



## 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)*

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Thursday, November 1, 2018

6:15 PM

Council Chambers

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Meeting procedures are found at the end of this agenda.

#### Voting Roll Call

#### 4:45 PM FIELD TRIP

1. [18-422](#) Field Trip for November 1, 2018 meeting

Attachments: [110118](#)

#### 6:15 PM REGULAR SESSION

##### Roll Call

Welcome

Pledge of Allegiance

Introductions

##### Public Hearings

2. [CUP-10-18-5](#) Freedom Fitness (Recreation Center and Extended Hours)  
[496](#) 733/739 E. 9400 S.  
[Community #7]

Attachments: [Staff Report.pdf](#)  
[Location Map 2018.pdf](#)

3. [CUP-10-18-5](#)  
[504](#) Dimple Dell Bed and Breakfast  
1743 E. Dimple Dell Rd.  
[Community #26]  
  
Attachments: [Staff Report.pdf](#)  
[Location Map.pdf](#)
4. [CUP-05-18-5](#)  
[395](#) Ahmadian Accessory Apartment  
1528 E. 8640 S.  
[Falcon Park, Community #16]  
  
Attachments: [Staff Report.pdf](#)  
[Location Map.pdf](#)
5. [CUP-10-18-5](#)  
[495](#) Broyles Accessory Apartment  
2360 Sego Lily Dr.  
[Falcon Hill, Community #21]  
  
Attachments: [Staff Report.pdf](#)  
[Location Map.pdf](#)

### Administrative Business

6. **18-425** Review of the Findings of Fact for the 7-Eleven Convenience Store with  
24/7 Operating Hours

#### Minutes

7. [18-423](#) Minutes from October 18, 2018 Planning Commission Meeting  
  
Attachments: [PC10-18-2018.pdf](#)

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

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**File #: 18-422, Version: 1**

**Date: 11/1/2018**

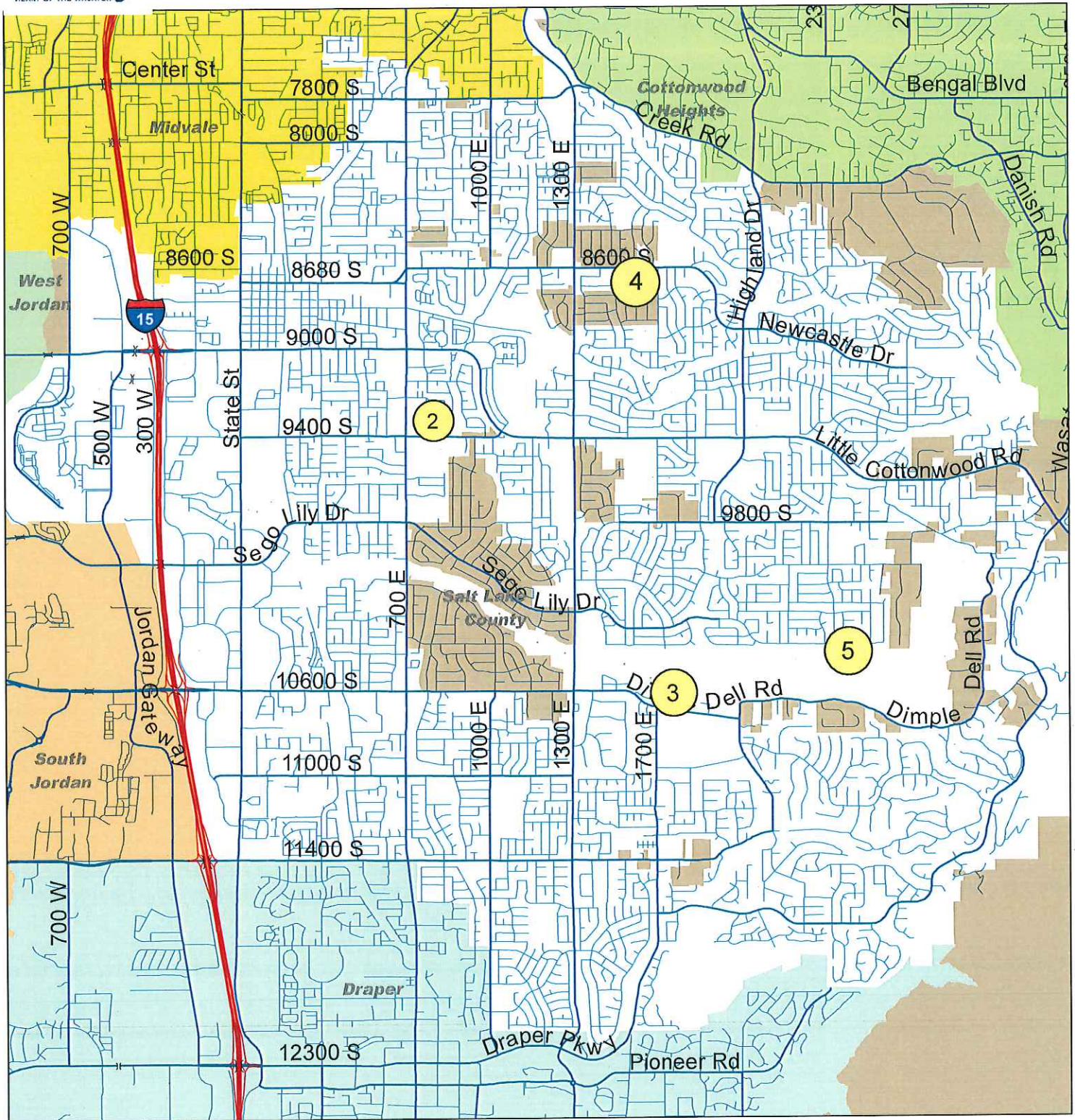
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Field Trip for November 1, 2018 meeting







# Planning Commission Field Trip November 1, 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 #:** CUP-10-18-5496,  
**Version:** 1

**Date:** 11/1/2018

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### **Agenda Item Title:**

Freedom Fitness (Recreation Center and Extended Hours)  
733/739 E. 9400 S.  
[Community #7]

### **Presenter:**

Wade Sanner

### **Description/Background:**

The applicant, Donnavan Dolato for Freedom Fitness, LLC, is requesting that the Planning Commission consider a request for a conditional use permit (CUP) on the property located at 733/739 East 9400 South to allow for a recreation center to operate within 250 feet of a residential property, with extended hours.

### **Fiscal Impact:**

### **Further action to be taken:**

### **Recommended Action and/or Suggested Motion:**

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for Freedom Fitness Boot Camp, LLC to operate a recreation center within 230 feet of a residential property with extended hours to operate Monday through Sunday from 5:30 AM to 12:00 AM. at 733/739 East 9400 South based on the findings listed below and the subject to the following conditions:

### **Finding**

1. Based on the proposed use, staff finds that there is sufficient separation from the commercial building and the nearest residential properties of 230 feet, with a 6-foot cinderblock wall.

### **Conditions**

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission to mitigate a reasonably anticipated detrimental effects of the proposed use prior to further expanding the business hours.
3. That the applicant obtain a business license from the Community Development

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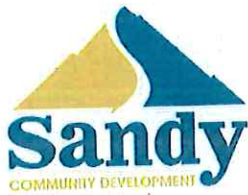
**File #:** CUP-10-18-5496,  
**Version:** 1

**Date:** 11/1/2018

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Department.

4. That the proposed use and hours of operation be subject to review upon legitimate complaint.



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

November 1, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Freedom Fitness, LLC  
(Recreation Center and Extended Hours)  
733/739 E. 9400 S.  
[Community #7]

CUP-10-18-5496

Zone: CC

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
CUP-02-14-3460	Brazilian Evangelical Church. Church in CC Zone. Approved by PC.
CUP#81-22	Canyon View Cleaners, temporary trailer. Approved by PC.

### DESCRIPTION OF REQUEST AND BACKGROUND

The applicant, Donnavan Dolato for Freedom Fitness, LLC, is requesting that the Planning Commission consider a request for a conditional use permit (CUP) on the property located at 733/739 East 9400 South to allow for a recreation center to operate within 250 feet of a residential property, with extended hours (*See Exhibit #1 – Application Materials*).

Freedom Fitness, LLC is a personal training business that provides group fitness sessions, yoga classes, and boot camp workouts. In their current location, the applicant operates Monday through Friday running 30 minute workout sessions at multiple times in the day, with a membership of 150 people. The applicant has been operating the business in Sandy with a valid business license since January 2014. In 2017, the business won the Small Business of the Year award in the Sandy City Summit Awards.

The proposed recreation center will operate Monday – Sunday 5:30 AM to 12:00 AM. The applicant is requesting the extended operating hours to accommodate periodic events, and provide more flexibility to get more people involved in their program.

The business employs two full-time employees and five part-time employees. The business typically has no more than two employees on site at any given time. The applicant will play music during the training sessions, but has agreed to keep the volume at a reasonable level. The previous tenant was a fitness business that also played music, but received no complaints. There is adequate parking on site for employees and patrons of the business.

The subject property is bordered to the north, west, south, and east by commercial businesses zoned CC. Properties to the northeast are residential town homes zoned MU. There is a 230 foot distance between the commercial building and residential town homes, with a 6-foot cinderblock wall separating the two properties.

#### ANALYSIS

Per **Section 15A-08-02** of the Sandy City Land Development Code, recreation centers located within 250 feet of a residential district require a Conditional Use approval from the Planning Commission.

Per **Section 15A-23-19** of the Sandy City Land Development Code, any commercial uses located within 250 feet of a residential district where such commercial use desires to operate after 10:00 PM and/or before 6:00 AM shall require Conditional Use approval from the Planning Commission.

#### COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

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

B. Proposed site ingress and egress existing and proposed roads and streets.  
*The ingress and egress to and from the site is existing and will not change via 9400 South or 700 East. Entrance to and from the commercial building will be through the front doors on the south side of the building.*

E. Site circulation patterns for vehicular, pedestrian and other traffic.  
*Vehicular circulation will utilize the existing ingress/egress point of access to the south on to 9400 South and to the west on to 700 East.*

I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.  
*Separation from the commercial building to the nearest town home to the northeast is 230 feet, with a 6-foot cinderblock wall separating the properties.*



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

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

### NOTICE

A neighborhood meeting was held on Thursday October 25, 2018 at 8:00 PM by the Community Development Department. Two neighbors attended the meeting, both were in support of the application. Notices were mailed to the property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

### CONCERNS

Staff has no concerns.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for Freedom Fitness Boot Camp, LLC to operate a recreation center within 230 feet of a residential property with extended hours to operate Monday through Sunday from 5:30 AM to 12:00 AM. at 733/739 East 9400 South based on the findings listed below and the subject to the following conditions:

### Finding

1. Based on the proposed use, staff finds that there is sufficient separation from the commercial building and the nearest residential properties of 230 feet, with a 6-foot cinderblock wall.

### Conditions

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission to mitigate a reasonably anticipated detrimental effects of the proposed use prior to further expanding the business hours.
3. That the applicant obtain a business license from the Community Development Department.
4. That the proposed use and hours of operation be subject to review upon legitimate complaint.

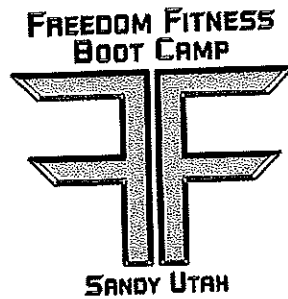
Planner: Wade Sanner

Reviewed by: EM

Wade Sanner, Planner

File Name: SAUSERS\PLN\STAFFRPT\2018\CUP-10-18-5496 Freedom Fitness Extended Hours

**Exhibit #1 – Application Materials**



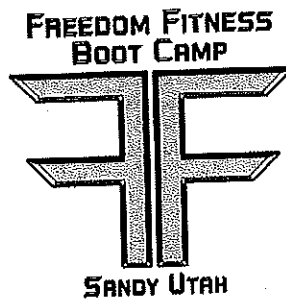
### Sandy City Community Development:

As Sandy City residents, my wife Samantha and I are co founders and head Certified Trainers of Freedom Fitness LLC, doing business as Freedom Fitness Boot Camp in Sandy Utah since January of 2014. My wife Samantha is Certified with the NCCPT (National Council for Certified Personal Trainers) since February of 2014 and I received a Bachelor of Science in Athletic Training in 1999 and have been NSCA-CPT and CSCS Certified (National Strength & Conditioning Association) since June of 2000. Since we founded FFBC, we have been providing group personal training to local residents year round and have grown to a stable membership of over 150 people.

At the latest Sandy City Summit Awards event we won the 2017 Small Business of the Year Award. We have developed our program to be all inclusive in that we honor all fitness levels and modify our workouts so anyone can complete them. Our mission is to remind everyone to make themselves a priority and choose fitness as a way to feel better and spread that energy throughout the community.

In our business structure both Samantha and I are employees of Freedom Fitness LLC and we have five part time employees that help instruct our training sessions. We never have more than two employees working our sessions at a time. At our current location we operate our Boot Camp Monday through Friday running 30 minute workout sessions at multiple times throughout the day. We set up our

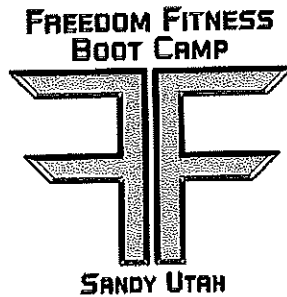




workouts with equipment at 5am, start our first session by 5:30am and finish our last session of the day at 6:30pm, followed by equipment clean up. Our primary focus will be running our Boot Camp workouts but we also plan to create yoga, group fitness and sessions tailored to seniors.

Our proposal for conditional use is to have the option to start our sessions earlier and end them later to offer more times to our members. We would also like to operate Monday-Sunday instead of Monday-Friday. We would like to enter our building by 4am to setup our daily workout equipment and provide the option for earlier session times than 5:30am. We'd also like to have our business open until 12am in the event that we have a Boot Camp event like education seminars, fund raisers or challenge banquets, providing extra time to socialize and clean up. By having more available hours of operation, we will be able to get more people involved in our program and have a larger positive impact in our community. Without this conditional use approval, our two busiest session times of the morning at 5:30am & 6am would be in threat of termination and create a serious blow to our profitability and likelihood to flourish.

The previous tenant, Ultimate Fit Solutions, had a fitness business that used music during workouts. They informed us that they had no issues with the two adjacent occupants of retail spaces or with nearby residents during their stay in relation to noise from music. We



purchased the custom installed sound system speakers from the previous tenant and don't plan on making any adjustments. The previous tenant also reported no shortage of parking and we expect the same, as the parking area is very large and more than sufficient compared to the combined traffic the retail spaces attract. Our personal expectation is to communicate well with others and be great neighbors to local businesses and residents with respect to noise and traffic.

Thank you for your consideration in this request. Sincerely,

Donnovan Dolato – Owner

Freedom Fitness Boot Camp

Future Location:

733 East 9400 South

Sandy, UT 84094

801-712-5626

[freedomfpt@gmail.com](mailto:freedomfpt@gmail.com)



**CUP-10-18-5496**  
**Freedom Fitness**  
**733/739 E. 9400 S.**

PRODUCED BY OLIVIA CVETKO  
THE COMMUNITY DEVELOPMENT DEPARTMENT





# Sandy City, Utah

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

## Staff Report

**File #:** CUP-10-18-5504,  
**Version:** 1

**Date:** 11/1/2018

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**Agenda Item Title:**

Dimple Dell Bed and Breakfast  
1743 E. Dimple Dell Rd.  
[Community #26]

**Presenter:**

Wade Sanner

**Description/Background:**

The applicants, Jess and Deanna Knight, are requesting that the Planning Commission consider a request for a conditional use permit (CUP) to allow for a Bed and Breakfast on the property located at 1743 East Dimple Dell Road.

**Fiscal Impact:**

**Further action to be taken:**

**Recommended Action and/or Suggested Motion:**

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for a bed and breakfast on the property located at 1743 East Dimple Dell Road for Jess and Deanna Knight based on the findings listed below and the subject to the following conditions:

**Finding**

1. Staff finds that there is significant separation from the bed and breakfast and the nearest residential properties, and impact will be minimal.
2. The applicant is willing and able to comply with the bed and breakfast development standards.

**Conditions**

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission to mitigate a reasonably anticipated detrimental effects of the proposed use.
3. That the applicant obtain a business license from the Community Development Department.
4. That all areas utilized for parking of vehicles shall be paved with hard surface, e.g., concrete, asphalt, brick, or other impenetrable surface.

5. That the use be reviewed upon legitimate complaint.



## SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

### MEMORANDUM

November 1, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Dimple Dell B&B  
(Bed and Breakfast)  
1743 E. Dimple Dell Rd.  
[Community #26]

CUP-10-18-5504  
Zone: R-1-20A

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
	None

#### DESCRIPTION OF REQUEST AND BACKGROUND

The applicants, Jess and Deanna Knight, are requesting that the Planning Commission consider a request for a conditional use permit (CUP) to allow for a Bed and Breakfast on the property located at 1743 East Dimple Dell Road (See Exhibit #1 – Application Materials).

The subject property is bordered to the east and west by large lot single-family homes zoned R-1-20A. The property to the south is the Larkin Cemetery zoned R-1-20A. The property to the north is the Dimple Dell Park zoned SD(OS).

The applicant is proposing to operate a 3-bedroom bed and breakfast in the basement of their home. The applicant is proposing to rent out the three rooms in their entirety, and not individually. The property contains a 5,425 square foot home. The applicant is proposing to use approximately 1,900 square feet of the 2,728 square feet of the basement. The bed and breakfast would constitute approximately 35% of the home's total square footage.

The property has a 14-foot wide horseshoe driveway, with direct access on to Dimple Dell Road. Parking for the bed and breakfast will utilize the existing driveway and open area on the east side of the property.

The property is semi-isolated from surrounding properties. There is significant separation from the proposed bed and breakfast and the two adjacent residential property's homes. There is a 96-foot separation from the proposed bed and breakfast and the home to the northwest. In addition to this separation, there is a 58-foot grade change. There is a 125-foot separation from the proposed bed and breakfast and the home to the east (*See Exhibit #2 - Separation Map*). The nearest bed and breakfast is 0.4 miles from the subject property (*See Exhibit #3 - Bed and Breakfast Separation*).

### ANALYSIS

**Section 15A-11-11** of the Sandy City Land Development Code, provides regulations and site standards for bed and breakfast facilities within residentially zoned districts. Bed and breakfast facilities may be allowed by Conditional Use Permit where the applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal impacts on adjacent residential properties and neighborhoods.

**A. Requirements for Approval.** A Conditional Use Permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a Conditional Use Permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following pre-conditions and documentation are required:

1. A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners or live-in residential manager will occupy the facility except for bona-fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.
2. The effective period of the conditional use permit for bed and breakfast facilities shall be 2 years from the date of the original permit. At the end of every 2 years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner or live-in residential manager, and that all other conditions required at the time of approval remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use Permit. The Planning Commission, at its discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use Permit.
3. Building plans or a floor plan (1/4 inch to the foot) showing the bed and breakfast facility shall be provided.

**B. Development Standards and Requirements for Bed and Breakfast Facilities.** In order to ensure compliance with the following regulations, staff has made comments regarding this case to each item in *italics*.

1. The owner(s) of the property or live-in residential manager shall live within the facility, except for bona-fide temporary absences.  
*The applicant will be living on-site within the residence.*
2. The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.  
*The proposed bed and breakfast will have access via a horseshoe driveway, onto Dimple Dell Road to the south.*
3. The location of a bed and breakfast facility shall be at least 1/4 mile from any other similarly approved facility unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.  
*The nearest bed and breakfast is 0.4 miles away, further than the 0.25 mile separation requirement.*
4. The bed and breakfast facility shall be located on a larger parcel than a typical residential lot. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc. In no case shall the parcel be less than one-half acre in size unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel.  
*The property is located on a 1.43 acre lot zoned R-1-20A. The two adjacent lots are 1.73 acres and 2.6 acres zoned R-1-20A.*
5. The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Unique architecture is encouraged, where possible, in keeping with the local area.  
*The applicant is proposing to have the bed and breakfast in the basement, with the entrance in the rear. The single-family home will maintain the character of a single-family home.*
6. Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than four square feet.  
*The applicant is proposing a four square foot sign located on the west side of the property.*
7. The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.



*There is a 125-foot separation from the single-family home to the east, and a 96-foot separation from the home to the west with a 58-foot grade change.*

8. At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.  
*Three off-street parking spaces are required for this application. There is sufficient parking utilizing the horseshoe shaped driveway.*
9. The design and size of the bed and breakfast facility shall conform to all applicable standards in the fire, building, and health codes. The facility shall be licensed in conformance with all City ordinances.  
*The bed and breakfast has been inspected by the Building Department. The inspections have passed, with the only requirement being the installation of a hand rail in addition to the basement steps. The applicant is pursuing this requirement to follow the building code.*
10. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.  
*The applicant has reached out to the Salt Lake County Health Department to ensure compliance with their regulations. The property is semi-isolated and maintains the character of a single-family neighborhood.*

The applicant will need to provide at least three off-street parking stalls on the property. Per **Section 15A-24-02** of the Sandy City Land Development Cod, standard parking stall dimensions are 9 feet wide by 20 feet long. Further, per **Section 15A-24-04** of the Sandy City Land Development Code, all areas utilized for parking of vehicles shall be paved with hard surface, e.g., concrete, asphalt, brick, or other impenetrable surface.

#### **COMPLIANCE WITH SECTION 15A-33-04**

Staff response in *italics*.

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

A. Size, configuration and location of the site and proposed site plan layout.  
*The bed and breakfast will operate in the basement of the home. The proposed bed and breakfast is surrounded by large lot single-family homes with the Dimple Dell Park to the north and the Larkin Cemetery to the south. There is sufficient separation from the proposed site and surrounding properties.*

B. Proposed site ingress and egress existing and proposed roads and streets.  
*Access to Dimple Dell Road will utilize the existing 14-foot wide horseshoe driveway ingress/egress to the property.*

E. Site circulation patterns for vehicular, pedestrian and other traffic.  
*Vehicular circulation will utilize the existing ingress/egress point of access, parking for the bed and breakfast will utilize the existing driveway.*

I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.  
*The bed and breakfast is screened from the residential property to the east by two detached garages and a 6-foot high fence. The 58-foot elevation change provides sufficient separation and buffering from the single-family home to the northwest.*

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.  
*That the applicant complies with all Building & Safety, and Fire & Life Codes.*

#### **NOTICE**

A neighborhood meeting was held on Tuesday, October 23, 2018. One neighbor attended the meeting. He was in support of the bed and breakfast, and wanted to inquire regarding short-term rentals. Notices were mailed to the property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

#### **CONCERNS**

Staff has no concerns.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for bed and breakfast on the property located at 1743 East Dimple Dell Road for Jess and Deanna Knight based on the findings listed below and the subject to the following conditions:

#### **Finding**

1. Staff finds that there is significant separation from the bed and breakfast and the nearest residential properties, and impact will be minimal.
2. The applicant is willing and able to comply with the bed and breakfast development standards.

#### **Conditions**

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission to mitigate a reasonably anticipated detrimental effects of the proposed use.
3. That the applicant obtain a business license from the Community Development Department.

4. That all areas utilized for parking of vehicles shall be paved with hard surface, e.g., concrete, asphalt, brick, or other impenetrable surface.
5. That the use be reviewed upon legitimate complaint.

Planner: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

*Em*

Wade Sanner, *Planner*

File Name: S:\USERS\PLN\STAFF\PT\2018\CUP-10-18-5504 Dimple Dell Bed and Breakfast

**Exhibit #1 – Application Materials**

Dimple Dell B & B  
Jess and Deanna Knight  
1743 E. Dimple Dell Rd. Sandy Ut 84092

To Whom It May Concern,

As "Owner Occupied" owners of the property at 1743 E. Dimple Dell Rd, Sandy Utah 84092, we are requesting approval of a Conditional Use Permit to operate a Bed and Breakfast home business in the basement of our home. We live on a main collector road, behind a private block wall, on 1.46 acres adjoining Dimple Dell Park, and have ample off street parking.

The operation of a small Bed and Breakfast business will not impact the traffic in our area or cause problems for our neighbors, who also live on large parcels of land with substantial distances between homes.

Our walk out basement has its own private entrance and will not alter the appearance of our residence.

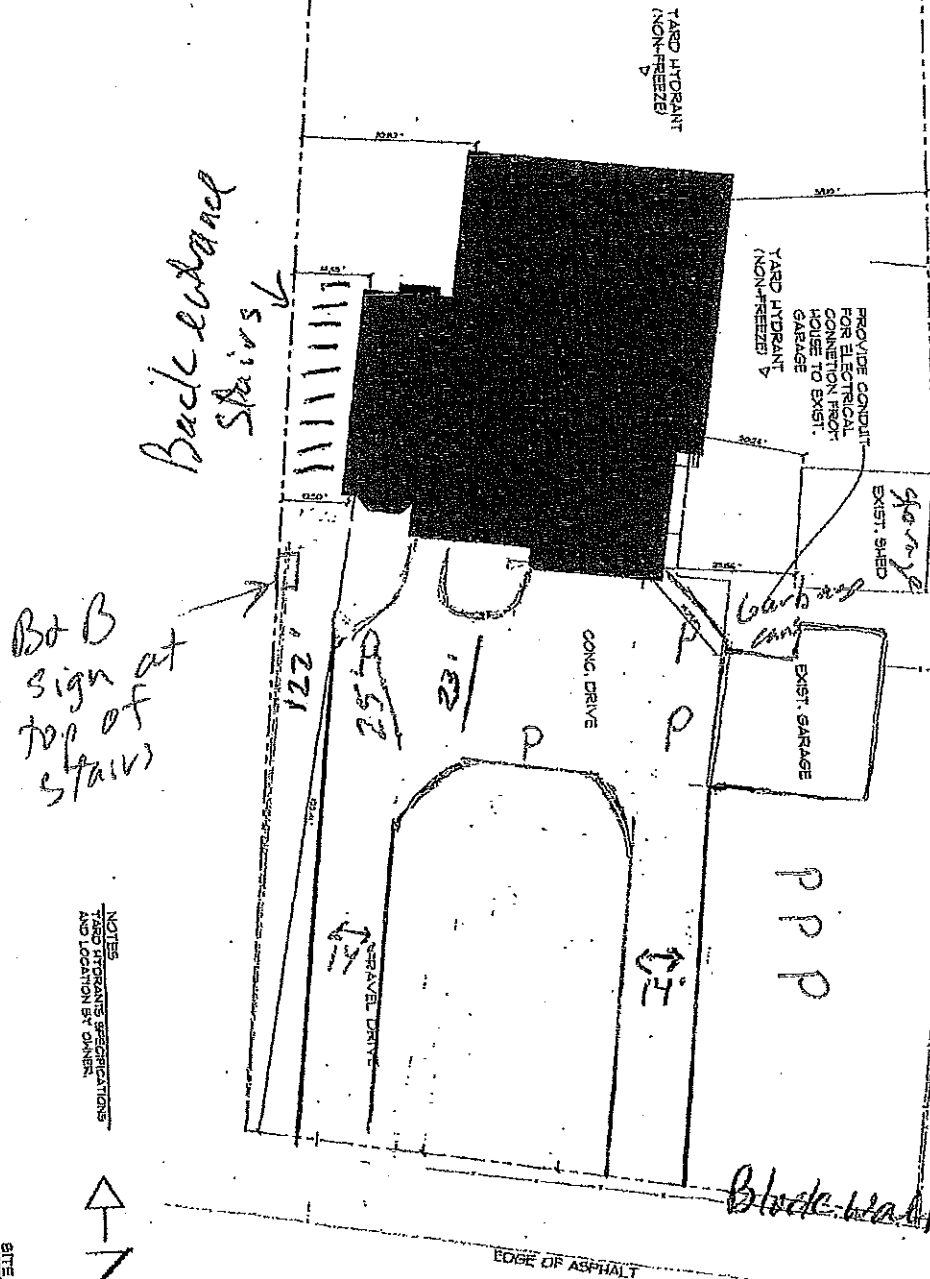
After addressing the breakfast service options with the S.L. Co Board of Health, we will offer a self-serve continental breakfast which avoids the necessity for a commercial kitchen or a food handlers permit.

Sincerely,

  
Deanna Knight

Simple Dell Ranch

"P" Parking Spaces



Bot B  
Sign at  
top of  
stairs

NOTES  
YARD HYDRANTS SPECIFICATIONS  
AND LOCATION BY OWNER

SITE PLAN  
SCALE: 1" = 10'-0"

A-0

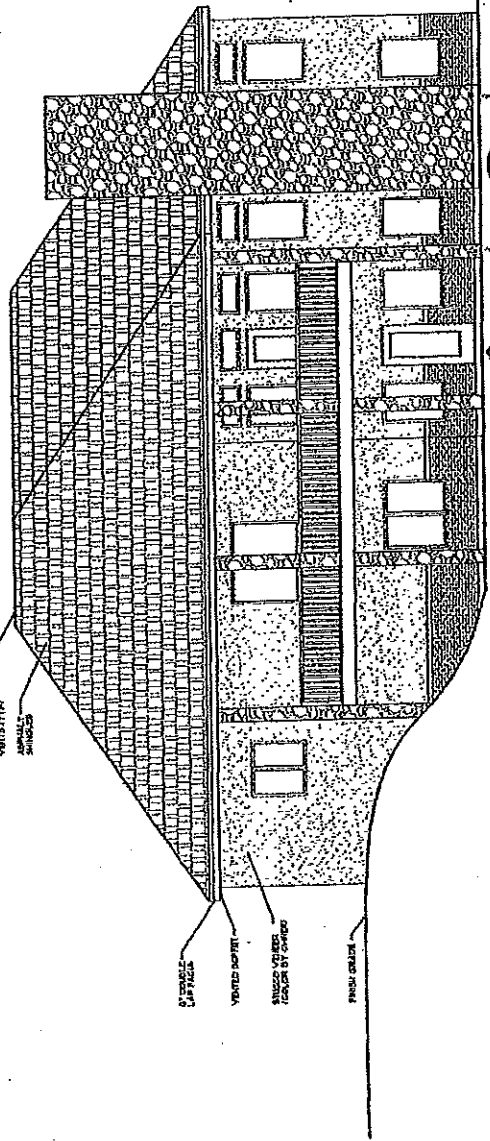
KNIGHT RESIDENCE  
1143 E. SIMPLE DELL ROAD  
SANDY, UTAH

SITE PLAN

OWNER

DATE

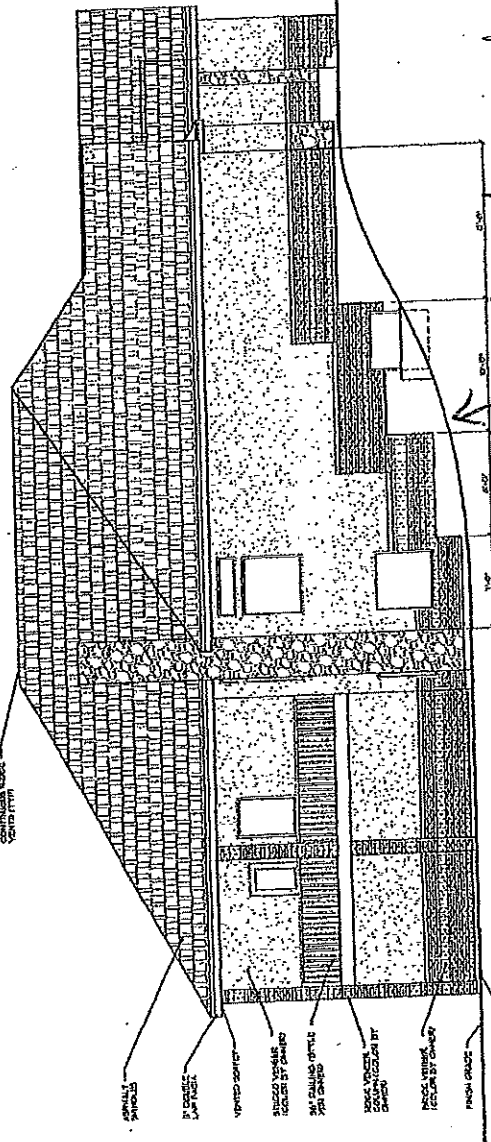
NOTES:  
 1. MAIN HOUSE AND GARAGE SHOWN ARE APPROXIMATE AND SHOULD BE USED AS A GUIDE ONLY.  
 2. MEASURED IN FEET AND INCHES.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



stairs to  
back  
entrance

Back Entrance "Walk Out"

REAR ELEVATION  
 SCALE 1/4" = 1'-0"

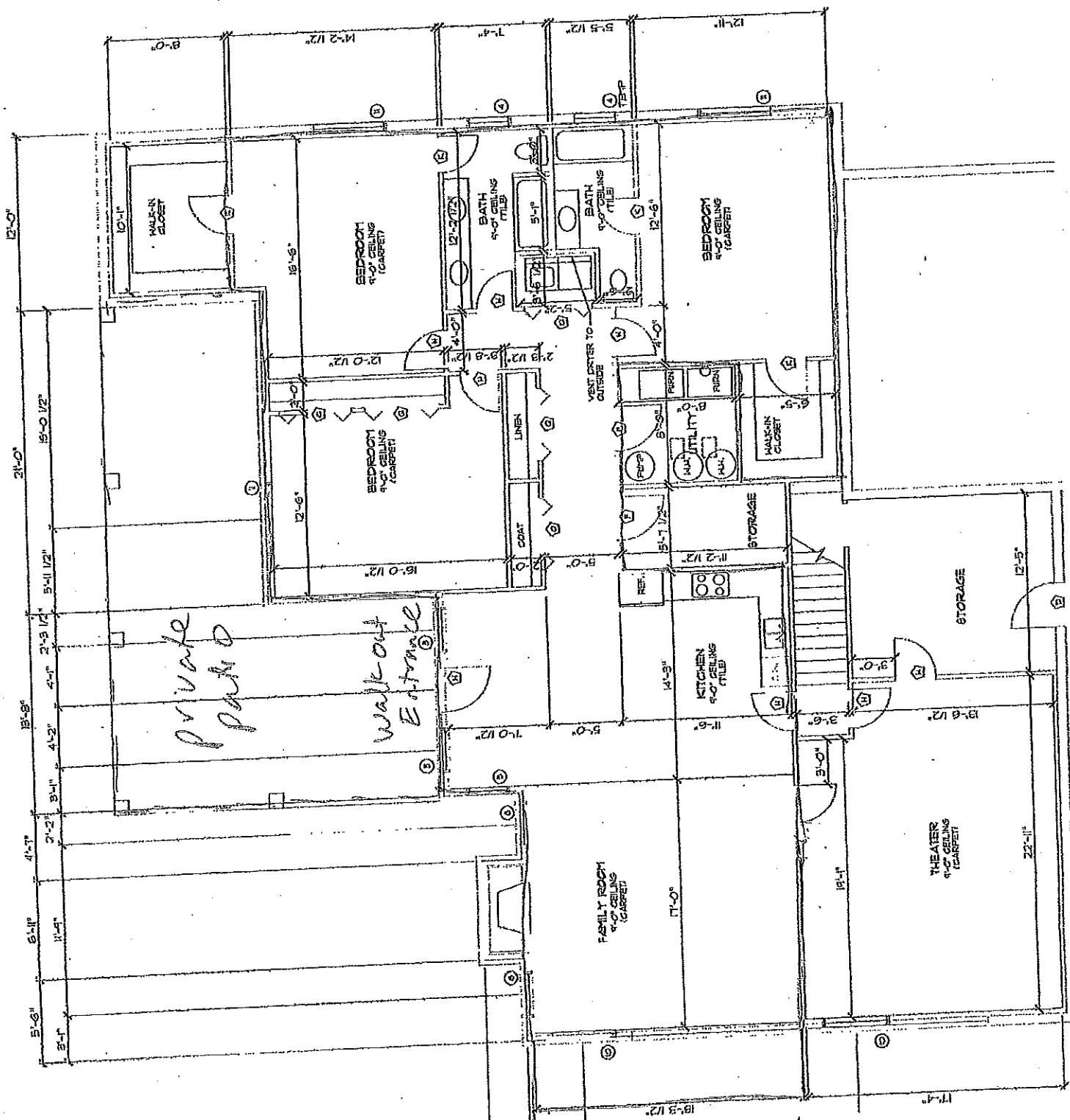


side stairs to back entrance

SIDE ELEVATION  
 SCALE 1/4" = 1'-0"

KNIGHT RESIDENCE  
 1345 E. 10TH AVE. N.W.  
 ALBUQUERQUE, N.M.

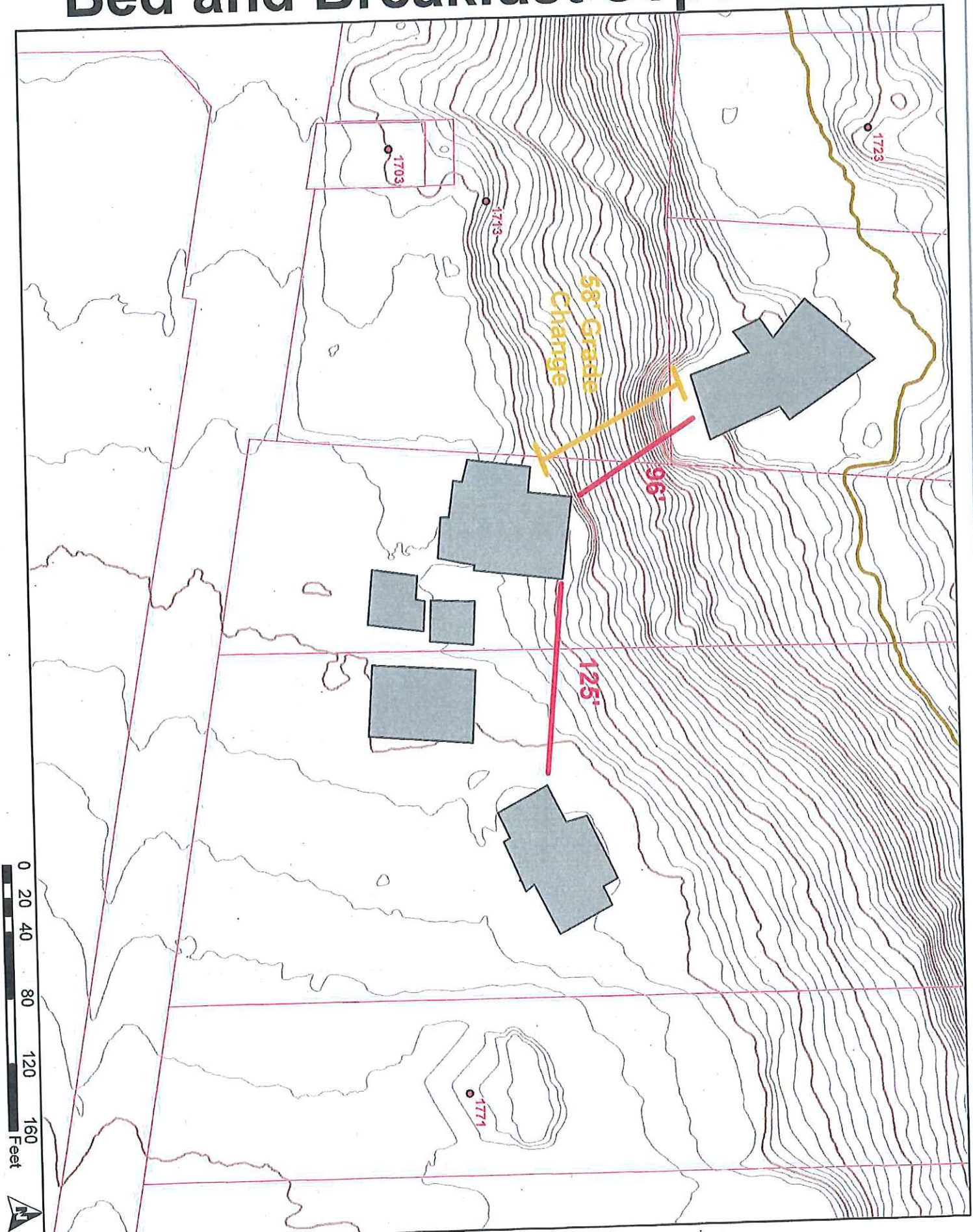
A-1





**Exhibit #2 – Separation Map**

# Bed and Breakfast Separation



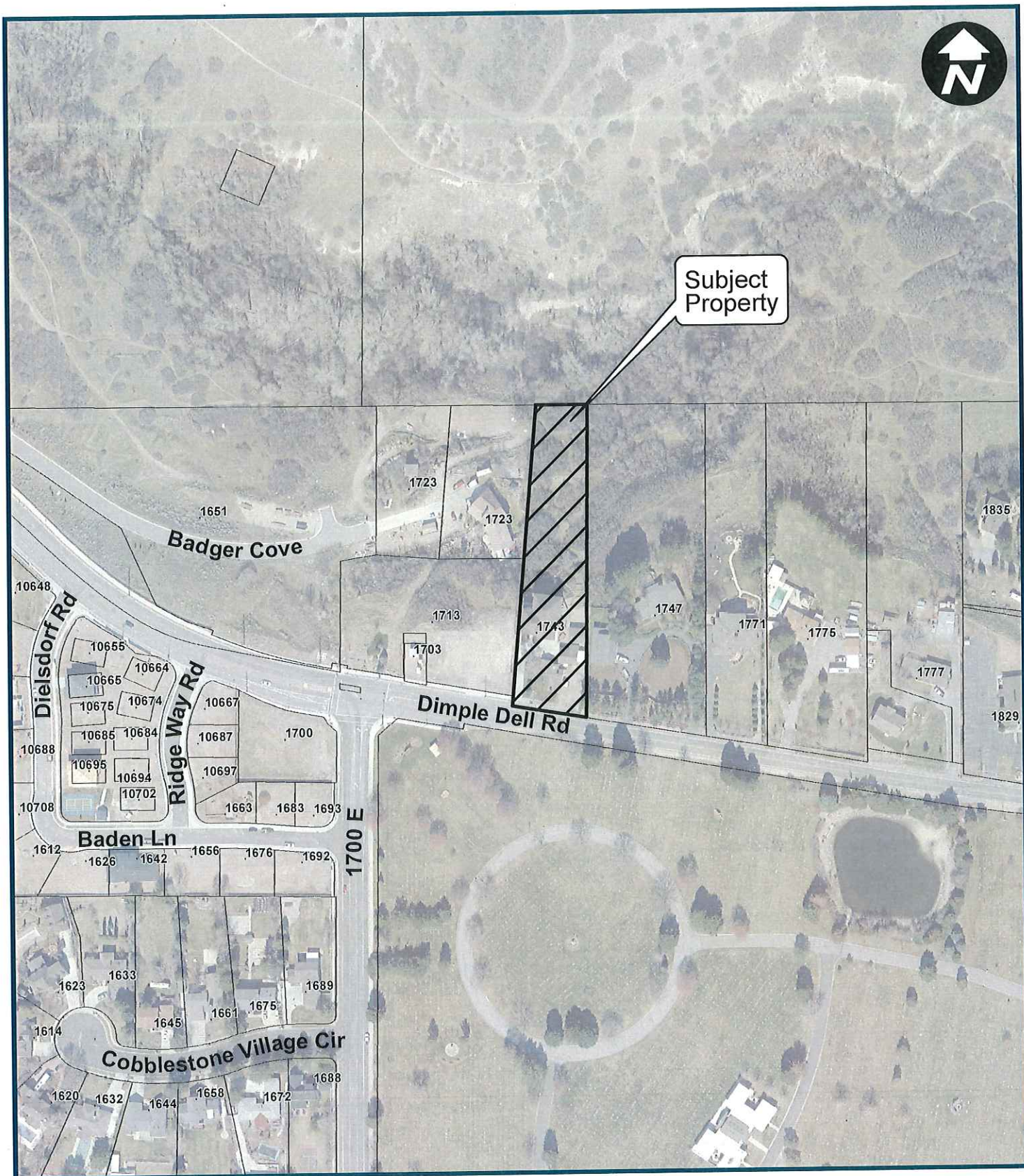
**Exhibit #3 – Bed and Breakfast Separation**



# Bed and Breakfast Seperation







**CUP-10-18-5504**  
**Dimple Dell Bed and Breakfast**  
**1743 E. Dimple Dell Rd.**

PRODUCED BY OLIVIA CVETKO  
THE COMMUNITY DEVELOPMENT DEPARTMENT





# Sandy City, Utah

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

## Staff Report

**File #:** CUP-05-18-5395,  
**Version:** 1

**Date:** 11/1/2018

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**Agenda Item Title:**

Ahmadian Accessory Apartment  
1528 E. 8640 S.  
[Falcon Park, Community #16]

**Presenter:**

Wade Sanner

**Description/Background:**

The applicant, Shamim Ahmadian, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 1528 East 8640 South.

**Fiscal Impact:**

**Further action to be taken:**

**Recommended Action and/or Suggested Motion:**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Shamim Ahmadian to allow for a 640 square foot accessory apartment on the property located at 1528 East 8640 South. This is based on the following findings and conditions:

**Findings**

1. The proposed use meets the intent of the accessory apartment section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. That the appearance will remain that of a single-family dwelling.

**Conditions**

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That the applicant submit for a building permit for a 640 square foot configuration of the basement, unless otherwise determined by the Planning Commission.
4. That the applicant not use the secondary driveway on the east side of the property for

parking.

5. The applicant provide at least one off-street paved parking space on the west side of the driveway.

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



## SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

# MEMORANDUM

November 1, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Ahmadian Accessory Apartment  
1528 E. 8640 S.  
[Falcon Park, Community #21]

CUP-04-18-5395  
Zoned R-1-8

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
	None

### DESCRIPTION OF REQUEST

The applicant, Shamim Ahmadian, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 1528 East 8640 South (*See Exhibit #1 – Application Material*). The property is 0.24 acres (10,454 square feet), and is located in the R-1-8 zone district. Properties to the east and south are single-family homes zoned R-1-8. The property to the west is a four-plex zoned R-2-10. The property to the north is a duplex zoned R-2-10.

According to the Salt Lake County Assessor's records, the property contains a 3,904 square foot single-story home with a 1,952 square foot basement. The applicant is proposing to construct a 640 square foot, 2-bedroom, accessory apartment (*See Exhibit #2 – Basement Configuration*). The proposed accessory apartment comprises 23% of the overall home square footage. The property has a 930 square foot second driveway on the east side of the property. Per aerial analysis, the driveway was installed in 2004. The second driveway ends at the park strip, and has no curb cut.

It is unclear when the basement apartment was constructed as no permit was found by staff. The property was annexed into Sandy City in July of 1971. According to the Salt Lake County



Assessor's website, the home was built in 1964. The applicant bought the home and started renting out the basement. Two code violations were issued in 2011 and 2017 regarding the renting of an accessory apartment without a conditional use permit. Upon receiving the second citation, the applicant contacted staff to inquire about a conditional use permit. Planning staff and a building inspector visited the site to assess the accessory apartment.

During this preliminary inspection, staff communicated to the applicant a number of items that would need to be addressed. These items included: 1) a separate entrance in the rear or side yard, not in the front yard; 2) closing the front entrance in the front of the home; 3) reducing the square footage of the apartment to 800 square feet; and 4) off-street parking issues.

### **ANALYSIS**

Per **Section 15A-11-01** of the Sandy City Land Development Code, the purpose of the accessory apartment standards are to:

- A. Provide regulations and design standards for accessory apartments related to single-family dwellings in residential zone districts. The accessory apartment enables housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available for households at a variety of stages of the life cycle.

- B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.

1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences.

2. **Number Permitted Within Each Single Family Dwelling.** Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.

3. **Home to Retain Single Family Dwelling Appearance.** The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including retention and enhancement of landscaping.

4. **Utility Meters and Addressing.** It shall be prohibited to install separate utility meters and separate addresses.

5. **Building Code Compliance Required.** The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building

permits prior to construction of the accessory apartment, extended living area, or guesthouse.

**6. Parking.** At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles of the occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.

**7. Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

**8. Transferability.** Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire, that is, the approval is not transferable.

**C. Additional Requirements for Approval of an Accessory Apartment.** Accessory apartments are allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a Conditional Use:

**1. Entrances.** All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.

**2. Maximum Size Permitted.** In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.

**3. Occupancy Restrictions.** The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sub-lease any portion of the accessory apartment to other individuals.

**4. Recordation.** Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Building Department.

## 5. Duration of Approval.

a. **Approval Non-Transferable.** Upon sale of the home or change of primary occupant, the Conditional Use shall expire and is not transferable.

b. **Length of Approval - Renewal Options.** The effective period of the Conditional Use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use.

6. **Other Requirements.** Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

## NOTICE

A neighborhood meeting was held on Monday, April 23, 2018. Two neighbors attended the meeting. The neighbors inquired about the rules regarding basement apartments. They were in support of the application. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

## STAFF CONCERNS

The apartment had been finished with an entrance on the front of the home, which did not comply with the Sandy City Development Code. However, the applicant has installed a separate entrance in the rear yard, and closed off the basement entrance in the front of the home. Per **Section 15A-11-01.C.1**, entrances for basement apartments must be located in the side or rear yard of the property.

Staff is concerned with the multiple code violations in 2011 and 2017. However, the applicant has shown intent to comply with the current ordinance and obtain a conditional use permit.

Staff is also concerned with the secondary driveway. Upon review by the Public Works Department, the existing secondary driveway does not meet the 30-foot driveway separation requirement and will not be able to be used for off-street parking for the basement apartment (*See Exhibit #3 – Off-Street Parking*). The applicant must ensure that there is sufficient parking on the west side of the existing driveway.

## COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

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

A. Size, configuration and location of the site and proposed site plan layout.  
*The applicant is requesting a 640 square foot basement apartment that is 160 square feet smaller than the 800 square foot requirement. The proposed entrance will be on the back side of the home.*

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.  
*There is a 930 square foot second driveway on the east side of the property. The second driveway ends at the existing sidewalk. The existing driveway does not meet the separation requirements from the property to the east, and thus cannot be used. However, there is sufficient space on the west side of the primary driveway that can be used.*

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.  
*That the applicant complies with all Building & Safety, and Fire & Life Codes.*

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Shamim Ahmadian to allow for a 640 square foot accessory apartment on the property located at 1528 East 8640 South. This is based on the following findings and conditions:

#### **Findings**

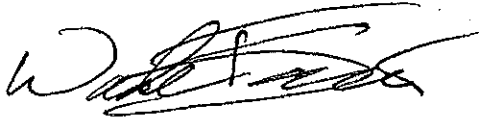
1. The proposed use meets the intent of the accessory apartment section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. That the appearance will remain that of a single-family dwelling.


#### **Conditions**

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That the applicant submit for a building permit for a 640 square foot configuration of the basement, unless otherwise determined by the Planning Commission.
4. That the applicant not use the secondary driveway on the east side of the property for parking.

5. The applicant provide at least one off-street paved parking space on the west side of the driveway.
6. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Reviewed by: 

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFF\RPT\2018\CUP-04-18-5395 Shamim Ahmadian Basement Apartment

**Exhibit #1 – Application Materials**

# Conditional use permit for basement apartment

This is home owner Siavash Ahmmadian residence of sandy city, I'm applying for conditional use permit for my basement apartment, My basement is qualified with sandy city codes. I would like to get this permit for my basement apartment which is complete unit comes with 2 bedrooms one bathroom kitchen dining room, storage and front parking spots.

Bedroom one: 130 square feet

Bedroom two: 90square feet

Kitchen: 75 square feet

Dining room: 300

Bathroom: 25 square feet

Storage one: 10 square feet

Storage two: 10 square feet

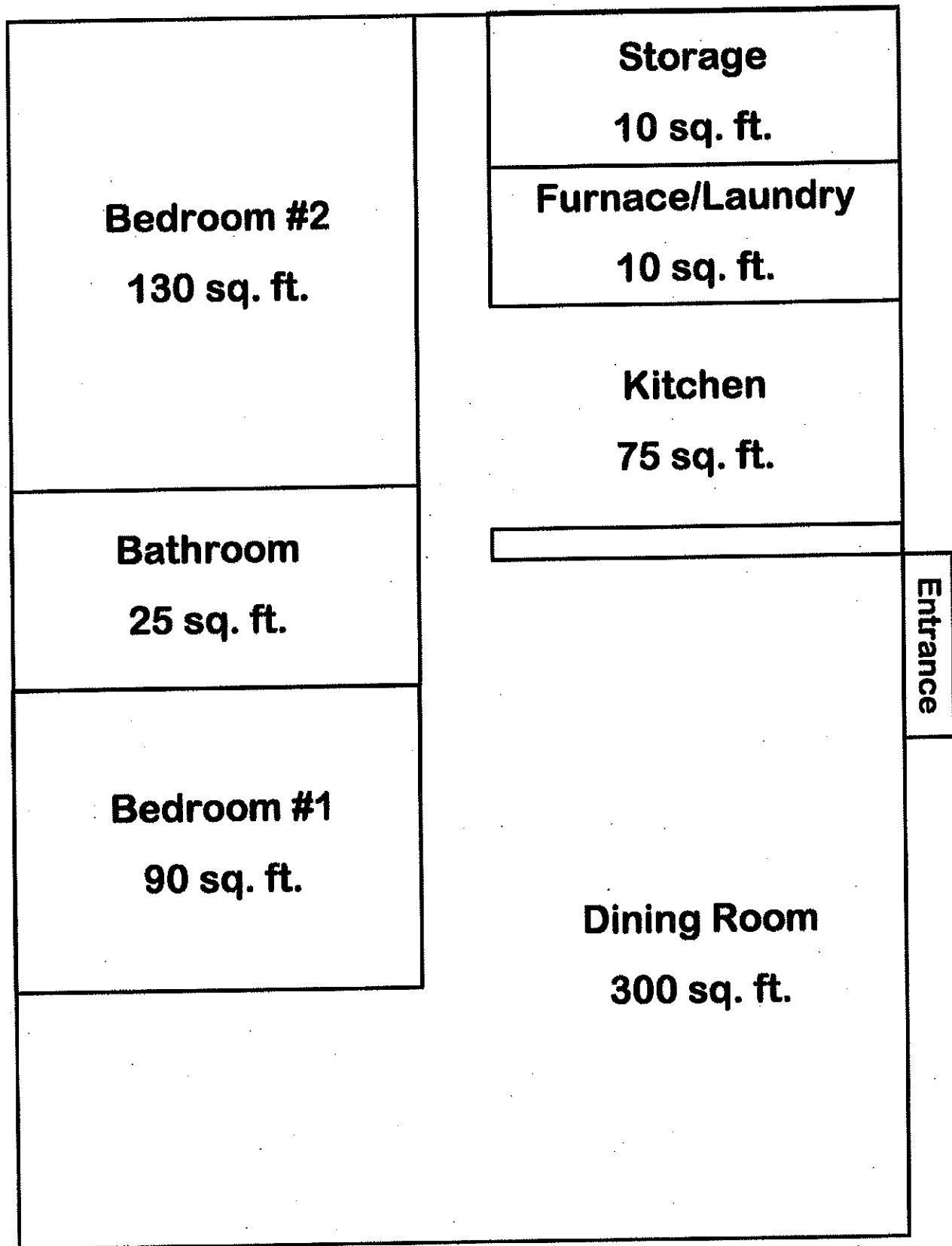
Total of 640 square feet , also there is 2 separate entry one in front and one from the back both car garages are located in front of the house and there is second driveway in side total of 4 car parking spots , basement has separate water heater and furnace.

Address is: 1528 east 8640 south sandy Utah 84093

for any other info please contact me at 8017083516

**Exhibit #2 – Basement Configuration**





**Exhibit #3 – Off-Street Parking**

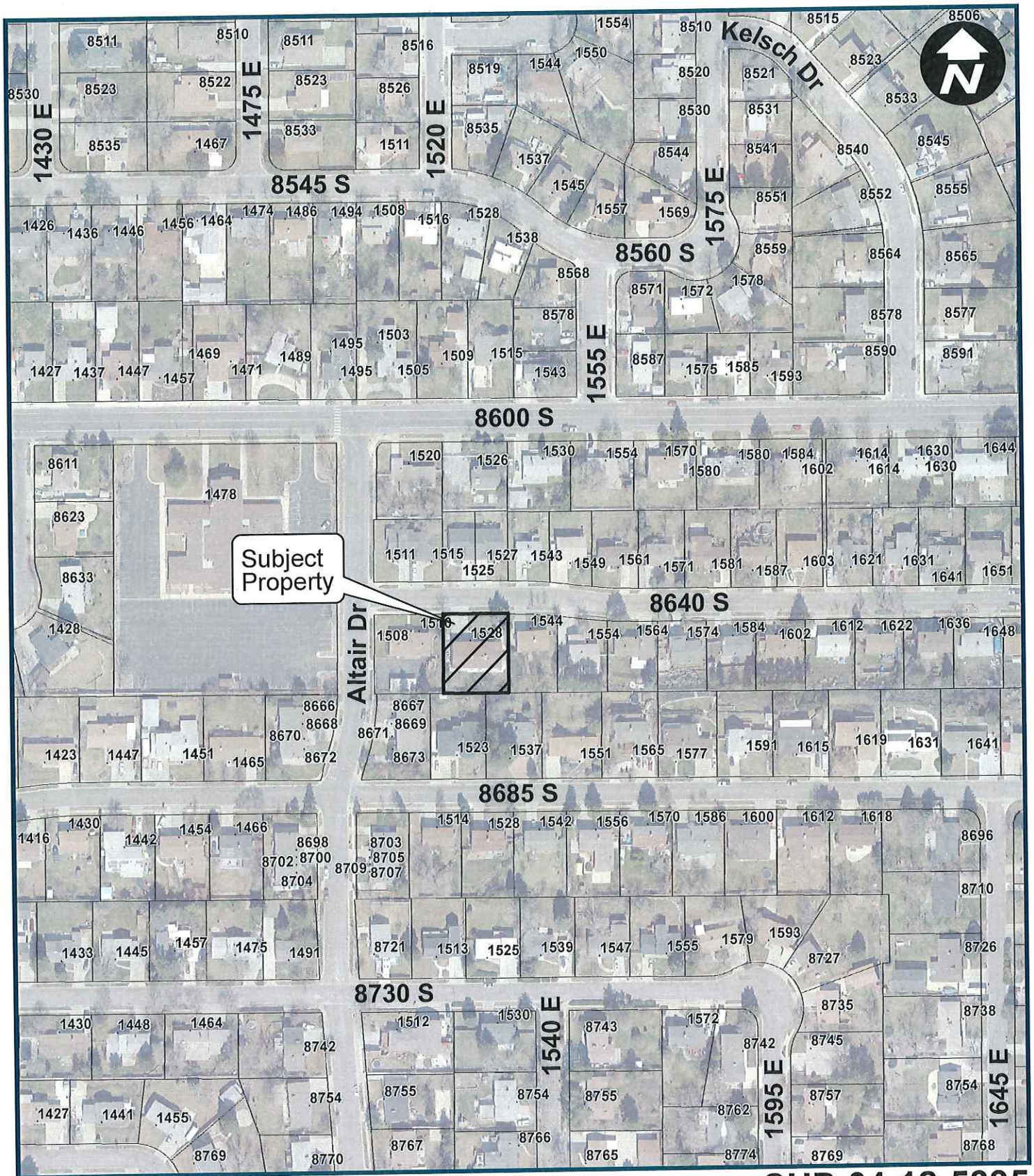
# Secondary Driveway Issues



The future curb cut would not meet the 30' driveway separation required by the Public Works Department.

Existing secondary driveway.





**CUP-04-18-5395**

**Shamim Ahmadian Basement Apartment  
1528 E. 8640 S.**



PRODUCED BY OLIVIA CVETKO  
THE COMMUNITY DEVELOPMENT DEPARTMENT





# Sandy City, Utah

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

## Staff Report

**File #:** CUP-10-18-5495,  
**Version:** 1

**Date:** 11/1/2018

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### **Agenda Item Title:**

Broyles Accessory Apartment  
2360 Sego Lily Dr.  
[Falcon Hill, Community #21]

### **Presenter:**

Wade Sanner

### **Description/Background:**

The applicants, Charles and Brandy Broyles, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 2360 Sego Lily Dr.

### **Fiscal Impact:**

### **Further action to be taken:**

### **Recommended Action and/or Suggested Motion:**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Charles and Brandy Broyles to allow for an accessory apartment on the property located at 2360 Sego Lily Drive for 1,000 square feet as may be approved by the Planning Commission. This is based on the following findings and conditions:

### **Findings**

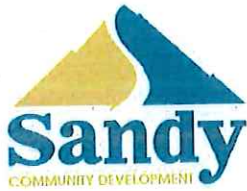
1. The proposed use meets the intent of the accessory apartment section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. The appearance will remain that of a single-family dwelling.

### **Conditions**

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That the applicant submit for a building permit not exceeding the square footage approved by the Planning Commission.
4. That the applicant install a driveway and parking area on the west side of the property.



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



## SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

### MEMORANDUM

November 1, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Broyles Accessory Apartment  
2360 Sego Lily Dr.  
[Falcon Hill, Community #21]

CUP-10-18-5495  
Zoned R-1-9

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
	None

#### DESCRIPTION OF REQUEST

The applicants, Charles and Brandy Broyles, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 2360 Sego Lily Dr. (*See Exhibit #1 – Application Materials*). The property is 0.28 (12,197 square feet), and is located in the R-1-9 zone. The surrounding properties to the west, north and east are single-family homes zoned R-1-9. The property to the south is Dimple Dell Park zoned SD(OS).

According to the Salt Lake County Assessor's records, the property contains a 4,486 square foot 2-story home with a 1,200 square foot basement. The applicant is proposing to renovate the basement in to a 2-bedroom 1,000 square foot basement apartment (*See Exhibit #2 – Basement Configuration*). In order to keep the basement apartment close to 800 square feet, the applicant is proposing to portion off 200 square feet of the basement for a workshop and storage rooms. The property does not have an off-street parking area. However, the applicant is proposing to install a 10-foot wide driveway to access the parking area in the rear of the property (*See Exhibit #3 – Off-Street Parking*). The proposed accessory apartment comprises 22% of the overall home square footage.

## ANALYSIS

Per Section 15A-11-01 of the Sandy City Land Development Code, the purpose of the accessory apartment standards are to:

- A. Provide regulations and design standards for accessory apartments related to single-family dwellings in residential zone districts. The accessory apartment enables housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available for households at a variety of stages of the life cycle.
- B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.
  1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences.
  2. **Number Permitted Within Each Single Family Dwelling.** Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
  3. **Home to Retain Single Family Dwelling Appearance.** The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including retention and enhancement of landscaping.
  4. **Utility Meters and Addressing.** It shall be prohibited to install separate utility meters and separate addresses.
  5. **Building Code Compliance Required.** The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.
  6. **Parking.** At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles of the occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.

**7. Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

**8. Transferability.** Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire, that is, the approval is not transferable.

**C. Additional Requirements for Approval of an Accessory Apartment.** Accessory apartments are allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a Conditional Use:

**1. Entrances.** All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.

**2. Maximum Size Permitted.** In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.

**3. Occupancy Restrictions.** The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sub-lease any portion of the accessory apartment to other individuals.

**4. Recordation.** Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Building Department.

**5. Duration of Approval.**

**a. Approval Non-Transferable.** Upon sale of the home or change of primary occupant, the Conditional Use shall expire and is not transferable.

**b. Length of Approval - Renewal Options.** The effective period of the Conditional Use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use. The Planning Commission, in its sole

discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use.

**6. Other Requirements.** Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

#### **NOTICE**

A neighborhood meeting was held on Thursday, October 25, 2018. Three neighbors and the applicants attended the meeting (*See Exhibit #4 – Neighborhood Meeting*). Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

#### **STAFF CONCERNS**

Per **Section 15A-11-01.C.2** of the Sandy City Land Development Code, an accessory apartment should not comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet. This request is over the 800 square feet, but staff is comfortable with the request. This larger size can be approved by the Planning Commission, if the Commissioners feel the request is warranted by the circumstances of the dwelling.

The applicant states that the proposed configuration is a sensible layout for the basement apartment. In an effort to reduce the size of the basement apartment and not encompass the entire basement, the applicant is proposing to section off a storage room and workshop that is accessed only by the property owner. The applicant argues that the larger size is justified due to the configuration of the basement.

#### **COMPLIANCE WITH SECTION 15A-33-04**

Staff response in *italics*.

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

A. Size, configuration and location of the site and proposed site plan layout.  
*The applicant is requesting a 1,000 square foot basement apartment that is 200 square feet larger than the 800 square foot requirement. Per Section 15A-11-01.C.2 of the Sandy City Land Development Code, the applicant will need to justify the requested larger size to the Planning Commission. The proposed apartment entrance will be on the south side (rear) of the home.*

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.  
*The property does not contain an off-street parking space. However, the applicant has agreed to install a driveway on the west side of the property.*



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

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

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Charles and Brandy Broyles to allow for an accessory apartment on the property located at 2360 Sego Lily Drive for 1,000 square feet as may be approved by the Planning Commission. This is based on the following findings and conditions:


**Findings**

1. The proposed use meets the intent of the accessory apartment section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. The appearance will remain that of a single-family dwelling.

**Conditions**

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That the applicant submit for a building permit not exceeding the square footage approved by the Planning Commission.
4. That the applicant install a driveway and parking area on the west side of the property.
5. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: 

Reviewed by: 

Wade Sanner, Planner

File Name: SAUSERS\ELM\STAFFRPT\2018\CUP-10-18-5495 Broyles Accessory Apartment

**Exhibit #1 – Application Materials**

Brandy and Charles Broyles  
2360 Sego Lily Dr.  
Sandy, UT 84092

Sandy City  
10000 Centennial Pkwy  
Sandy, UT 84070

To Whom it may concern,

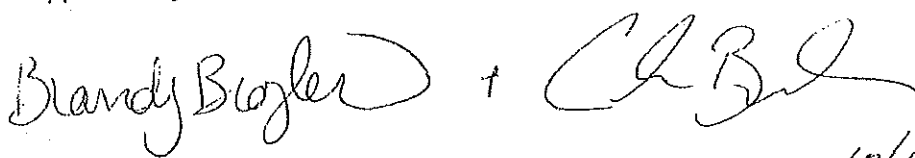
We intend to use the two-bedroom 1000 sqft basement apartment at our residence at 2360 Sego Lily Dr., which is 4700 sqft, as a valid accessory apartment for either long-term or short-term rentals.

Previous owners added and, as we understand, rented out this two-bedroom apartment. However, we are in the process of renovating and upgrading the space to comply with current Sandy City building codes for an accessory apartment. We will be able to meet the city's code by adding a 1/2inch firewall to the ceiling, replacing existing doors adjacent to our main living area with fire doors, as well as separating our heating systems.

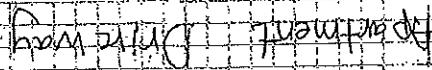
In addition to meeting building codes, our property has adequate off-street parking with the owners having four parking spots and the apartment having two off-street parking spots. In addition to providing our renters with adequate parking, they will be forbidden from parking vehicles on the street in front of our house. The entrance to our basement apartment is in the back of our home.

We meet all other accessory apartment requirements including providing adequate smoke detectors and carbon monoxide detectors, legal emergency egress windows, showing a history of proper building permits, and having the entrance to the apartment in the back of our home. In addition to meeting all of these requirements, we have also had an initial inspection done by Wade Sanner and Nelson Hooten. Having met all of these requirements, we would like to be considered for a conditional use permit to rent out our accessory apartment.

We appreciate your consideration.

  
Brandy and Charles Broyles  
10/1/18

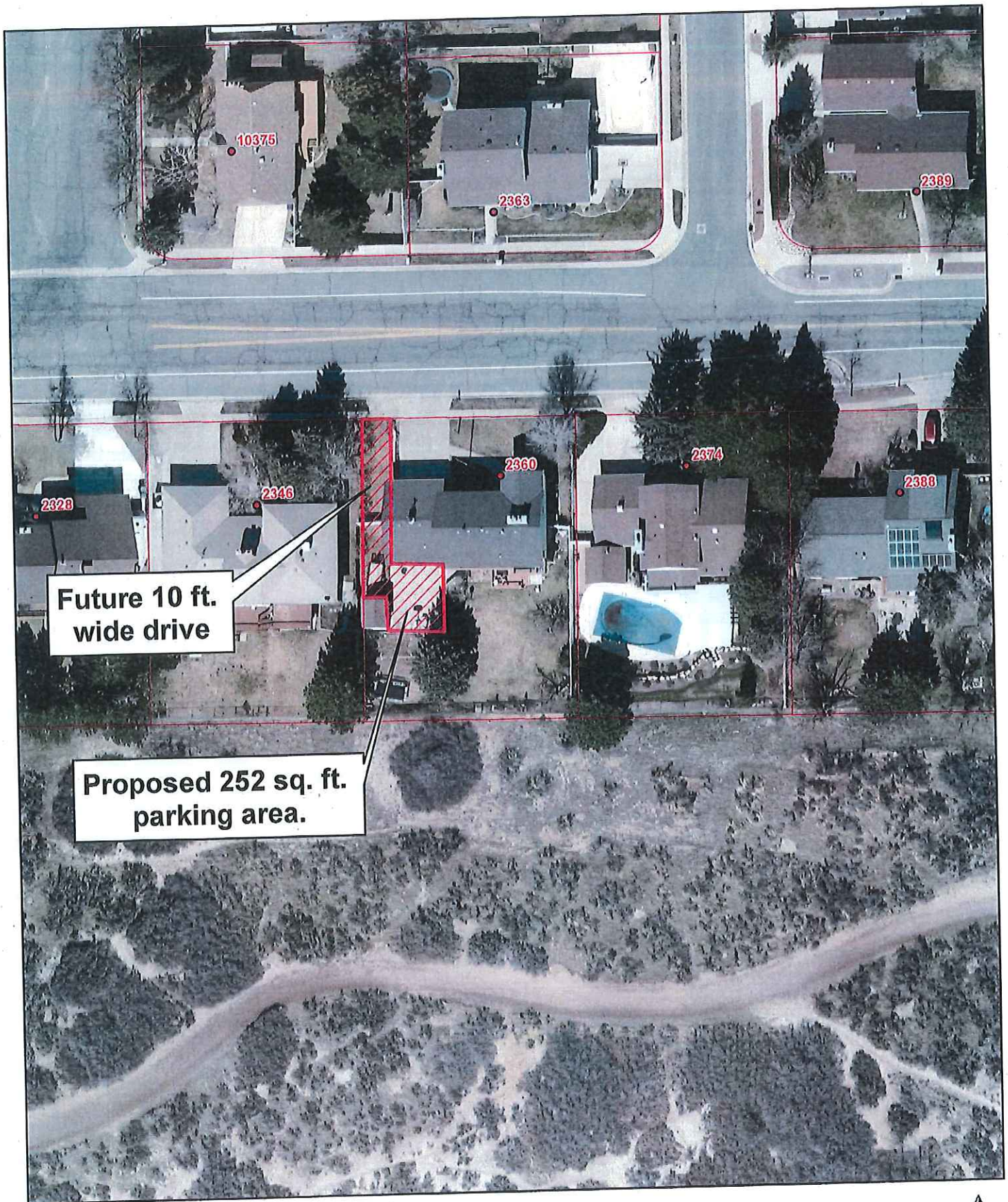
**Exhibit #2 – Basement Configuration**





**Exhibit #3 – Off-Street Parking**

# Proposed Parking Area



**Future 10 ft.  
wide drive**

**Proposed 252 sq. ft.  
parking area.**

0 15 30 60 90 120  
Feet



**Exhibit #4 -- Neighborhood Meeting**





## SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

### Community #21, Falcon Hill Neighborhood Meeting

**Date:** Thursday, October 25, 2018

**Time:** 7:00 PM

**Location:** Room 221, Planning Conference Room

**Proposal:**

A neighborhood meeting was held by staff regarding the proposed accessory apartment for the property located at 2360 Sego Lily Drive.

**Staff:** Wade Sanner, Planner 801-568-7269

**Applicants:** Charles and Brandy Broyles

**Attendance:**

In attendance were three neighbors: Anne Fritz, Reva Ovard, and Joyce Walker.

**Summary:**

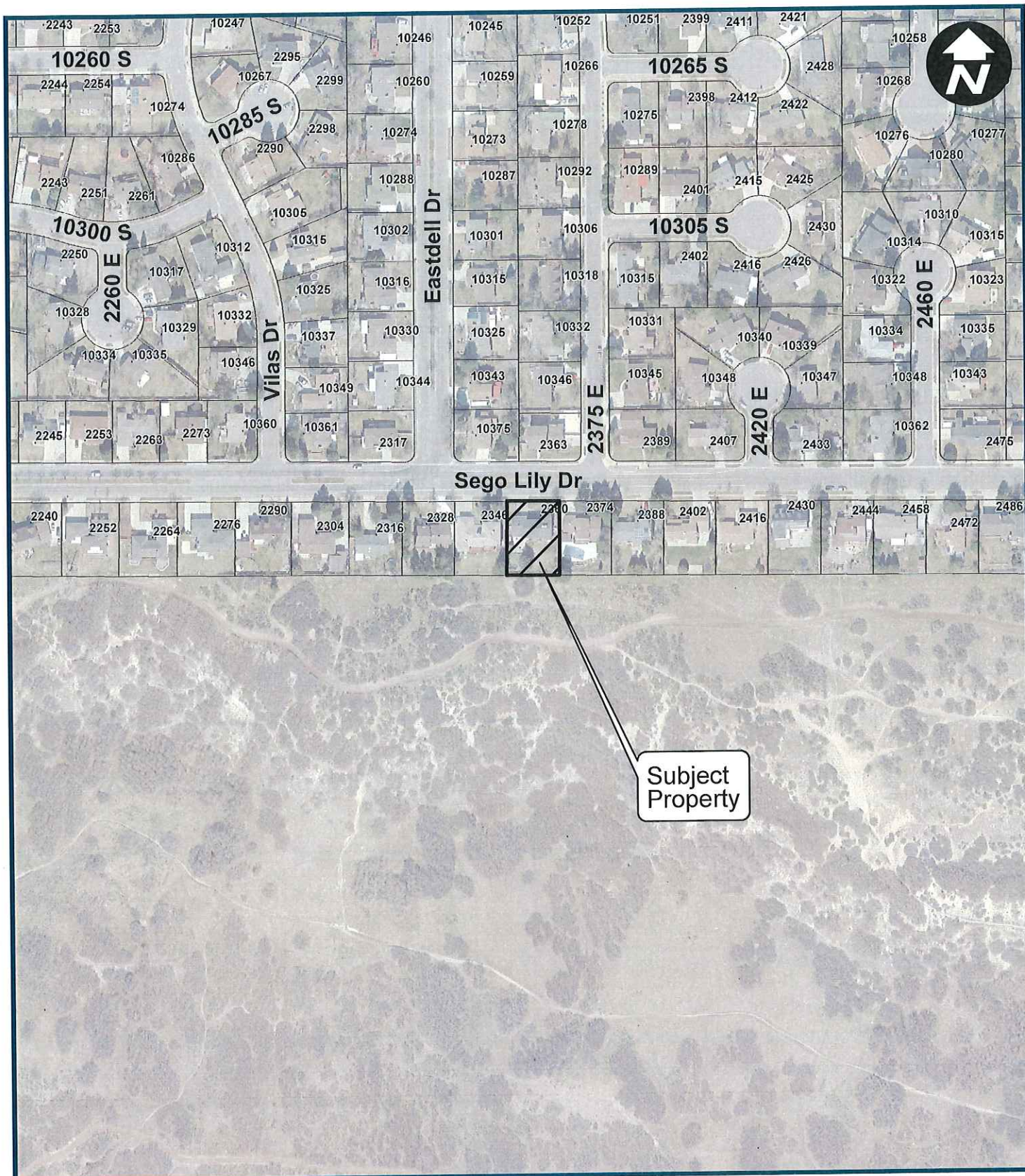
The primary concerns raised by the surrounding neighbors were issues regarding: the potential for short-term rentals, noise, traffic, potential for significant amount of people to the neighborhood, details of the CUP regulations, and fire hazard of the Dimple Dell Park.

**Comments:**

1. Applicant discussed where previous owner left off and renting basement. Finishing basement and renovate. Don't know who will live in apartment still weighing options.
2. Important to bring up to code. (Neighbor comment). (Applicant) Not changing the configuration, but bringing up to code.
3. What are the plans for it? Is short Term Rental an option? Yes, they are weighing these options. Could be family, long term rentals. Rental is a definite.
4. Some questions have been raised by neighbors regarding what is being done.
5. Have you discussed with neighbors? The intent of what you are requesting. Had adjacent neighbors know about the future driveway? Yes they are aware.
6. If have international rentals, would you make them aware of flammability of Dimple Dell? Yes, applicant is concerned with fires and issues. Applicant works in hospitality industry and is cognoscente of issues with travelers.

7. One neighbor had an experience with ski rentals throwing cigarettes in the neighbor's yard. Had experience with teaching Applicant is aware of being courtesy issues.
8. Questions regarding STRs and regulations. Staff answered code section.
9. If have issues with loud STRs, what are you going to do? Applicant will tell them to calm down or call police. Will evict if problems.
10. Earnings are greater with STR. Concerns with creating a business sense. Concerns with excessive traffic.
11. Why do CUP? To eliminate liability.
12. If an STR will bring in significant amount of people to the neighborhood.
13. If accessory apartment property is sold, what happens to the CUP? New property owner will lose the CUP and have to get a new CUP.
14. Are you doing background check?
15. How will you meet separate heating system? Staff has inspected, applicant is willing to comply with city code.
16. Want significant time for noticing.
17. Off-street parking and snow plows.
18. Neighbors do have concerns and want the neighborhood to stay as good as it has been.





**CUP-10-18-5495**  
**Broyles Accessory Apartment**  
**2360 Sego Lily Dr.**

PRODUCED BY OLIVIA CVETKO  
THE COMMUNITY DEVELOPMENT DEPARTMENT



# Sandy City, Utah

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

## Staff Report

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**File #:** 18-425, **Version:** 1

**Date:** 11/1/2018

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Review of the Findings of Fact for the 7-Eleven Convenience Store with 24/7 Operating Hours





# Sandy City, Utah

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

## Staff Report

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**File #:** 18-423, **Version:** 1

**Date:** 11/1/2018

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Minutes from October 18, 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)*

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Thursday, October 18, 2018

6:15 PM

Council Chambers

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Meeting procedures are found at the end of this agenda.

### Voting Roll Call

#### 4:00 PM FIELD TRIP

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

#### 6:15 PM REGULAR SESSION

#### Roll Call

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

**Present** 5- Commissioner Joe Baker  
Commissioner Cyndi Sharkey  
Commissioner Jamie Tsandes  
Commissioner Michael Christopherson  
Commissioner Jeff Lovell

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

Welcome

Pledge of Allegiance

Introductions

## Public Hearings

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

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

Brian McCuiston introduced this item to the Planning Commission.

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

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

Phillip Mosher stated no. There is another owner involved.

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

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

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

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

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

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

Brian McCuiston introduced this item to the Planning Commission.

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

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

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



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

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

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

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

Brian McCuiston presented this item to the Planning Commission.

The Chair opened this item to public comment.

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

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

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

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

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

The Chair closed this item to public comment.

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

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

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

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

Wade Sanner introduced this item to the Planning Commission.

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

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

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

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

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

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

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

The Planning Commission members had discussion about noise levels.

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

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

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

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

Wade Sanner presented this item to the Planning Commission.

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

Commissioner Cyndi Sharkey asked Matt about the noise levels.

Matt Johnson stated all activities will be inside the building.

The Planning Commission and the applicant had discussion about noise.

Commissioner Joe Baker asked why such early hours.

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

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

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

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

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

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

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

Wade Sanner introduced this item to the Planning Commission.

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

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

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



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

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

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

Wade Sanner introduced this item to the Planning Commission.

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

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

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

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

The Chair opened this item to public comment.

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

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

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

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

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

The Chair closed this item to public comment.

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

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



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

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

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

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

Wade Sanner introduced this item to the Planning Commission.

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

The Chair opened this item to public comment.

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

The Chair closed this item to public comment.

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

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

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

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

Wade Sanner presented this item to the Planning Commission.

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

The Chair opened this item to public comment.

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

The Chair closed this item to public comment.

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

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

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

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

Doug Wheelwright introduced this item to the Planning Commission.

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

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

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

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

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

Commissioner Cyndi Sharkey and the applicant had discussion on parking.

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

**A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning Commission grant the Conditional Use request to allow the commercial storage building use, based on the staff report, the staff findings 1 to 15 in the analysis of the Conditional Use Standards and the three additional findings and three conditions listed in the staff report with a modification to condition number two to read: 2. That the Conditional Use Permit for the storage facility, be reviewed**

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

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

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

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

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

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

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

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

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

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

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

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



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

14. [CUP-07-18-5](#) 7-Eleven Convenience Store with Gasoline Sales and 24/7 Operating  
[462](#) Hours  
711 W. 9000 South Street  
[Civic Center, Community #2]

Doug Wheelwright introduced this item to the Planning Commission. He said that he had been working with the applicant for six months, during which time the applicant has followed some of his suggestions on mitigating the problems of the conditional use, but not all. The zoning provides that adding gas pumps is a separate consideration, which is why it is a conditional use; likewise, increasing the hours past the 6:00 a.m. to 10:00 p.m. also requires a conditional use because this is within 250 feet of a residential district. He recalled the community meetings at which numerous concerns were addressed by residents, but which he addressed in part in his staff report. He explained that the conditional use and site plan address the east part of the property owned by the applicants, which is the site to be used for the convenience store and gas station. He said the applicant will use the west parcel for a storm retention pond. The applicant has agreed to extend the wall and the landscaping on the south side of the property. He said that the noise, and other effects from the store and the gas operation cannot be reasonably mitigated during the late night hours, so that while he recommended increasing the normally allowed hours until midnight, he didn't feel that staying open 24 hours was appropriate.

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

Doug Wheelwright stated it was pointed out during the field trip that the headlights from cars turning into the site from the east side off of 700 West Street would shine across the residences on the west. He also stated this impact might be mitigated by the height of a wall, but he hadn't analyzed that yet. Of course, if the store was not open during the post-midnight hours, then that problem would not need to be addressed.

Justin Atwater, Applicant, spoke about permitted uses and reasons why this item should be approved. He said he wanted to focus on the issue that Doug Wheelwright talked about staying open past midnight) but that everything else in the staff report was accurate according to his understanding. He said, among other things, that he would consider erecting a ten-foot-high fence along the south property line. He said the odors to the site are no worse than odors from permitted uses. The noise brought to the site is not detectable to the human ear, esp. given the site's unique characteristics. Opening and closing doors, and talking, given the eight or ten-foot wall, together with the wall, landscaping, and orientation of the building, any new noises brought to the site will be less than the existing noises from the roads nearby. As to crime, he said that isn't relevant to analysis of a conditional use, since other uses could also bring crime. Staying open all night reduces the risk of crime because the store is open, and there is a clerk there, which reduces crime.

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

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



Commissioner Cyndi Sharkey asked about headlights coming in from 700 West. that her this issue. that her bedroom is on the second floor and the light will shine in her bedroom at night, and won't protect her and her neighbors from those problems.

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

The Planning Commissioners, the applicant, and staff had discussion about the disturbance from car headlights, other detrimental impacts, and the land use. The Chair opened this item to public comment.

Jen Archuletta 734 West Jordan Oaks Drive, Sandy, in a home behind the Property, stated she is concerned about the crime, light and the noise from the store and gas station. She also stated that although the 10-foot wall would be great for her living room, but that her bedroom is on the second floor and the light will shine in her bedroom from 12 a.m. to 6 a.m., and will be very detrimental, and won't protect her and her neighbors from those problems. She thinks they will hear the noises from the property, in spite of what the applicant says. She said she has seen a significant increase in transients living along the River near her home. The two-hour on-line training which the applicant said the 7-Eleven company provides to its clerks to deal with such issues will be insufficient to deal with the problems of homeless and crime caused by the location of the store.

Seung Ho Mun, who goes by the name "Bruce," 728 West Jordan Oaks Drive, Sandy, directly behind the planned store, stated he has a problem with gas and alcohol sales, noise, and. He doesn't want deliveries during the night hours. He said he would be able to hear the noise from the property, music from cars. A ten-foot wall won't do anything. The headlights from headlights from cars on the store property coming from 700 West will shine into their homes.

Jeremiah Johnson, 722 West Jordan Oaks Drive, Sandy, directly behind the subject property, said he is a land developer, and understands the owner has a right to develop. He said that home, and the others in his neighborhood are nice homes, on which a lot of money was spent, the value of which will be adversely impacted by the 7-Eleven store. Our lives are affected by this development. He said he is worried about the safety of his family and children. The slope of the property from his yard to the 7-Eleven property is such that the six-foot fence is not much of a barrier to entry. Even a ten-foot wall won't block headlights coming into their homes; he is already affected by headlights now. He said he would be able to hear sounds coming from the 7-Eleven property over the ten-foot wall, which won't block a lot of the noise from the property; it would have to be a tall barrier wall such as those UDOT installs along freeways. The ten-foot wall isn't nearly high enough to be effective at blocking noise. He thought that the store should be built on the west side of the applicant's property. Home break-ins have increased in the neighborhood recently.

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

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

The Chair closed this item to public comment.

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

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

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

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

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

**A motion was made by Cyndi Sharkey, seconded by Joe Baker, that the Planning Commission grant the Conditional Use requests to allow the gasoline sales use and to extended business hours to 6:00 A.M. to Midnight, based on the staff report, the staff findings 1 to 15 in the analysis of the Conditional Use Standards and the three additional findings and five conditions listed in the staff report with an added sixth condition to read: 6. Dense landscape screening to be included, defined as additional Conifer trees with 10% overlap, with trees reaching 20-feet at maturity. The motion carried by the following vote:**

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

**No:** 1 - Michael Christopherson

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

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

The Chair opened this item to public comment.

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

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

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the following vote:

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

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

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

The Chair opened this item to public comment.

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

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

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

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

## Administrative Business

### Minutes

[18-402](#)

Approval of the September 20, 2018 Planning Commission Meeting Minutes.

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

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

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

Sandy City Development Report

Director's Report

## **Adjournment**

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256





# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

November 1, 2018

To: Sandy City Planning Commission Members  
From: Douglas L. Wheelwright, Development Services Manager

Re: CUP #07-18-5462, 7-Eleven Gasoline Sales and Extended Business Hours to 7/24.

Dear Commission Members:

Attached, please find "revised draft minutes" and "restatement of findings" documents concerning your actions, at the October 18, 2018, Sandy City Planning Commission meeting, relative to the CUP request of Wright Development Group for the proposed 7-Eleven Convenience Store project at 711 West 9000 South. With assistance from the Sandy City Attorney's Office, these revised draft minutes and restatement of findings have been prepared, for the Planning Commission to consider on this matter.

Since you have not received the revised draft minutes and this restatement of findings documents for this portion of the minutes for the October 15, 2018 meeting with your regular packet for tonight's meeting, **staff is asking that when the Planning Commission votes on the approval of the minutes from the October 15, 2018 meeting, that the motion include an exemption from ratification on items # 14, 15 and 16.** Staff will bring the minutes for those items back for your ratification at a future date. We welcome any comments or revisions to the revised draft minutes and restatement of findings that Commissioners may have on these documents in the meantime.

Thank you.

A handwritten signature in blue ink, appearing to read "Doug", is written below the "Thank you." text.

## MEMORANDUM

November 1, 2018

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** **7-Eleven Convenience Store Conditional Use** **CUP – 07-18-5462**  
(Civic Center, Community #2) 0994 acres  
CvC Zone

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711 West 9000 South Street

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*A copy of the applicant's materials were provided to the Planning commission at the October 18, 2018 Planning Commission meeting and therefore, are not included in this report in the interest of saving paper. An electronic version is available by request.*

### INTRODUCTION

This matter involves an application by Wright Development Group, Inc. (the "**Applicant**") requesting conditional uses for gasoline sales associated with a retail convenience store, and for extended operation hours to 24 hours a day, seven days a week) pursuant to the Sandy City Land Development Code ("**Development Code**"). The property for which the permit is requested is located at 711 West 9000 South Street, Sandy, Utah (the "**Property**"). The Property is a 0.994-acre lot, zoned Civic Center Commercial, on an unimproved lot.

The Development Code allows a convenience store within 250 feet of a residential district to operate from 6:00 AM. to 10:00 P.M. Staff recommended that the store hours be extended to midnight, and 15 conditions of approval set out in the Memorandum to the Planning Commission dated October 18, 2018 "(Staff Report)".

Following a public hearing at which the Applicant presented evidence and argument held on October 18, 2018, and at which residents of the adjacent homes to the south spoke and expressed their concerns about the extended operating hours, the Planning Commission granted the request for gasoline sales in connection with the convenience store use, and approved extending the hours of operation from 6:00 A.M. to midnight, beyond the 6:00 a.m. to 10:00 p.m. hours allowed without a conditional use.

The public hearing was held pursuant to notice provided to property owners within 300 feet of the Property. Joe Baker, presided, with Alternate Planning Commissioner Michael Christopherson, assisting and conducting the hearing.

Douglas Wheelwright, Development Services Manager for Sandy City, presented the

staff report. Following the staff report, Justin Atwater, representing the Applicant, set out the facts and arguments supporting the application, and answered questions, and stated, among other things, that the Applicant would be happy to consider erecting a ten-foot high masonry wall, rather than the eight-foot wall originally proposed by the Applicant. The hearing was then opened to comments of others attending the hearing. Several members of the public spoke during the public hearing, including resident neighbors Jen Archuleta, Seung Ho Mun, also known as Bruce, who lives at 728 West Jordan Oaks Drive, Sandy, , Jeremiah Johnson, who lives at 722 West Jordan Oaks Drive, Sandy, and Sandy resident Steven Vanmaren who expressed concerns about noise and light from the Property during the late-night hours, as well as drawing homeless persons, vagrants, and others to the site. The Planning Commissioners asked the Applicant several questions to which Justin Atwater and Logan Johnson responded. The Planning Commission then discussed the application and asked City staff questions, including the depth of groundwater in the vicinity of the Property. On motion and a second, the Commissioners voted 4-1 to grant the applicant's conditional use to sell gasoline, and to extend the hours of operation until midnight only, but not to operate around the clock, based on proposed conditions and findings numbered 1 through 15 of the Staff Report, proposed findings A, B, and C, the five additional conditions on page five of the Staff Report, and a sixth condition added by the Planning Commission that dense landscape screening be required along the south property line of the Property, defined as additional conifer trees with at least a ten-percent overlap of the trees, planted with trees which will reach at least 20 feet in height at maturity.

Based on the documents and statements from the Applicant, the correspondence and comments of residents and citizens, the information provided by staff and others, knowledge of the Planning Commission, and for other good cause, the Planning Commission makes the following findings of fact in respect to this matter:

#### **FINDINGS**

1. Sandy City is a residential community of approximately 96,000 people. The Sandy City Planning Commission is composed of residents of Sandy City which is empowered, among other things, to decide whether to grant a conditional use permit pursuant to the Sandy Land Development Code, notably including Section 15A-33-04 thereof, and to impose conditions related to conditional uses.
2. The parcel is currently unimproved and slopes downward from east to west.

*Findings – 7-Eleven Conven. Store Cond'l Use.*

3. There is a six-foot masonry wall along the lot line separating the Property from the homes on the south Property line.
4. The rear-yard setback of the residences along the Property's south lot line is 20 feet.
5. Many of the residents of the homes adjacent to the Property work daytime jobs, and there are now and in the future there will likely be children living in those homes.
6. The natural contour of the land slopes from the south residential properties adjacent to the Property to 9000 South Street. The upper floors of the homes along the south Property line will be substantially higher than an eight-foot or ten-foot masonry wall. Many of the residents of the homes sleep in the upper floors of those homes.
7. The Applicant's site plan for the development of the Property provides for construction of a convenience store approximately 43 feet from the south Property line. A masonry wall eight feet high will run along the south property line. The gasoline pumps will be 150 feet from the south Property line and 170 feet away from the homes. The convenience store will be of masonry construction, and will be approximately 20.6 feet in height.
8. The CVC Zone allows automobile service stations as a conditional use according to the use matrix in Section 15A-08-02 of the City's Land Development Code.
9. Extended business hours before 6:00 a.m. and after 10:00 p.m. are restricted by Section 15A-23-19 when business hours are requested to be extended, when in proximity to Residential Zoning or use nearer than 250 feet. The Planning Commission identified the following reasonably anticipated detrimental effects of the proposed conditional use, which are based on substantial evidence which cannot be substantially mitigated by reasonable conditions:

- (a) Noise from the Property will include the noise of vehicles entering, exiting, and operating on the Property; as well as customers, employees, and other persons moving, working, opening and closing doors, talking, laughing, shouting, and otherwise making noise on the property. Limiting the hours of deliveries and trash pickup, the placement of the convenience store on the site, the erection of a eight or ten-foot high masonry wall along the south Property line, and the planting of trees or shrubs will reduce some of anticipated noise. Some noise will still be heard by and will disturb the sleep of residents of the homes adjacent to the south line of the Property so the convenience store and gas station are not allowed to operate during the hours of midnight to 6:00 a.m.



- (b) Some light from the property, even with the shielded lights proposed by the Applicant, will still be visible from and disturb the adjacent residents during the late-night hours, which light will not be adequately reduced by the masonry wall), nor the conifer trees (even at their 20-foot maximum height years into the future. Lights from cars pulling into the driveway to be placed near the south Property line from 700 West Street may be mitigated by lowering the drive approach, sidewalk, lowering the driveway into the Property, and blocking the entrance from 700 West during late night hours, but because the south Property line drops from east to west, motor vehicle lights from the Property will also shine into some of the homes even if the south fence or wall is eight or ten feet high. Because some indirect and direct light is still highly likely to disturb the sleep of the residents, particularly in upper-story bedrooms in the homes south of the Property, the convenience store and gas station hours should not extend beyond midnight.

10. Trespassing and break-ins of residences of the neighborhood to the south of the Property have increased recently. There are homeless people in the area along the Jordan River, 500 feet to the west and others, who will be drawn to the neighborhood by the presence of a convenience store. An eight or ten-foot-high wall and closing at midnight will help mitigate but will not adequately protect the residents adjacent to and near the Property, as a person can easily walk around the wall at the ends, if he doesn't climb over it.. Substantial evidence shows that the reasonably anticipated detrimental impacts of staying open from midnight until 6:00 a.m. cannot be substantially mitigated by reasonable conditions.

#### **DETERMINATION**

Based on the findings above, the application for the gasoline station in connection with the convenience store is granted, and extended hours of operation of the convenience store are granted in part, extending from 6:00 a.m. until midnight, pursuant to the conditions set out above.

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Joe Baker, Planning Commissioner, presiding

*Findings – 7-Eleven Conven. Store Cond'l Use.*