing homes shall comply with the standards of the Historic Sandy Development Overlay.

The requirements and conditions set forth in notes 1-7 above are detailed in the Sandy City Community Development and Engineering files (known as SUB-07-17-5285) as such files exist as of the date of the recording of the plat, the Conditions of Approval imposed by the Sandy City Planning Commission, the Sandy City Standard Specifications for Municipal Improvements, the Streets and Public Improvements chapters of the Revised Ordinances of Sandy City, the Sandy City Building Code, and the Sandy City Land Development Code. Requirements may be imposed as required by the applicable Sandy City Ordinances at the time of additional development applications and approvals relating to the subject property.

LEGEND:

- SALT LAKE COUNTY SECTION CORNER MONUMENTS FOUND
- SET 5/8" X 24" REBAR W/ CAP MARKED "BINGHAM ENG."
- EXISTING STREET MONUMENT
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- ADJOINING LOT LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- CENTERLINE
- EXISTING EDGE OF CANAL
- EXISTING P.U.E.
- RECORD COORDINATE VALUES AND/OR RECORD DIMENSIONS ARE SHOWN IN BRACKETS

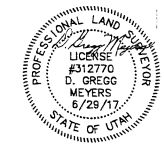


SURVEYOR'S CERTIFICATE
I, D. Gregg Meyers, a professional land surveyor holding License No. 312770, as prescribed by the laws of the state of Utah, do hereby certify that, by the authority of the owners, I have made an accurate survey of the tract of land shown on this Plat and described hereon, and have subdivided said tract of land into lots, hereafter to be known as:

MILES OLSEN SUBDIVISION
and I certify that the same has been surveyed and staked on the ground, as shown on this Plat.

Date: 6/29/17

D. Gregg Meyers
D. Gregg Meyers
P.L.S. No. 312770



BOUNDARY DESCRIPTION
A portion of Block 48, Sandy Station Plat, which lies in the East half of the Northwest Quarter of Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian described as follows:

Beginning on the West right-of-way line of 220 East Street at a point which lies South 00°09'41" West 30.00 feet from the Southeast corner of Lot 1, Block 48, Sandy Station Plat, and running thence North 89°45'47" West 230.00 feet; thence North 00°09'41" East 129.90 feet; thence South 89°45'47" East 230.00 feet to said right-of-way, thence South 00°09'41" West 129.90 feet along said right-of-way to the point of beginning.

Contains 29,878 sq. ft or 0.686 acres, two lots and no dedicated roads.
(Lots 1 through 8 inclusive, Block 48, Sandy Station Plat, together with half the vacated street abutting on the West along Lot 8 and the vacated street abutting along the South of Lots 1 through 8)

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Miles Olsen and Spencer Olsen, the undersigned owners of the above described tract of land, having caused same to be subdivided into lots, together with easements, to be hereafter known as

MILES OLSEN SUBDIVISION
do hereby convey to all easements shown on this Plat to the parties indicated and for the purpose shown hereon.

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D. 20 _____

Miles Olsen _____ Spencer Olsen _____

NOTARY ACKNOWLEDGMENT

State of Utah } ss
County of Salt Lake }

On this _____ Day of _____, 2018, personally appeared before me Miles Olsen and Spencer Olsen, the signers of the above owner's dedication, who duly acknowledged to me that they signed it freely and voluntarily and for the purposes therein mentioned.

Commission Number _____
My commission expires _____

Printed name _____ A Notary Public commission in Utah

Plat Prepared By: **BINGHAM ENGINEERING**
Design: _____
Drawn: JJS
Checked: CM
Reviewed: JRL

PLAT PREPARED FOR:
Miles and Spencer Olsen
8862 South 220 East
Sandy, UT 84070
SPENCER - (801) 755-3661

PLANNING COMMISSION
Approved this _____ day of _____ A.D. 20____

SALT LAKE COUNTY HEALTH DEPARTMENT
Approved this _____ day of _____ A.D. 20____

CHAIRMAN, SANDY CITY PLANNING COMM. _____ **DIRECTOR, SALT LAKE COUNTY HEALTH DEPT.** _____

UTILITY COMPANIES

ROCKY MOUNTAIN	DATE _____
DOMINION ENERGY	_____
CENTURYLINK	_____
COMCAST	_____

PUBLIC UTILITIES DEPARTMENT
Approved this _____ day of _____ A.D. 20____

PUBLIC UTILITIES ENGINEERING MANAGER _____

EAST JORDAN CANAL COMPANY
Approved this _____ day of _____ A.D. 20____

PRESIDENT, EAST JORDAN CANAL COMPANY _____

CITY ENGINEER
Approved this _____ day of _____ A.D. 20____

DATE _____ **CITY ENGINEER** _____

SANDY SUBURBAN IMPROVEMENT DISTRICT
Approved this _____ day of _____ A.D. 20____

CHAIRMAN, SANDY IMPROVEMENT DISTRICT _____

APPROVAL AS TO FORM
Approved as to form this _____ day of _____ A.D. 20____

SANDY CITY ATTORNEY _____

PARKS AND REC.
Approved this _____ day of _____ A.D. 20____

DIRECTOR, SANDY PARKS AND REC. _____

SANDY CITY MAYOR
Presented to the Sandy City Mayor this _____ day of _____, A.D. 20____ at which time this subdivision was approved and accepted.

MAYOR _____ **ATTEST: CITY RECORDER** _____

MILES OLSEN SUBDIVISION
A PORTION OF BLOCK 48, SANDY STATION PLAT LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER, SECTION 6, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SANDY CITY, SALT LAKE COUNTY, UTAH

SHEET 1 OF 1

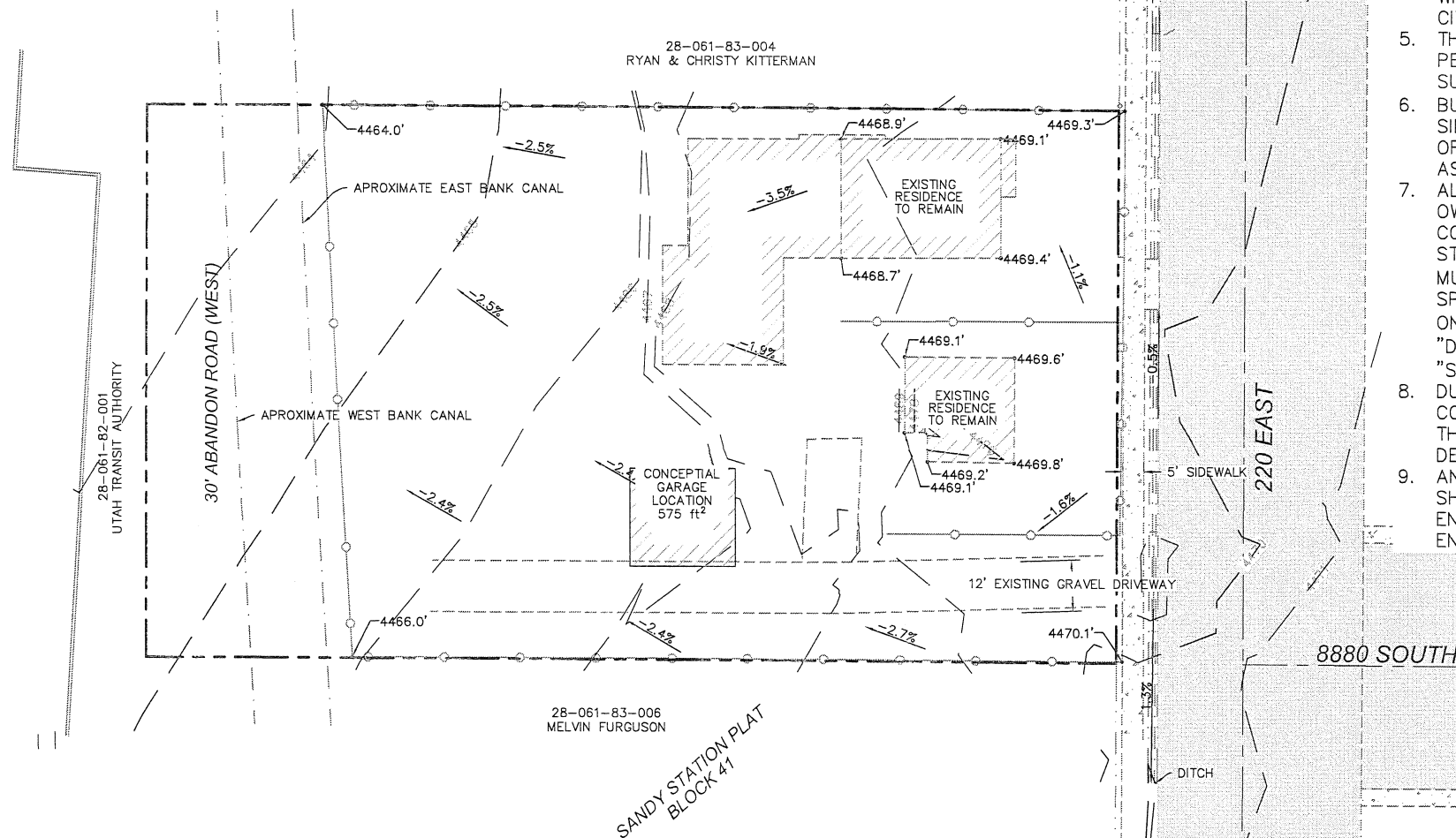
RECORDED # _____

State of Utah, County of Salt Lake, recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____

FEE \$ _____ **SALT LAKE COUNTY RECORDER** _____

LEGEND:

---	BOUNDARY LINE
---	EXISTING CONCRETE
---	LOT LINE
---	EXISTING BUILDING
---	EDGE OF DRIVE WAY
---	EXISTING DITCH
---	FENCE

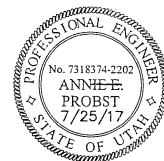


NOTES PER SANDY CITY PUBLIC WORKS

1. INSTALL SURVEY RIVETS, OFFSET FROM EACH LOT'S PROPERTY CORNERS, IN CURB OR SIDEWALK.
2. PROVIDE A PROCTOR TEST, FOR ROAD BASE MATERIAL THAT IS TO BE PLACED IN THE PUBLIC RIGHT-OF-WAY, TO THE SANDY CITY PUBLIC WORKS INSPECTOR, WHEN DELIVERED OR PLACED ON SITE.
3. BUILDER/OWNER SHALL SECURE AN EXCAVATION PERMIT FROM SANDY CITY PUBLIC WORKS DEPARTMENT PRIOR TO DOING ANY WORK IN THE SANDY CITY RIGHT OF WAY. TRAFFIC PLAN, BONDING, AND INSURANCE WILL BE REQUIRED.
4. NOTIFY SANDY CITY PUBLIC WORKS INSPECTION DEPARTMENT, 801-568-2999, 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OF ROADWAYS OR PUBLIC IMPROVEMENTS, INCLUDING SEWER FACILITIES. ALL INSPECTIONS MUST BE DONE PRIOR TO, OR CONCURRENT WITH, CONSTRUCTION. FAILURE TO MAKE THIS NOTIFICATION MAY RESULT IN THE UNCOVERING AND/OR REMOVAL OF ALL CONSTRUCTION DONE WITHOUT NOTIFICATION, AT THE DISCRETION OF THE CITY ENGINEER.
5. THE USE OF MOTOR OILS AND OTHER PETROLEUM-BASED OR TOXIC LIQUIDS, FOR DUST SUPPRESSION, IS ABSOLUTELY PROHIBITED.
6. BUILDER/OWNER SHALL REPLACE ANY EXISTING SIDEWALK OR CURB & GUTTER ALONG THE FRONTAGE OF THIS PROJECT, THAT IS FOUND TO BE DEFECTIVE, AS DIRECTED BY THE SANDY CITY INSPECTOR.
7. ALL PUBLIC IMPROVEMENTS, WHICH ARE TO BE OWNED AND MAINTAINED BY SANDY CITY, SHALL BE CONSTRUCTED ACCORDING TO THE SANDY CITY STANDARD SPECIFICATIONS AND DETAILS FOR MUNICIPAL CONSTRUCTION (LATEST EDITION). THE SPECIFICATIONS CAN BE FOUND IN .PDF FORMAT ONLINE AT WWW.SANDY.UTAH.GOV (CLICK ON "DEPARTMENTS", THEN "PUBLIC WORKS", THEN "STANDARD SPECIFICATIONS").
8. DUST, MUD, AND EROSION SHALL BE ADEQUATELY CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS, AT ALL TIMES.
9. ANY PROPOSED CHANGES TO THE APPROVED DESIGN SHALL BE REVIEWED AND APPROVED BY THE ENGINEER OR ARCHITECT OF RECORD AND THE CITY ENGINEER.

NOTES:

1. THIS SUBDIVISION INFORMATION IS PRIMARILY FOR RECORDATION PURPOSES. GRADES AND OTHER DATA SHOWN ARE EXISTING AND TO REMAIN AS IS.
2. SITE GENERALLY SLOPES TO THE WEST SIDE OF THE PROPERTY INTO THE EXISTING CANAL.
3. SANDY CITY REQUIRES THAT ALL STORM WATER IS TO BE DETAINED ON SITE.



Rev.	By	Date	Remarks

OLSEN

MILES OLSEN SUBDIVISION

GRADING PLAN

BINGHAM ENGINEERING
SALT LAKE CITY - (801) 532-2520
OGDEN - (801) 399-1662

Dan: _____
Drw: AEP
Chk: _____
Rvw: _____
Sht
GD1
of 1

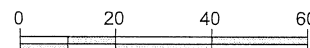
Print Date: 07/25/2017 Created: 7/25/17 Proj. # 5352

Copyright © 2017 Bingham Engineering, Inc. Drawing not to be reused in part or in whole without written permission.

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libby

SCALE (FT)



Chairman Jared Clayton commented that the main concern he has with the 8-foot fence is to make sure that they are built the right way.

James Sorensen commented that once a fence goes to 8 feet high, a permit has to be taken out an engineering has to be done and reviewed by staff.

Monica Collard moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A" of the staff report, based on the 2 reasons outlined in the staff report.

Lisa Hartman seconded the motion. The vote was as follows: Monica Collard, yes; Lisa Hartman, yes; Cheri Burdick, yes; Ron Mortimer, yes; Joe Baker, yes; Jared Clayton, yes. The vote was unanimous in favor.

2. Miles Olsen Special Exception

8862 South 220 East [Community #4, Historic Sandy]

SPEX-6-16-5099

The applicant, Miles Olsen, requested a special exception to allow the continuance of a nonconforming use. The property owner would like to add on to one of two homes on a single lot located at 8862 S. 220 E.

The property located at 8862 S. 220 E. is 0.52 acres (22,651 sq. ft.) zoned R-1-7.5(HS). The property is a legal nonconforming lot due to two homes existing on the property. The property is bordered to the north, east and west by single-family homes zoned R-1-7.5(HS). To the west of the property is the UTA Trax Historic Sandy Station.

The primary residence is 1,130 sq. ft. built in 1946, and is located on the north side of the property. The secondary residence is 1,120 sq. ft. built in 1955, and is located on the south side of the property. The secondary home is used as a rental property, with the property owner living in the primary home. The two homes predate the Sandy City Development Code and subdivision regulations. The lot is part of the Sandy Station Subdivision, the original plat of the city.

Staff would recommend that the Planning Commission evaluate this request and determine if the hardship is self-imposed. If the Planning Commission does approve the application, staff recommends the following findings and conditions:

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Findings:

- 1) The alteration, movement, enlargement or addition is in keeping with the intent of the Sandy City Development Code.
- 2) The proposed alteration, movement, enlargement or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming structure.
- 3) The structure does not encroach further into the required setbacks beyond which has previously legally been approved.
- 4) No additional dwelling units are added to the building or structure.

Conditions:

- 1) A subdivision plat application is submitted within one year upon the approval of the application.
- 2) That the primary residence be constructed as proposed by the Historic Committee and as required in the tier two Sandy Development Overlay Zone, such as a front porch, window trim and sills, etc.
- 3) The Structure meet the Historic Overlay Zone design requirements as outlined in the Sandy City Development Code.

Wade Sanner presented this item to the Planning Commission.

Miles Olsen, 8862 South 220 East, Sandy, applicant, stated that he is requesting an addition on his home.

Bryce Dallimore, indicated that he drew the home for Miles and wanted to answer any questions on behalf of Miles. He stated that there is a third structure on the property, which is an attached garage associated with the north home. He stated that in that attached garage there is also some living space there, which consists of approximately 800 to 900 square feet. He stated that they are making this a better situation because they are getting rid of the attached garage. He also mentioned that that they want to ultimately subdivide this property. He stated that they want to get the building going on this now on a contingency that they will ultimately subdivide.

Commissioner Monica Collard commented on obtaining a building permit and that in order to get a building permit, you have to have a subdivision.

Mr. Dallimore responded that they are applying right now to do it before the subdivision. He indicated that there are already two homes sitting on the lot and they are just applying for an addition on it. That is pushing them to subdivide. He believes they are bringing it into compliance by getting rid of the detached garage.

Wade Sanner indicated that occupancy can be held up on the building by not issuing a Certificate of Occupancy for the structure until a subdivision application comes in.

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July 7, 2016
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Commissioner Cheri Burdick confirmed that that meant that they wouldn't be able to move into the house until a subdivision has been applied for. She also confirmed that the applicant is already living in the home.

Wade Sanner stated that they can hold up occupancy on the building

Chairman Jared Clayton asked if they didn't have the second house on the property, couldn't they just do the addition.

Mr. Sanner responded that they could. There would only be one home.

Mr. Dallimore indicated that they have proposed this and gone through the Historic Committee and had a review and there was one last item that came up in the meeting and that was this perpetuation. He stated that they have been reviewed as far as planning goes and that is where they are stuck.

Commissioner Joe Baker believes there may be concerns with the title and financing. He asked if he would be able to get a loan without a clear title.

Miles Olsen stated that it would benefit him to subdivide because there are two homes on the property and it's almost impossible to get a loan. He stated that he is at a fixed rate right now and he believes that splitting this property will be good for him to get a good rate. He indicated that he will be doing the work on the house with his father-in-law, who owns a construction company.

Commissioner Joe Baker commented that he believes this is being done backwards and he doesn't know why the Planning Commission isn't entertaining a petition to subdivide. He believes that this should be done right with a clear title on both sides. He supports Mr. Olsen in wanting to improve his home, but he believes it should be done right.

Mr. Dallimore responded that they have considered that. He indicated that Mr. Olsen wants to get going right away and get it going for this year. He stated that they have submitted preliminary drawings and believes that the planning department is on board with the subdivision. He believes that because they are helping a non-conforming situation, they can almost ask for the perpetuation without the subdivision because they are enhancing the non-conforming situation.

Commissioner Joe Baker responded that they could ask that, but it would not likely be approved because the Planning Commission requires, through these kinds of upgrades, that it be brought into conforming. Under the petition before the Planning Commission, one of the conditions is

Planning Commission Minutes
July 7, 2016
Page 7

that he apply for subdivision within a year. He believes that it should happen right now and be done right.

Mr. Olsen responded that it would put them back three months before they start construction.

Mr. Dallimore responded that they are taking a non-conforming structure right out of the picture.

Commissioner Joe Baker responded that they are not becoming conforming and that is the requirement of the City.

Mr. Olsen commented that he has a growing family and is in a tight little house. He would like to get on this quickly.

Mr. Dallimore commented that even though they are removing one of the non-conforming situations, they are not coming into full non-conformance. They recognize that. But they are asking for perpetuation of the non-conformance. That's the whole application.

Brian McCuistion commented that most of the lots that have two homes on them are in Historic Sandy.

James Sorensen commented that the wording really is expansion of a non-conforming use.

Commissioner Lisa Hartman commented that the bottom line is that it is not going to change what they are doing or how they're doing it. The question is how to get them to make sure that they do in fact do it so it does come into compliance.

Commissioner Joe Baker commented that he is impressed with them wanting to improve their home. He encourages and supports reconstruction, upgrading, and investing in this neighborhood. He feels strongly that it needs to be done according to Code.

Chairman Jared Clayton opened this item to public comment and there was none.

Joe Baker moved that the Planning Commission deny this application for upgrading and encourage the applicants to come back at a future date with a petition for subdividing and expect the Planning Commission's full support in pushing that through and getting this done legally and right.

Cheri Burdick seconded the motion. The vote was as follows: Joe Baker, yes; Cheri Burdick, yes; Monica Collard, no; Ron Mortimer, no; Lisa Hartman, no; Jared Clayton, yes. The vote was three to three. Motion tied and failed.

Monica Collard moved that the Planning Commission approve the request to expand the non-conforming use based on the four findings and three conditions in the staff report, with the fourth condition that occupancy of the new addition may not be granted until the subdivision application has been submitted.

Ron Mortimer seconded the motion. The vote was as follows: Monica Collard, yes; Ron Mortimer, yes; Cheri Burdick, no; Lisa Hartman, yes; Joe Baker, no; Jared Clayton, yes. The vote was four to two in favor of the motion.

Chairman Jared Clayton recused himself from the next item and left the meeting.

**3. Sandy City Centre Amended – Preliminary Subdivision
277 West Sego Lily Drive [Community #9, South Towne] SUB-2-16-4943**

The applicant, Dan Simons of Simons Realtors, requested preliminary subdivision approval from the Planning Commission for an amendment to the Sandy City Centre Plat. No special exceptions or conditional uses are being requested.

This plat amendment is being done in conjunction with The Prestige site plan application. Due to the location of existing property lines, this amendment was necessary to make sure the proposed building met setback requirements. The plat will also dedicate land for the future extension of 10080 South Street and for the existing Monroe Street improvements which were never officially dedicated.

Staff recommends that the Planning Commission approve the Preliminary Subdivision for the Sandy City Centre Amended Plat located at 277 West Sego Lily Drive, 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 the minimum amount of dedication for side improvements as dictated by Staff, is acquired through the site plan process for any future development of the properties to the north or south of 10080 South Street.

Andrew King presented this item to the Planning Commission.



Staff Report

File #: CODE-06-18-5446,
Version: 1

Date: 7/19/2018

Agenda Item Title:

Alcohol and Tobacco Specialty Store Update - Amend Title 15A, Chapter 8, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, & Chapter 37, Definitions, Revised Ordinances of Sandy City, 2008

Presenter:

Mike Wilcox

Description/Background:

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 8, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, and Chapter 37, Definitions, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to amend the existing regulations and definition to match the new Utah Code standards for a Retail Tobacco Specialty Store.

Recommended Action and/or Suggested Motion:

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", attached, for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 15A-01-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 11, 2018

To: Planning Commission
From: Community Development Department
Subject: Alcohol and Tobacco Specialty Store Update
Amend Title 15A, Chapter 8, Permitted Land Use Matrix
by the Commercial, Office, Industrial, Mixed Use,
Transit Corridor, and Research and Development
Districts, & Chapter 37, Definitions, Revised Ordinances
of Sandy City, 2008

CODE-06-18-5446

HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

REQUEST

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 8, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, and Chapter 37, Definitions, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to amend the existing regulations and definition to match the new Utah Code standards for a Retail Tobacco Specialty Store.

PROPERTY CASE HISTORY	
Case Number	Case Summary
CA#09-Q	On February 12, 2010, the City Council approved Ordinance #10-03, created a new land use category and definition for an Alcohol and Tobacco Specialty Store. This type of land use is only permitted within the Industrial Zone with a number of distance restrictions. The same distance requirements are applicable to a sexually-oriented business.
CODE-5-12-2347	Revised these same sections on based on a 2012 change to state code introducing a new definition and location restrictions.

BACKGROUND

On February 12, 2010 the City Council approved Ordinance #10-03, created a new land use category and definition for an Alcohol and Tobacco Specialty Store. This type of land use is only permitted within the Industrial Zone with a number of distance restrictions.

In 2012, we amended our code again to be in compliance with new state regulations that included revised distance requirements and definitions for Retail Tobacco Specialty Stores.

In the 2018 General Legislative Session, House Bill 324 Tobacco Regulations Amendmend, was approved. Some of the highlighted provisions of this bill include:

- Revises definitions of a Tobacco Retail Specialty Store
- Requires permits through the local Board of Health
- Valid license to sell tobacco products from the State Tax Commission

Staff has also had many recent inquiries of businesses that appear to be tobacco retail specialty stores, but claim to be general retail sales or convenience stores. It has become increasingly difficult to distinguish these types of uses as some of the operators have “blurred the lines” in an attempt to not be subject to the increased regulations on alcohol and tobacco specialty stores. The information provided by business license applicants can be manipulated so as to appear that they would not be classified as Alcohol and Tobacco Specialty Store. This is a situation that has also been observed by the Salt Lake Valley Health Department and other municipalites.

The City Council invoked the pending ordinance doctrine on February 6, 2018 through the adoption of Resolution #18-05C. This allows for time to explore potential code amendedments pertaining to Alcohol and Tobacco Specialty Stores.

ANALYSIS

The proposed code amendment both aligns our regulations with the recent changes to state code and helps clarify the line between general retail sales or convenience stores and alcohol and tobacco specialty stores. These proposed changes would also clarify the existing location restrictions to make them simpler to understand and implement.

The clean version of all final proposed text is shown in Exhibit “A” attached hereto. A full detail of all redlined changes is shown in the attached Exhibit “B”.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City’s General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well-being of Sandy City and its inhabitants.

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will provide for the health, safety and welfare and promote the prosperity, improve the good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants, to prevent injury, protect the tax base, protect both urban and nonurban development, protect property values, and promote public peace and safety.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

STAFF RECOMMENDATIONS

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", attached, for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 15A-01-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Mike Wilcox
Zoning Administrator

Reviewed by:



Exhibit “A”

15A-37-02 “A” Definitions

Alcohol or Tobacco Specialty Store - A commercial establishment that, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:

- i. The sale of alcohol or tobacco products accounts for more than 35% of the total annual gross receipts for the establishment, except as allowed within this Title such as Alcoholic Beverage State Liquor Store and Alcoholic Beverage Package Agency; or
- ii. 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; or
- iii. 20% or more of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of tobacco products; or
- iv. If less than 80% of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of other items, products and merchandise unrelated to tobacco products; or
- v. The retail space features a self-service display for tobacco products (as defined in Utah State Code); or
- vi. The name of the business or marketing of the business evidences the establishment as a retail alcohol or tobacco specialty store.

Tobacco product means:

- i. Any cigar, cigarette, chewing tobacco, or electronic cigarette as defined in Utah State Code.
- ii. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
- iii. Tobacco paraphernalia as defined in Utah State Code.

15A-08-02 Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts

C. Explanatory Notes for Land Use Matrix.

10. This use is not permitted if any part of the proposed/existing building containing the use is within:
 - a. 1,000 feet from any community location (such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade). Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store.
 - b. 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the

zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

- c. 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street, the distance shall be measured in a straight line from the right-of-way boundary to the property line of the alcohol or tobacco specialty store.

Exhibit "B"

15A-37-02 "A" Definitions

Alcohol or Tobacco Specialty Store - A commercial establishment ~~in which that~~, through signage, floor space allocation and sales revenue, demonstrates it is substantially engaged in the offer and sale of alcohol and/or tobacco products, and any one or more of the following factors:

- i. The sale of alcohol or tobacco products accounts for more than 35% of the total annual gross receipts for the establishment, except as allowed within this Title such as Alcoholic Beverage State Liquor Store and Alcoholic Beverage Package Agency; ~~or~~
- ii. 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; or Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- iii. 20% or more of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of tobacco products; or The establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
- iv. If less than 80% of the total shelf space (retail display or storage areas) is allocated to the offer, display, or storage of other items, products and merchandise unrelated to tobacco products; or
- v. The retail space features a self-service display for tobacco products (as defined in Utah State Code); or
- ~~iii.vi.~~ The name of the business or marketing of the business evidences the establishment as a retail alcohol or tobacco specialty store.

Tobacco product means:

- i. Any cigar, cigarette, chewing tobacco, or electronic cigarette as defined in ~~Section 76-10-104~~ Utah State Code.
- ii. Any substitute for a tobacco product, including flavoring, or additives to tobacco; and
- iii. Tobacco paraphernalia as defined in Utah State Code ~~Section 76-10-104.1~~.

15A-08-02 Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts

C. Explanatory Notes for Land Use Matrix.

10. This use is not permitted if any part of the proposed/existing building containing the use is within:

- a. 1,000 feet from any community location (such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade). Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store.
- b. 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such

use. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.

b.c. 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street. The distance shall be measured in a straight line from the right-of-way boundary to the property line of the alcohol or tobacco specialty store.

~~1,000 feet from any community location such as public or private kindergarten, elementary, middle, junior high, or high school; licensed child care facility or preschool, trade or technical school, a church, public library, public playground, public park, youth center or other space used primarily for youth oriented activities, a public recreational facility, or a public arcade); within; 600 feet of any other alcohol or tobacco specialty store and from an agricultural or residential use or residential zoning boundary, beginning at the property line of such use; within 150 feet for the 9000 South Street gateway, as it begins at the western most boundary continuing east to State Street, the distance shall be measured from the right of way boundary. Distance requirements from structures for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property line of the community location, or other alcohol or tobacco specialty store. Distance requirements from zoning districts for this use shall be measured in a straight line, without regard to intervening structures or zoning districts, from the zoning boundary of a residential or agricultural district to the structure of the alcohol or tobacco specialty store.~~



Staff Report

File #: CODE-06-18-5441,
Version: 1

Date: 7/19/2018

Agenda Item Title:

Residential Short Term Rentals (STRs) - Amend Title 15A, Chapter 11, Special Uses, Chapters 7, 8, 9, & 10, Permitted Land Use Matrices for Residential, Commercial, Office, Industrial, Mixed Use, Transit Corridor, Research and Development, Institutional Care, and Open Space Districts, & Chapter 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008

Presenter:

Mike Wilcox

Description/Background:

The Community Development Department, per the direction of the City Council and Mayor, has filed a request to amend Title 15A, Chapter 11, Special Uses, Chapters 7, 8, 9, & 10, Permitted Land Use Matrices for Residential, Commercial, Office, Industrial, Mixed Use, Transit Corridor, Research and Development, Institutional Care, and Open Space Districts, & Chapter 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes to our Development Code to allow for and regulate short-term rentals (STRs) in Sandy.

Recommended Action and/or Suggested Motion:

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 11, 2018

To: City Council via Planning Commission
From: Community Development Department
Subject: Residential Short Term Rentals (STRs) CODE-06-18-5441
Amend Title 15A, Chapter 11, Special Uses, Chapters 7, 8, 9,
& 10, Permitted Land Use Matrices for Residential,
Commercial, Office, Industrial, Mixed Use, Transit Corridor,
Research and Development, Institutional Care, and Open
Space Districts, & Chapter 37, Definitions, Land
Development Code, Revised Ordinances of Sandy City,
2008

HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

REQUEST

The Community Development Department, per the direction of the City Council and Mayor, has filed a request to amend Title 15A, Chapter 11, Special Uses, Chapters 7, 8, 9, & 10, Permitted Land Use Matrices for Residential, Commercial, Office, Industrial, Mixed Use, Transit Corridor, Research and Development, Institutional Care, and Open Space Districts, & Chapter 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes to our Development Code to allow for and regulate short-term rentals (STRs) in Sandy.

PROPERTY CASE HISTORY	
Case Number	Case Summary
CA#98-H	On September 25, 1998, the City adopted Ordinance #98-35, which created new land use regulations for residential districts and a new definition for Residential Short Term Lease. Another update was made on this definition on October 21, 1999 through Ordinance #99-54. This new definition prohibited the use of short-term rentals less than 30 days in all residential districts and is the same definition we have in our current code.

BACKGROUND

In 1998, the City ran into issues with short-term “ski-rentals” and the enforcement of our codes in regards to this use. The City was sued by a couple of property owners that were operating short-term rentals over the enforcement of our codes. There were issues and complaints from neighbors of these properties about neighborhood stability, nuisance, and quality of life. Through this litigation process, the City was directed by the Courts to revise how we defined short-term rentals and how it was to be enforced. In March of 1998, the city invoked a pending ordinance doctrine to evaluate options to change our codes relating to short-term ski rentals. This was formally adopted with Ordinance #98-19.

Over the course of that year, the city evaluated how to address this issue. On September 25, 1998, the City adopted Ordinance #98-35, which created new land use regulations for residential districts and a new definition for Residential Short Term Lease. Another update was made on this definition on October 21, 1999 through Ordinance #99-54. This new definition prohibited the use of short-term rentals less than 30 days in all residential districts and is the same definition we have in our current code.

Since that time, companies such as Airbnb and VRBO popularized STRs and played a large part in bolstering the sharing economy movement. This movement resulted in a drastic increase of illegally operating STRs in Sandy City, estimated at somewhere around 300 (~1% of households) today.

The sharing economy movement has garnered interest from some members of the Utah State Legislature and a bill was introduced during the 2017 Legislative Session on the topic. In March of 2017, the City Council wanted to find out more about this topic and invited Representative John Knotwell to discuss the proposed HB 253. This bill, as originally written, would remove the ability of Utah Cities to regulate STR’s, placing the ability in the hands of the State.

Following negotiations between members of the State Legislature, the League of Cities and Towns, and elected local officials from around the State, a compromise was reached. In exchange for the right to retain the ability to regulate STRs, Utah Cities would begin drafting local legislation to legalize STRs. Since April of 2017, the City Council Office began researching STRs and drafting an STR ordinance in coalition with City Administration.

On April 17, 2018, the City Council made a motion to direct City Staff to take their draft ordinance through the formal Code Amendment Review process. Since the Council made that directive, staff has been working with the Council Office on revisions to the draft ordinance. Staff has been refining the original proposal and reformatting it to better fit into our development code.

ANALYSIS

The topic of regulating short-term rentals is controversial and has both potential positives and negatives. STRs can have a positive impact on cities, in that they can:

- Contribute to local wealth by giving residents the opportunity to earn money from hosting tourists. Fewer tourism dollars go to large corporate hotel chains, and more dollars stay within the community.
- Make efficient use of space by allowing residents to host guests in a room or unit when it might otherwise be unused.
- Prevent economic hardship and displacement by allowing some residents to use STR revenue to make ends meet and stay in their homes.
- Provide both tourists and hosts with valuable social and cultural exchange.

- Spread tourist dollars beyond typical hotel and tourism districts by attracting travelers to less frequented neighborhoods and businesses.

At the same time, STRs can have a negative impact on cities, in that they can:

- Take long-term rental units off the market, creating a scarcity of housing options, and pushing up prices.
- Incentivize property owners to keep rooms and units vacant or even evict long-term tenants in order to make higher profit per night from short-term renters.
- Unfairly compete with established hotels, inns, and bed and breakfasts when STRs are not subject to the same level of taxation or regulation.
- Reduce transient occupancy tax, or "hotel tax" revenues for the city when STR hosts evade the tax or avoid remitting the tax on the grounds that they are not operating a hotel.
- Violate residential zoning codes that are intended to limit noise, traffic, parking shortages, and activities incompatible with the character of a neighborhood.
- Adversely impact community cohesion because vacation rentals house a revolving circuit of transient occupants who are not connected to or invested in the community.

For the most part, staff feels that the proposed code amendment would create sensible regulations that would allow for a limited number of STRs, and allowing the City to benefit from a use that is already operating in the City, albeit currently not legal. We also suggest that the proposed amendment would help mitigate the potential negative impacts as well.

While reformatting the document, we strived to keep the original intent of the City Council intact. In some areas, staff has suggested some refinement or revisions to the proposal to balance administrative burden, provide clarity in the language, and consistency of terms throughout the Land Development Code.

The proposed version that staff would suggest be adopted is shown in Exhibit "A" attached hereto. This version has been refined with coordination of staff and the Council Office and represents our combined best effort to reflect the recommendation from Administration Staff and the Council Office. The original version of the code that the City Council proposed is shown in Exhibit "C". A direct comparison of both versions is shown in the attached Exhibit "B" with the revised final version shown in black, and the original source sections shown in red.

While most of the changes proposed are minor in nature, the following represent some of the more significant changes between the original version:

1. Definitions. In section B of Exhibit "C" showed many definitions that applied to this section alone. As a best practice, Staff has tried not to have a defined terms section that only apply to a certain chapter or section of the code in favor of a unified definition chapter (see Chapter 37) that applies to the entire code. Staff proposes eliminating most of those terms in favor of revised language and terms that are used throughout the Land Development Code. As a result we are only including two (2) of those original defined terms in Chapter 37, with some slight revisions. All the other terms were not used or not needed to be further defined.
2. Advertisement Notice. In section I(3) in Exhibit "C", the Council proposed a statement be required to be posted on any advertising of the STR. Staff is proposing that this section be moved to the Business License Title 5 of the Revised Ordinances of Sandy City.

3. Limited number of STRs. Staff has proposed a change from one (1) permit for every 100 households (less apartment units), to one (1) permit for every 100 single-family dwellings (see section D of Exhibit "B" to see both versions). This change would make a simpler metric that is easier to ascertain, but it would eliminate other units that may be owner occupied (i.e. townhomes, condos, twin homes, etc.). This change would be more restrictive by not counting other unit types in determining the number of STRs allowing in a particular community. So areas that have a higher percentage of units other than single-family homes, would have fewer STRs allowed in those communities.
4. Removed Waiting List. In section G(3) of Exhibit "C", it was proposed that staff administer a waiting list if the cap had been reached in a particular community. Staff has removed this from the final version due to concerns of an administrative burden. In current practice, staff has not kept waiting lists for any other use or permit that is capped (e.g. Non-Depository Institutions). It is burdensome to require holding onto applications and manage lists that may not have a new permit available for a long time. Staff does not have processes or file management systems in place to manage such a requirement.
5. Requirement to Respond to Legitimate Complaints. In section C(7) of Exhibit "B" (and F(6) and L(4) in red), it discusses a need for urgent response by the owner, or a designated representative (e.g. property manager), to respond to any legitimate complaint. In some cases, being able to respond via phone may be sufficient. In others, it may be necessary to have the owner, or their representative, to physically be there to adequately resolve the issue, especially if eviction is required to resolve the complaint(s). Without this requirement, it may result in issues going unresolved in a reasonable time and create additional burden to neighboring properties. It may also lead to resorting to city employees (i.e. Code Enforcement or Police Officers) to resolve issues that could have otherwise been done by the owner had they been present.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well-being of Sandy City and its inhabitants.

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

One of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City. Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator



File Name: S:\USERS\PLN\STAFFRPT\2018\CODE-06-18-5441_SHORT TERM RENTAL\STAFF REPORT.DOCX

Exhibit “A”
(Proposed Final Version)

15A-11-25 Residential Short Term Rental (STR)

- A. **Purpose.** This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Sandy residents and preserving the residential character of Sandy neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in Sandy City. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.
- B. **Residential Short Term Rental (STR).** A STR is prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining a STR special use permit as regulated in this section and issued a valid short-term rental business license (STRL). The following are exempt and shall not be subject to the provisions of this section:
1. A residential lease of 30 or more consecutive days.
 2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.
- C. **General Standards and Requirements.** A STR use may be allowed within any existing legal residential dwelling by an administrative special use permit from the Community Development Department, wherein the application demonstrates compliance with requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City and all of the following standards and requirements:
1. **Application.** A completed application form as provided by Sandy City.
 2. **Property Description.** A detailed written description and/or drawing of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one (1) designated STR area is allowed for a property.
 3. **Owner Occupancy.** The owner of the subject property shall live in the primary dwelling in which a STR is desired, and must reside therein as their primary residence.
 - a. An individual shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50% or more ownership of the proposed STR. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.
 - b. To establish that the property is the owner’s primary residence, the owner shall:
 - (1) Present the owner’s most recent state and federal tax returns both listing the property as the owner’s primary residence; and
 - (2) Present a government issued identification document listing the address of the property as the address of the owner; and
 - (3) A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per calendar year.
 4. **Occupancy During Rental Period.** The subject property shall comply with the following occupancy restrictions:

- a. The maximum renter occupancy shall be no more than eight (8) related people or four (4) unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.
 - b. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
 - c. A property shall not be rented as a STR for more than 182 nights per year.
 - (1) The owner may reside on the property while it is occupied by a renter.
 - (2) The property shall only be rented for a minimum duration of one (1) night and a maximum of ten (10) consecutive nights.
 - (3) There must be a renter vacancy period of three (3) consecutive nights between each rental.
 - d. A property with a valid accessory apartment conditional use permit may use the apartment as a STR and have the accessory apartment be rented for up to 365 nights per year. The owner may not reside in or use the accessory apartment unit while it is occupied by a renter.
5. **Parking Plan.** A detailed written description and/or a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site at all times. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Any proposed parking improvements may also be included in the off-street parking plan, so long as they are completed prior to issuance of a STRL. All elements of the parking plan must be in compliance with all other requirements of this title.
 6. **Conflict of Private Restrictions.** The owner shall provide a signed affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.
 7. **Urgent Response.** The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by Sandy City, a notice of violation will be issued.
 8. **Property Maintenance Requirements.** All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:
 - a. **Maintenance.** Owners must adhere to the Property Maintenance chapter of the Revised Ordinances of Sandy City including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
 - b. **Snow Removal.** Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
 - c. **Noise and Nuisance Control.** Owners shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the property by the owner.
 9. **Noticing and Posting Requirements.**
 - a. One nameplate sign that includes the name and the 24/7 contact information for the owner, or a designated representative, must be posted on the exterior side of the main entrance of the STR.
 - b. An informational packet must be posted in a highly visible place within the dwelling or STR area, and must include all of the following:
 - (1) City issued STRL.
 - (2) 24/7 owner, or a designated representative, contact information.
 - (3) Parking requirements.
 - (4) Maximum occupancy.
 - (5) The noise ordinance of the Revised Ordinances of Sandy City.

- (6) Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
- (7) Contact information for the Sandy City Police and Fire Departments.
- (8) Other contact information as required by the Community Development Department.
- (9) Any other appropriate requirements as specified by the Community Development Director, through the special use permit process.

D. **Limited Number of STRs.** The total number of STR special use permits issued within Sandy City shall be limited as follows:

1. The maximum number of STR special use permits shall be calculated for each Community within Sandy City. Each Community shall have a minimum base of two (2) STR permits plus one (1) permit for every 100 single-family dwellings within the Community boundary.
2. The total number of available permits shall be recalculated biennially based on an estimated number of single-family dwellings within Sandy City derived by the Community Development Department.

E. **Violations.** It shall be a violation for any person to operate a STR:

1. Without first obtaining a STR special use permit, as regulated in this section, and issued a valid STRL; or
2. That does not comply with the requirements of this chapter, the Revised Ordinances of Sandy City, or the Sandy City Land Development Code.

F. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director, or designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation
2. For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. For the first violation within any 12-month period, the penalty shall be \$500.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000 and revocation of the STRL and special use permit. The owner shall be ineligible for a STR special use permit and a STRL for a period of two years from the date of the third notice of violation.
 - d. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the STR owner shall be banned from receiving a STR special use permit and a STRL.

15A-37-02 "A" Definitions

Community Area - A smaller geographic unit of the political subdivision of Sandy City as adopted by city ordinance (see adopted Community Map).

Renter - A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

Residential Short Term Rental (STR) - Any single-family or individual multi-family dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than 30 consecutive days.

Residential Lease, Short Term shall mean:

A. ~~The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty days or less.~~

B. ~~The commercial use, by any person, of residential property for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for thirty (30) consecutive calendar days or less.~~

~~For the purposes of this section remuneration means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.~~

~~Short term residential leases are prohibited in all residential districts, residential PUD districts and residential SD districts.~~

15A-07-02 Permitted Land Use Matrix by the Residential Districts

B. Table of Uses.

Land Use Category	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8INF	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8	RM	MH	PUD
Residential Lease, Short Term	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Short Term Rental (STR)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

15A-08-02 Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts

B. Table of Uses.

Land Use Category	CBD	CBD-P	CBD-O	CBD-A&C	CR-PUD	RC	BC	CC	CN	CVC	CN(HSN)	HBD	LC	PO	ID	AM (Dealership)	AM (Commercial)	MU	TC	RD
Residential Lease, Short Term	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Residential Short Term Rental (STR)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

15A-09-03 Permitted Land Uses by the Institutional Care District

B. Table of Uses

Table 15A-09-03 – Land Uses in Institutional Care	IC
Residential Lease, Short Term	N
Residential Short Term Rental (STR)	S

15A-10-02 Permitted Land Uses in the Open Space District

B. Table of Uses.

Table 15A-10-02 – Land Uses in Open Space District	OS
Residential Lease, Short Term	N
Residential Short Term Rental (STR)	N

Exhibit "B"

(Proposed Final Version in Black & Original City Council Version in Red)

15A-11-25 Residential Short Term Rental (STR)

- A. **Purpose.** This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Sandy residents and preserving the residential character of Sandy neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in Sandy City. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.
- A. **Purpose.** To regulate short-term rentals in Sandy City in order to:
1. Protect the safety and general welfare of Sandy residents.
 2. Preserve the residential character of Sandy neighborhoods.
 3. Promote and preserve affordable housing in Sandy City.
- B. **Residential Short Term Rental (STR).** A STR is prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining a STR special use permit as regulated in this section and issued a valid short-term rental business license (STRL). The following are exempt and shall not be subject to the provisions of this section:
1. A residential lease of 30 or more consecutive days.
 2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.
- C. **Short-term Rental Prohibited.** No person shall lease, or allow to be leased, any dwelling for a lease term less than 30 days without first obtaining STR special use approval.
- D. **Exceptions.**
1. Rentals of 30 or more consecutive days shall not be subject to the provisions of this section.
 2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.
- C. **General Standards and Requirements.** A STR use may be allowed within any existing legal residential dwelling by an administrative special use permit from the Community Development Department, wherein the application demonstrates compliance with requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City and all of the following standards and requirements:
- E. **Where Permitted.** STR's are a special use permitted for any existing legal residential use.
- F. **Special Use Approval.** The owner shall obtain a special use approval from the Community Development Department. A STR must adhere to all requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City. Prior to receiving an STR special use approval the owner shall complete the following for the proposed STR unit:

1. Application. A completed application form as provided by Sandy City.

F(1) An application on a form as provided by Sandy City.

2. Property Description. A detailed written description and/or drawing of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one (1) designated STR area is allowed for a property.

F(3) A detailed written description or drawing of the STR unit that identifies the use of each room.

3. Owner Occupancy. The owner of the subject property shall live in the primary dwelling in which a STR is desired, and must reside therein as their primary residence.

a. An individual shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50% or more ownership of the proposed STR. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

b. To establish that the property is the owner's primary residence, the owner shall:

- (1) Present the owner's most recent state and federal tax returns both listing the property as the owner's primary residence; and
- (2) Present a government issued identification document listing the address of the property as the address of the owner; and
- (3) A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per calendar year.

B(4) Owner: An individual who:

- a. Possesses fifty (50) percent or more ownership in a STR unit; or
- b. Is a trustor of a family trust which possesses fifty (50) percent or more ownership of a STR unit.

B(4) Primary Residence: The place where an individual resides for at least 183 days per year, and which has the same address as the address shown on the person's:

- a. Most recent state and federal tax returns.
- b. Current driver license or other state issued identification.
- c. Signed Affidavit of Understanding swearing primary residency.

H. **Owner Occupancy Requirement.** The owner of a STR must reside at the STR unit as their primary residence.

1. An individual shall prove ownership of a STR unit as evidenced by one of the following:

- a. Deed listing the individual as the owner or trustor of the family trust.
- b. Deed of Trust listing the individual as the owner or trustor of the family trust.
- c. Documents for any loan presently applicable to the STR unit where the individual is listed as a primary borrower or trustor of the family trust.

2. To establish that the STR unit is the owners' primary residence, the owner agrees to provide the following documentation:

- a. One copy each of the owners most recent state and federal tax returns both listing the proposed STR unit as the owner's primary residence.
 - b. Current driver license or other state issued identification listing the address of the STR unit as the address of the owner.
 - c. A signed Affidavit of Understanding swearing that the proposed STR unit is the primary residence of the owner.
- 4. **Occupancy During Rental Period.** The subject property shall comply with the following occupancy restrictions:
 - a. The maximum renter occupancy shall be no more than eight (8) related people or four (4) unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.
 - b. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
 - c. A property shall not be rented as a STR for more than 182 nights per year.
 - (1) The owner may reside on the property while it is occupied by a renter.
 - (2) The property shall only be rented for a minimum duration of one (1) night and a maximum of ten (10) consecutive nights.
 - (3) There must be a renter vacancy period of three (3) consecutive nights between each rental.
 - d. A property with a valid accessory apartment conditional use permit may use the apartment as a STR and have the accessory apartment be rented for up to 365 nights per year. The owner may not reside in or use the accessory apartment unit while it is occupied by a renter.

- J. Occupancy Requirements.** A STR unit shall not be occupied by more than the maximum occupancy as permitted by the special use approval.
- 1. The maximum occupancy, shall be no more than: (1) Eight related people or; (2) Four unrelated people.
 - 2. A STR unit shall not be rented to more than one renter at any given time, and the owner shall not subdivide and rent out the STR unit to multiple renters at the same time.
 - 3. A STR unit with a valid accessory apartment conditional use permit may be rented for up to 365 nights per year.
 - a. The owner may not reside in the STR unit while it is occupied by a renter.
 - 4. A STR unit without a valid accessory apartment conditional use permit shall not be rented for more than 182 nights per year.
 - a. The owner may reside in the STR unit while it is occupied by a renter and the maximum occupancy shall not include the owner.
 - b. The STR unit shall be rented for a minimum of 1 night and a maximum of 10 consecutive nights.
 - c. There must be a renter vacancy period of 3 consecutive nights between each rental.
5. **Parking Plan.** A detailed written description and/or a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site at all times. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Any proposed parking improvements may also be included in the off-street parking plan, so long as they are completed prior to issuance of a STRL. All elements of the parking plan must be in compliance with all other requirements of this title.

F(2) A detailed written description or a drawing of an off-street parking plan as described in this section.

K. Parking Requirements. The owner shall ensure compliance to the approved off-street parking plan.

1. Parking shall be limited to the garage, driveway, and dedicated parking spots of the STR unit unless other off-street, improved, hard-surface parking areas are included in the off-street parking plan, approved by the Community Development Department, and included with the special use approval.

6. Conflict of Private Restrictions. The owner shall provide a signed affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

E(1) Homes located in planned, covenanted communities may be bound by covenants, conditions, and restrictions (CC&R's) that describe requirements and limitations imposed on the home by the CC&R's. In many cases the requirements and limitations are administered by a home owner's association (HOA). In some cases, CC&R's include additional limitations on the operation of short-term rentals (STR). An existing HOA may alter the CC&R's for their community to limit or restrict the operation of STR's. Where an HOA and/or CC&R's do not exist for a specific home or group of homes, they may be created.

F(5) Provide proof that no existing private covenants, conditions, or restriction related to STR's prohibit the proposed STR unit.

7. Urgent Response. The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by Sandy City, a notice of violation will be issued.

F(6) Provide 24 hours/day, 365 days/year contact information of the owner who shall be available by telephone within one hour of any external complaint.

8. Property Maintenance Requirements. All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:

- a. Maintenance. Owners must adhere to the Property Maintenance chapter of the Revised Ordinances of Sandy City including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
- b. Snow Removal. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
- c. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the property by the owner.

L. Property Maintenance Requirements. All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:

1. Maintenance. Owners must adhere to the Property Maintenance chapter of the Revised Ordinances of Sandy City including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.

2. **Snow Removal.** Owners shall remove all snow from the sidewalks of the STR unit within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
3. **Noise and Nuisance Control.** Owners shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the STR unit by the owner.
4. **Response time.** An owner shall respond to any external complaint within one hour of receiving it. If the owner is unreachable after 3 attempted contacts by Sandy City, a notice of violation will be issued.

9. **Noticing and Posting Requirements.**

- a. One nameplate sign that includes the name and the 24/7 contact information for the owner, or a designated representative, must be posted on the exterior side of the main entrance of the STR.
- b. An informational packet must be posted in a highly visible place within the dwelling or STR area, and must include all of the following:
 - (1) City issued STRL.
 - (2) 24/7 owner, or a designated representative, contact information.
 - (3) Parking requirements.
 - (4) Maximum occupancy.
 - (5) The noise ordinance of the Revised Ordinances of Sandy City.
 - (6) Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 - (7) Contact information for the Sandy City Police and Fire Departments.
 - (8) Other contact information as required by the Community Development Department.
 - (9) Any other appropriate requirements as specified by the Community Development Director, through the special use permit process.

I. **Noticing and Posting Requirements.**

1. One nameplate sign that includes the name and the 24/7 contact information for the owner must be posted on the exterior side of the STR units main entrance.
2. An informational packet must be posted in a highly visible place within the common area of the STR unit, to include:
 - a. City issued STRL.
 - b. 24/7 owner contact information.
 - c. Parking requirements.
 - d. Maximum occupancy.
 - e. The noise ordinance of the Revised Ordinances of Sandy City.
 - f. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 - g. Contact information for the Sandy City Police and Fire Departments.
 - h. Contact information for Sandy City Hall.
 - i. Any other appropriate requirements as specified by the Community Development Director, or his designee.
3. ~~Any licensed STR in Sandy City shall include the following statement in any online advertisement for the STR unit: This short-term rental is legally permitted by Sandy City short-term rental permit #_____ and short-term rental business license #_____. Any short-term rental in Sandy City operating without a permit and business license number included within~~

~~its online advertisement is operating illegally. Renters beware.~~ (Moved to Title 5 – Business License)

D. **Limited Number of STRs.** The total number of STR special use permits issued within Sandy City shall be limited as follows:

1. The maximum number of STR special use permits shall be calculated for each Community within Sandy City. Each Community shall have a minimum base of two (2) STR permits plus one (1) permit for every 100 single-family dwellings within the Community boundary.
2. The total number of available permits shall be recalculated biennially based on an estimated number of single-family dwellings within Sandy City derived by the Community Development Department.

G. **Limit on Number of STR's.** The total number of STR special use approvals issued within Sandy City shall be limited as follows:

1. The maximum number of STR special use approvals shall be calculated for each Community within Sandy City.
 - i. Each Community shall have a minimum base of 2 STR approvals.
 - ii. Each Community shall have a maximum of 2 approvals plus 1 approval for every 100 households.
2. The total number of available approvals shall be recalculated biennially based on an estimated number of households within Sandy City derived by the Community Development Department.
 - i. Apartments shall not be included when calculating the estimated number of households.
3. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a special use approval becomes available. A complete application shall include completion of all requirements of subsection F above.

E. **Violations.** It shall be a violation for any person to operate a STR:

1. Without first obtaining a STR special use permit, as regulated in this section, and issued a valid STRL; or
2. That does not comply with the requirements of this chapter, the Revised Ordinances of Sandy City, or the Sandy City Land Development Code.

M. **Violations.** It shall be a violation for any person to operate an STR:

1. Without first obtaining a special use approval and a STR Business License; or
2. That is not in compliance with the requirements of this chapter, the revised ordinances of Sandy City, or the Sandy City Land Development Code.

F. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director, or designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation
2. For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.

- a. For the first violation within any 12-month period, the penalty shall be \$500.
- b. For a second violation within any 12-month period, the penalty shall be \$750.
- c. For a third violation within any 12-month period the penalty shall be \$1,000 and revocation of the STRL and special use permit. The owner shall be ineligible for a STR special use permit and a STRL for a period of two years from the date of the third notice of violation.
- d. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the STR owner shall be banned from receiving a STR special use permit and a STRL.

N. Enforcement and Fines. Upon a determination that a violation exists, the Community Development Director or his/her designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director or his designee may determine.

1. Each day that a violation occurs or continues is a separate violation
2. For any violation of this section the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. For the first violation within any 12-month period the penalty shall be \$500.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000 and revocation of the STRL and special use approval. The owner shall be ineligible for a STR special use approval and a STRL for a period of two years from the date of the third notice of violation.
 - d. For any violation within any 12-month period following the third violation the penalty shall be \$1,000 and the STR owner shall be banned from receiving a STR special use approval and a STRL.

O. ~~Appeal.~~ Denial, suspension, or revocation of STR special use approval may be appealed to the Board of Adjustment in accordance with the provisions of this title. **Removed, as this section is redundant.**

15A-37-02 "A" Definitions

Community Area - A smaller geographic unit of the political subdivision of Sandy City as adopted by city ordinance (see adopted Community Map).

Renter - A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

B(6) **Renter:** A single person or single group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy in a short-term rental unit.

Residential Short Term Rental (STR) - Any single-family or individual multi-family dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than 30 consecutive days.

B(7) **Short-term rental:** Use of a dwelling for temporary sojourn or transient visit for a period of less than 30 consecutive days by a renter.

Residential Lease, Short Term shall mean:

A. ~~The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty days or less.~~

B. ~~The commercial use, by any person, of residential property for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for thirty (30) consecutive calendar days or less.~~

~~For the purposes of this section remuneration means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.~~

~~Short term residential leases are prohibited in all residential districts, residential PUD districts and residential SD districts.~~

B. **Definitions.** For the purposes of this section, the following terms shall be defined as:

- ~~1. External Complaint: A complaint concerning a STR from any person other than the renter of the STR unit being complained about.~~
- ~~2. Front door: The main exterior door that allows entrance to and from a short-term rental unit.~~
- ~~3. Maximum Occupancy: The highest number of individuals permitted to occupy a short-term rental unit at any time.~~
- ~~8. Short-term rental unit: The individual house, apartment, condominium, townhome, or other dwelling being used for short-term rental; and shall include the front, back, and side yards and any additional structures found therein~~
- ~~9. STR: Short-term rental.~~
- ~~10. STRL: Short-term rental business license.~~

Exhibit “C”
(Original City Council Version)

Chapter 15A-11-25 Short-term Rentals

15A-11-25 Short-term Rentals.....63

- A. Purpose
- B. Definitions
- C. Short-term Rental Prohibited
- D. Exceptions
- E. Where Permitted
- F. Special Use Approval
- G. Limit on number of STR's
- H. Owner Occupancy Requirement
- I. Noticing and Posting Requirements
- J. Occupancy Requirements
- K. Parking Requirements
- L. Property Maintenance Requirements
- M. Violations
- N. Enforcement and Fines
- O. Appeal

Chapter 15A-11-25 Short-term Rentals

- A. **Purpose.** To regulate short-term rentals in Sandy City in order to:
1. Protect the safety and general welfare of Sandy residents.
 2. Preserve the residential character of Sandy neighborhoods.
 3. Promote and preserve affordable housing in Sandy City.
- B. **Definitions.** For the purposes of this section, the following terms shall be defined as:
1. External Complaint: A complaint concerning a STR from any person other than the renter of the STR unit being complained about.
 2. Front door: The main exterior door that allows entrance to and from a short-term rental unit.
 3. Maximum Occupancy: The highest number of individuals permitted to occupy a short-term rental unit at any time.
 4. Owner: An individual who:
 - a. Possesses fifty (50) percent or more ownership in a STR unit; or
 - b. Is a trustor of a family trust which possesses fifty (50) percent or more ownership of a STR unit.
 5. Primary Residence: The place where an individual resides for at least 183 days per year, and which has the same address as the address shown on the person's:
 - a. Most recent state and federal tax returns.
 - b. Current driver license or other state issued identification.
 - c. Signed Affidavit of Understanding swearing primary residency.
 6. Renter: A single person or single group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy in a short-term rental unit.
 7. Short-term rental: Use of a dwelling for temporary sojourn or transient visit for a period of less than 30 consecutive days by a renter.
 8. Short-term rental unit: The individual house, apartment, condominium, townhome, or other dwelling being used for short-term rental; and shall include the front, back, and side yards and any additional structures found therein
 9. STR: Short-term rental.
 10. STRL: Short-term rental business license.
- C. **Short-term Rental Prohibited.** No person shall lease, or allow to be leased, any dwelling for a lease term less than 30 days without first obtaining STR special use approval.
- D. **Exceptions.**
1. Rentals of 30 or more consecutive days shall not be subject to the provisions of this section.
 2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.
- E. **Where Permitted.** STR's are a special use permitted for any existing legal residential use.
1. Homes located in planned, covenanted communities may be bound by covenants, conditions, and restrictions (CC&R's) that describe requirements and limitations imposed on the home by the CC&R's. In many cases the requirements and limitations are administered by a home owner's association (HOA). In some cases, CC&R's include additional limitations on the operation of short-term rentals (STR). An existing HOA may alter the CC&R's for their

Chapter 15A-11-25 Short-term Rentals

community to limit or restrict the operation of STR's. Where an HOA and/or CC&R's do not exist for a specific home or group of homes, they may be created.

F. **Special Use Approval.** The owner shall obtain a special use approval from the Community Development Department. A STR must adhere to all requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City. Prior to receiving an STR special use approval the owner shall complete the following for the proposed STR unit:

1. An application on a form as provided by Sandy City
2. A detailed written description or a drawing of an off-street parking plan as described in this section.
3. A detailed written description or drawing of the STR unit that identifies the use of each room.
4. Provide all required documents identifying the owner of the STR unit and proof of primary residence.
5. Provide proof that no existing private covenants, conditions, or restriction related to STR's prohibit the proposed STR unit.
6. Provide 24 hours/day, 365 days/year contact information of the owner who shall be available by telephone within one hour of any external complaint.
7. Pay all fee(s) established by the City Council.

G. **Limit on Number of STR's.** The total number of STR special use approvals issued within Sandy City shall be limited as follows:

1. The maximum number of STR special use approvals shall be calculated for each Community within Sandy City.
 - i. Each Community shall have a minimum base of 2 STR approvals.
 - ii. Each Community shall have a maximum of 2 approvals plus 1 approval for every 100 households.
2. The total number of available approvals shall be recalculated biennially based on an estimated number of households within Sandy City derived by the Community Development Department.
 - i. Apartments shall not be included when calculating the estimated number of households.
3. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a special use approval becomes available. A complete application shall include completion of all requirements of subsection F above.

H. **Owner Occupancy Requirement.** The owner of a STR must reside at the STR unit as their primary residence.

1. An individual shall prove ownership of a STR unit as evidenced by one of the following:
 - a. Deed listing the individual as the owner or trustor of the family trust.
 - b. Deed of Trust listing the individual as the owner or trustor of the family trust.
 - c. Documents for any loan presently applicable to the STR unit where the individual is listed as a primary borrower or trustor of the family trust.
2. To establish that the STR unit is the owners' primary residence, the owner agrees to provide the following documentation:

Chapter 15A-11-25 Short-term Rentals

- a. One copy each of the owners most recent state and federal tax returns both listing the proposed STR unit as the owner's primary residence.
- b. Current driver license or other state issued identification listing the address of the STR unit as the address of the owner.
- c. A signed Affidavit of Understanding swearing that the proposed STR unit is the primary residence of the owner.

I. Noticing and Posting Requirements.

1. One nameplate sign that includes the name and the 24/7 contact information for the owner must be posted on the exterior side of the STR units main entrance.
2. An informational packet must be posted in a highly visible place within the common area of the STR unit, to include:
 - a. City issued STRL.
 - b. 24/7 owner contact information.
 - c. Parking requirements.
 - d. Maximum occupancy.
 - e. The noise ordinance of the Revised Ordinances of Sandy City.
 - f. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 - g. Contact information for the Sandy City Police and Fire Departments.
 - h. Contact information for Sandy City Hall.
 - i. Any other appropriate requirements as specified by the Community Development Director, or his designee.
3. Any licensed STR in Sandy City shall include the following statement in any online advertisement for the STR unit: *This short-term rental is legally permitted by Sandy City short-term rental permit #____ and short-term rental business license #____. Any short-term rental in Sandy City operating without a permit and business license number included within its online advertisement is operating illegally. Renters beware.*

J. Occupancy Requirements. A STR unit shall not be occupied by more than the maximum occupancy as permitted by the special use approval.

1. The maximum occupancy, shall be no more than: (1) Eight related people or; (2) Four unrelated people.
2. A STR unit shall not be rented to more than one renter at any given time, and the owner shall not subdivide and rent out the STR unit to multiple renters at the same time.
3. A STR unit with a valid accessory apartment conditional use permit may be rented for up to 365 nights per year.
 - a. The owner may not reside in the STR unit while it is occupied by a renter.
4. A STR unit without a valid accessory apartment conditional use permit shall not be rented for more than 182 nights per year.
 - a. The owner may reside in the STR unit while it is occupied by a renter and the maximum occupancy shall not include the owner.
 - b. The STR unit shall be rented for a minimum of 1 night and a maximum of 10 consecutive nights.
 - c. There must be a renter vacancy period of 3 consecutive nights between each rental.

Chapter 15A-11-25 Short-term Rentals

- K. **Parking Requirements.** The owner shall ensure compliance to the approved off-street parking plan.
1. Parking shall be limited to the garage, driveway, and dedicated parking spots of the STR unit unless other off-street, improved, hard-surface parking areas are included in the off-street parking plan, approved by the Community Development Department, and included with the special use approval.
- L. **Property Maintenance Requirements.** All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:
1. Maintenance. Owners must adhere to the Property Maintenance chapter of the Revised Ordinances of Sandy City including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
 2. Snow Removal. Owners shall remove all snow from the sidewalks of the STR unit within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
 3. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the STR unit by the owner.
 4. Response time. An owner shall respond to any external complaint within one hour of receiving it. If the owner is unreachable after 3 attempted contacts by Sandy City, a notice of violation will be issued.
- M. **Violations.** It shall be a violation for any person to operate an STR:
1. Without first obtaining a special use approval and a STR Business License; or
 2. That is not in compliance with the requirements of this chapter, the revised ordinances of Sandy City, or the Sandy City Land Development Code.
- N. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director or his/her designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director or his designee may determine.
1. Each day that a violation occurs or continues is a separate violation
 2. For any violation of this section the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. For the first violation within any 12-month period the penalty shall be \$500.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000 and revocation of the STRL and special use approval. The owner shall be ineligible for a STR special use approval and a STRL for a period of two years from the date of the third notice of violation.
 - d. For any violation within any 12-month period following the third violation the penalty shall be \$1,000 and the STR owner shall be banned from receiving a STR special use approval and a STRL.
- O. **Appeal.** Denial, suspension, or revocation of STR special use approval may be appealed to the Board of Adjustment in accordance with the provisions of this title.



Sandy City, Utah

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

Staff Report

File #: 18-271, Version: 1

Date: 7/19/2018

Minutes from the July 5, 2018 Planning Commission meeting.



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, July 5, 2018

6:15 PM

Council Chambers

4:00 PM FIELD TRIP

1. [18-251](#) Field Trip for July 5, 2018

5:15 PM EXECUTIVE SESSION

Cairns Design Standards Review

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; Mitch Vance, Planner, Bob Thompson, City Attorney; Britney Ward, Transportation Engineer; Ryan Kump, City Engineer; Matt Huish, CAO; Raima Fleming, Planning Secretary

Present 7 - Commissioner Joe Baker
Commissioner Dave Bromley
Commissioner Cyndi Sharkey
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Cory Shupe
Commissioner Jeff Lovell

Absent 2 - Commissioner Monica Collard
Commissioner Ron Mortimer

Welcome

Pledge of Allegiance

Introductions

Public Hearings

2. [CUP-06-18-5](#) Quantum Health and Fitness
[436](#) 8734 S. 700 E. STE 250
Historic Sandy, Community #4

Wade Sanner introduced this item to the Planning Commission.

Katherin Miner, Applicant, gave an overview of the proposed item.

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 for Katherin Miner of Quantum Health and Fitness to operate a massage therapy business on the property located at 8734 South 700 East STE 250 based on the two findings and four conditions listed in the staff report. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

3. [CUP-06-18-5](#) Simashov Accessory Structure
[431](#) 10911 S. Bowden St.
Crescent, Community #11

Wade Sanner introduced this item to the Planning Commission.

Commissioner Joe Baker and staff had a brief discussion on the height of the home and how it would fit with the height of the homes beside and behind it.

The Planning Commission members and staff had a discussion concerning lighting and materials being used for the structure.

Commissioner Cyndi Sharkey asked about the proposed Home Occupation.

Wade Sanner stated the Home Occupation is totally hypothetical.

Vladimir Simashov, Applicant, stated he and his neighbor to the south are planning to build a wall around his house. He also stated the design of the proposed structure would be the same design used on his home.

Commissioner Cyndi Sharkey asked if the side elevation drawing was for the south side.

Vladimir Simashov replied it is a drawing of the north and south side.

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

Commissioner Joe Baker stated a two foot setback is good but he feels a seven foot setback would too excessive.

Commissioner Michael Christopherson stated the reasons for the additional setback as height goes up seems to be mediated by the grade change so he feels comfortable with the setback waiver.

A motion was made by Michael Christopherson, seconded by Dave Bromley, that the Planning Commission approve a Conditional Use Permit for Vladimir Simashov to allow a 4-foot setback waiver in order to construct a detached garage 3 feet from the property line, on the property located at 10911 South Bowden Street based on the two findings and four conditions listed in the staff report. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

4. [MISC-06-18-5430](#) Partial Street Vacation of 10080 South
2,902 Square Foot Street Vacation
South Town, Community #9

Wade Sanner introduced this item to the Planning Commission.

The Chair opened this item to public comment.

Steve Van Maren stated he is concerned about how this property would be transferred to the adjacent property owners.

The Chair closed this item to public comment.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission forward a positive recommendation to the City Council for the partial street right-of-way vacation of a portion of 10080 South Street as shown in the attached exhibits, based on the three findings and two conditions listed in the staff report. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

5. [SUB-06-18-5438](#) Pepperwood Creek Phase 5 Reconsideration of Conditions
3000 E. Hiddenwood Dr.

The Dell, Community #29

Mitch Vance introduced this item to the Planning Commission.

Skylar Tolbert, Ivory Homes, Applicant, gave an overview of the proposed item.

Commissioner Joe Baker asked for clarification on de-emphasizing the garage. He also asked how would you de-emphasized a garage without setting it back.

James Sorensen gave the meaning and an example of de-emphasizing.

Staff and the Planning Commission members had discussion on de-emphasizing.

Commissioner Cyndi Sharkey asked the applicant how many lots could not meet the required setbacks.

Skyler Tolbert replied an analyst has not been conducted.

Commissioner Cyndi Sharky, the applicant, and staff had discussion on original design standards, setbacks, and the language in the staff report.

The Planning Commission members and staff had discussion on the garage setbacks.

Commissioner Joe Baker asked if every home being constructed be required to have columns as required with this condition.

Brian McCuiston stated that is related to the front porch.

The Chair opened this item to public comment.

Steve Glaicer is concerned about the setbacks.

Steve Van Maren asked what happens if the builder can't meet the requirements. He asked what would happen if the builder reduced the number of lots and made each lot larger.

James Sorenson stated the lots were already approved by the city.

Doug Kenny state he is concerned about cutting into the hillside and if there would be any retaining walls.

Diane Emery stated she would like to know that whatever the city allows would be well written.

The Chair closed this item to public comment.

Skylar Tolbert responded to all public comments.

The Planning Ccommission members had discussion about the language in the staff report.

A motion was made by Jeff Lovell, seconded by Dave Bromley, that the Planning Commission amend condition #5 of the Pepperwood Creek Phase 5 subdivision to read:(5) Covered porches, de-emphasized garages, columns, and varied window shapes/treatments will be required. The motion carried by the following

vote:

Yes: 6 - Joe Baker
Dave Bromley
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

No: 1 - Cyndi Sharkey

Absent: 2 - Monica Collard
Ron Mortimer

6. [SUB-05-18-5](#) 700 East and Pioneer Subdivison (Preliminary Review)
[413](#) 8506 S. 700 E.
Sandy Woods, Community #3

Mitch Vance presented this item to the Planning Commission.

Commissioner Michael Christopherson stated he understands the non-conforming setback issue. He asked if the analysis was the same for the garage without a driveway.

The Planning Commission and staff had a brief discussion on legal non-conforming rules and how it applies to this item.

Spencer Llewelyn, Applicant, gave an overview of the proposed item .

Commissioner Joe Baker asked what the garage would be used for.

Spencer Llewelyn stated he is not sure what the garage would be used for.

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 determine that preliminary review is complete for the 700 East and Pioneer Subdivision, located at 8506 South 700 East, based on one condition listed in the staff report. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

7. [SPR-01-18-5](#) Synergy Canyons Industrial Flex Space Project
[341](#) 9150 S. 500 W. Street
Civic Center, Community #2

Doug Wheelwright introduced this item to the Planning Commission.

Soren Urry, Applicant, gave an overview of the proposed project.

Planning Commissioners members and the applicant had discussion about fencing and landscaping.

Planning Commissioners, staff, and the applicant had discussion about the entrance points and the traffic flow.

The Chair opened this item to public comment.

Jill Larson asked about the fence.

Pete Keers stated he is concerned about traffic.

Steve Van Maren stated he appreciates the compromise and the design.

Soren Urry showed the landscape design on the screen.

Commissioner Cory Shupe asked about the building height.

The Chair closed this item to public comment.

A motion was made by Dave Bromley seconded by Michael Christopherson, that the Planning Commission approve:

- **The proposed master development and phasing plan;**
- **The preliminary site plan for phases one and two for the new development; for the proposed Synergy Canyons Business Park development, located at 9150 South 500 West Street, based on the three findings and subject to the nine conditions listed in the staff report. The motion carried by the following vote:**

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

8. [SUB-01-18-5](#) Synergy Canyons Commercial Subdivision (Preliminary Review)
[342](#) 9150 S. 500 W. Street
Civic Center, Community #2

Doug Wheelwright presented this item to the Planning Commission.

The Planning Commission members, staff, and the applicant had discussion about the proposed open space easement dedication.

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

A motion was made by Jamie Tsandes, seconded by Jeff Lovell, that the Planning Commission approve:

- **The preliminary three lot commercial/business/industrial subdivision plat, for the proposed Synergy Canyons Business Park development, located at 9150 south 500 West Street, based on the three findings nine**

conditions listed in the staff report. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

Administrative Business

9. [18-252](#) Minutes of June 21, 2018 Planning Commission meeting

A motion was made by Joe Baker, seconded by Cyndi Sharkey, to approve the meeting minutes of June 21, 2018 Planning Commission meeting. The motion carried by the following vote:

Yes: 7 - Joe Baker
Dave Bromley
Cyndi Sharkey
Jamie Tsandes
Michael Christopherson
Cory Shupe
Jeff Lovell

Absent: 2 - Monica Collard
Ron Mortimer

10. [18-242](#) Voting for Chair and Vice Chair

This item was continued to the next Planning Commission meeting on July 19, 2018.

Sandy City Development Report

Director's Report

James Sorensen gave the 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