



Sandy City, Utah

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

Meeting Minutes

Planning Commission

Dave Bromley
Michael Christopherson
Monica Collard
Ron Mortimer
Jamie Tsandes
Cameron Duncan
Jeff Lovell
NH Rather (Alternate)
Daniel Schoenfeld (Alternate)

Thursday, September 17, 2020

6:15 PM

On-Line Meeting

Meeting procedures are found at the end of this agenda.

Electronic Meeting

Planning Commission Chairman Statement

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in person Planning Commission meeting, including attendance by the public and the Planning Commission is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and commission members by meeting remotely through electronic means without an anchor location.

Community Development staff are hereby authorized and directed to include a copy of the above notice with each Planning Commission agenda.

Jamie Tsandes, Chair
Sandy City Planning Commission

The September 17, 2020 Sandy City Planning Commission meeting will be conducted via Zoom Webinar. Public comment may be allowed after the presentation of the particular item by the Staff and Applicant, as directed by the Planning Commission Chairman. Each speaker is allowed two minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below and must use the "raise hand" feature. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the Planning Director at bmccuiston@sandy.utah.gov by 3:00 PM the day of the Planning Commission meeting to have those comments distributed to the Commission members and/or have them read into the record at the appropriate time.

Register in advance for this webinar:

<https://us02web.zoom.us/j/87104889702>

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

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Webinar ID: 871 0488 9702

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FIELD TRIP

[20-306](#)

Field trip map for 9-17-2020

Attachments: [9-17-2020.pdf](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 6 - Commissioner Dave Bromley
Commissioner Ron Mortimer
Commissioner Jamie Tsandes
Commissioner Michael Christopherson
Commissioner Jeff Lovell
Commissioner Cameron Duncan
- Absent** 3 - Commissioner Monica Collard
Commissioner NH Rather
Commissioner Daniel Schoenfeld

Public Meeting Items

1. [ANEX-08-20-5890\(PC\)](#) Escalante/Barcelona Annexation (R-1-10 Zone)
8340-8511 S. Escalante Drive and 2412-2566 E. Barcelona Drive
[Community - #18]

Attachments: [Location Map.pdf](#)
[Staff report, map, legal description and zoning map.pdf](#)
[Signed Resolution 20-33C.pdf](#)
[Barcelona Consent Forms.pdf](#)
[Escalante Consent Forms.pdf](#)
[Rentzer Email.pdf](#)

Brian McCuiston presented this item to the Planning Commission.

Kimberly Olsen further presented this item to the Planning Commission.

Jamie Tsandes opened this item to public comment.

Ryan Boyack is in favor of the annexation.

Dan Engh is in favor of the annexation.

Jamie Tsandes closed this item to public comment.

Brian McCuiston explained that Dan Engh isn't part of this specific annexation but his neighborhood is working on being annexed in to Sandy and will come before the Planning Commission soon.

A motion was made by Dave Bromley, seconded by Michael Christopherson that the Planning Commission send a positive recommendation to the City Council that the Escalante/Barcelona Annexation be approved and zoned R-1-10 based the four finding detailed in the staff report.

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

2. [ANEX-08-20-5891\(PC\)](#) Rossett Green Lane Annexation (R-1-40 and R-1-15 Zones)
2072, 2100 and 2140 East Creek Road and 8215-8265 South Rossett
Green Lane
[Community #18]

Attachments: [Location Map.pdf](#)
[Staff report, maps, legal description and zoning map.pdf](#)
[Signed Resolution 20-34C.pdf](#)
[Consent forms.pdf](#)

Brian McCuiston presented this item to the Planning Commission.

Jeff Lovell asked what minimum percentage of owners consents is required for an annexation.

Brian McCuiston explained that fifty percent is needed for an annexation.

Jamie Tsandes opened this item to public comment.

Joe Goot, 2140 E. Creek Road, stated that he has a construction project going on that he would like to get finished in the County. He is working with the County to get the approvals, but if that doesn't work out, he could to start over with Sandy City to see if his project could be approved.

Dave Bromley asked if they should bring Joe Goott's property in as a R-1-15 to avoid a rezone later.

Brian McCuiston said that it could be considered but if he wanted to subdivide his lot, he would have to rezone and subdivide in the future.

James Sorensen explained that during an annexation, Sandy City does not typically apply a zone for future development but rather match the County's zone with one that is similar in Sandy.

Joe Goott asked if subdividing would be an issue with Sandy City.

James Sorenson explained that it wouldn't, but it would need to be done after the annexation.

Jamie Tsandes closed this item to public comment.

Jeff Lovell asked how the permit would be annexed into Sandy City if Mr. Goott works with Salt Lake County.

Michael Christopherson explained that Sandy City would honor whatever Salt Lake County decides.

Brian McCuiston said that is correct.

Dave Bromley expressed that it sounds like Mr. Goott is between a rock and a hard place trying to get it figured out with the Salt Lake County.

Michael Christopherson asked if the annexation goes through before Mr. Goott can figure out his permit with Salt Lake County, then would he need to restart the process in Sandy City.

James Sorensen explained that if he is building something that is allowed in Salt Lake County but not allowed in the Sandy City then it would be better to get the approval with Salt Lake County first so the Sandy City can honor it.

Michael Christopherson asked if that would be true with or without the annexation

James Sorensen said yes.

Michael Christopherson asked how that would affect the annexation.

Jeff Lovell explained that if it's allowed by Salt Lake County but not by Sandy City then he wouldn't be in compliance with Sandy City.

Michael Christopherson said that if it is approved by Salt Lake County then Sandy City will honor it but if it's not approved by Sandy City then it probably wouldn't be allowed in Salt Lake County either.

Dave Bromley asked when the annexation becomes effective and what kind of window Mr. Goott will have to try and get this resolved with the Salt Lake County.

Brian McCuistion said around November 1, 2020.

Michael Christopherson asked if they can give Mr. Goott any extra time to be able to work with Salt Lake County.

James Sorensen explained that once it is legally in Sandy City, Salt Lake County can no longer give any jurisdictional approval or zoning on it.

Jamie Tsandes asked if the project has been started or if he was just trying to get approval.

Brian McCuistion explained that he understood that Mr. Goott was already working on the project.

Michael Christopherson asked if that can be the basis for holding up a recommendation for an annexation that is otherwise 87.5% approved and endorsed by the other residents?

James Sorensen explained that the Planning Commission could move it forward to the City Council noting that issue since they will be making the final decision.

Michael Christopherson asked if the City Council can give him any flexibility or leeway could they build into their motion.

James Sorenson explained that would be up to the City Council.

Darien Alcorn, City Attorney, explained that it is partly set by state statute because they have already adopted the resolution of intent, so the deadlines for the rest of the process are set in stone.

Michael Christopherson asked if the Planning Commission were to ask the City Council

to consider the timing as it may impact this one resident, how would that be affective or look like.

Dave Bromley explained that the Planning Commission would just need to make a note of it in the motion and let the City Council make the decision.

James Sorenson suggested that it might be good for Mr. Goott to come in and meet with the Planning Division to see if the project would be allowed in Sandy.

Jamie Tsandes re-opened this item to public comment.

Joe Goott further explained his project on his property and how far along he is in the process.

Jamie Tsandes re-closed this item to public comment.

A motion was made by Michael Christopherson, seconded by Cameron Duncan that the Planning Commission send a positive recommendation to the City Council that the Rossett Green Lane Annexation be approved and zoned R-1-40 and R-1-15 based upon four findings detailed in the staff report with an added request that the City Council take into consideration the timing for Mr. Gootts approval with Salt Lake County as they look at the statutory requirements for annexation.

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

3. [CUP-08-20-5](#) [885](#) Bowen Accessory Structure (Conditional Use - Increased square footage, and to allow a single structure to be over 1500 square feet)
3245 E. Bell Oaks Cir.
[Community #30]

Attachments: [Staff report, documents and map.pdf](#)

Claire Hague presented this item to the Planning Commission.

Jamie Tsandes asked if the applicant will be removing a structure and replacing it with the proposed project.

Dave Bromley asked if there were four structures on the property.

Claire Hague explained that she is only aware of three structures.

Michael Christopherson asked if the carport was considered the fourth structure.

Claire Hague explained that if it is attached to the house it is not considered an accessory structure, but no building permit was obtained for the carport.

Jamie Tsandes read public comment emails into the record.

John Bowen further presented this item to the Planning Commission.

Jamie Tsandes asked where the other structures are on the property.

Claire Hague pointed them out on the presentation.

Jamie Tsandes asked if they are going from four structures to two structures.

Claire Hague said yes.

Jamie Tsandes asked if the applicant read and was comfortable with the staff report.

John Bowen explained that he did read the staff report and is okay with it.

Jamie Tsandes opened this item to public comment.

Karl Budge explained that he thought the plans were a little bit vague and that the project should be moved further north on the property.

Janet Lang explained that the plans were not detailed enough and doesn't know if there will be a lower pitch or if it will have a twenty-five-foot ceiling. She also expressed concerns about the affidavit only clarifying the structure as a rental property, because that doesn't include people who stay in the structure without payment like family and the word dwelling should be used.

Jamie Tsandes closed this item to public comment.

Claire Hague explained the guesthouse process and that the proposed project is not allowed to be a guesthouse.

Michael Christopherson asked if it is okay to change to language in the affidavit to read a "dwelling".

Claire Hague explained that it can be changed if the Planning Commission requires it.

Dave Bromley asked if the open loft is included in the eighteen-hundred square feet footprint.

Claire Hague explained that if the loft stays open so that it can not become a dwelling space it doesn't add any additional square footage.

Dave Bromley explained that the overall roof height is going to have a maximum height of twenty feet.

Michael Christopherson explained that they are not approving a site plan but just a request for the land use and its parameters.

Claire Hague said that was correct and that this provides parameters for building permits and site plans.

Brian McCuiston explained that if the code says that if you have a detached structure that is over two hundred and forty square feet, it has to be within the rear yard of the home, so fully behind the back plane of the house. This code was recently changed so a structure can now be in the side yard, but it has to meet the setbacks of the primary dwelling.

Claire Hague also explained that there are a lot of trees on the property that would help camouflage the structure.

A motion was made by Michael Christopherson, seconded by Dave Bromley that the Planning Commission approve a Conditional Use Permit for John Bowen for the property located at 3245 E. Bell Oaks Circle to allow for an accessory structure as described in the application materials with the qualifications that the request for approval be approved for eighteen forty eight square feet, which is still under the twenty-five percent threshold that Planning Commission has at their discretion based on the two findings and eleven conditions detailed in the staff report with a modification to the following conditions:

1: That the applicant signs a notarized affidavit that states that they will not utilize the structure as a rental unit or as a dwelling of any kind.

6: That the Planning Commission has determined that the size of the structure and architecture materials are compatible with the immediate surroundings and nature of the zone and have no impact on adjacent properties as determined by the staff in the normal course of plan review and approval process.

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

4. [CUP-08-20-5
903](#) Gleason Accessory Structure (Conditional Use Permit requesting increase in height)
12209 Hidden Valley Road
[Community #25]

Attachments: [Staff report, documents and map.pdf](#)

David Rodgers presented this item to the Planning Commission.

Rob Gleason furthered presented this item to the Planning Commission.

Jamie Tsandes asked if the applicant had read and was comfortable with the staff report.

Rob Gleason said yes.

Jamie Tsandes opened this item to public comment.

Jamie Tsandes closed this item to public comment.

A motion was made by Cameron Duncan, seconded by Ron Mortimer that the Planning Commission approve a Conditional Use Permit for Rob Gleason 12209 Hidden Valley Road for a 17' accessory structure as described in the application materials and subject to the two findings and four conditions detailed in the staff report.

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

Public Hearing Item

5. [CODE-09-20](#) Amend Public Notice Requirements
[-5907](#) Amend Title 21, Chapter 36 - Notice Requirements, of the Sandy Municipal Code

Attachments: [Staff Report.pdf](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

[Exhibit D.pdf](#)

Mike Wilcox presented this item to the Planning Commission.

Cameron Duncan asked if the picture taken and posted on the property would be done by staff or applicant and if staff would have a hard time doing it.

Mike Wilcox said that it would be staff and we are comfortable with making sure it's being done.

James Sorensen explained that if staff posts the sign then we have the responsibility to reduce any inconsistencies.

Jamie Tsandes opened this item to public comment.

Steve Van Maren - in favor but thinks the five-day mailings should be longer.

Jamie Tsandes closed this item to public comment.

Jamie Tsandes asked staff to explain the three hundred feet vs the two hundred and fifty feet mailing radius.

Brian McCuiston explained that the three hundred feet distance is the current standard for mailed hearing notice radius. The distinction proposed in subsection 21-26-2(b) is to limit those affected applications to be within two hundred and fifty feet of a residential district. This is similar to use distinctions in the land use matrix where some uses may be a permitted or conditional use if you are within two hundred and fifty feet of a residential zone.

Jamie Tsandes asked if staff went from three to five days for the mailing notices.

Jeff Lovell asked if there was consideration for longer mailing process.

Mike Wilcox explained that the previous mailing notices was three days but moved it to five because it more closely mirrors the current practice. City Council originally left it at the three days but asked staff to consider increasing it from 3 days, and staff felt comfortable moving it to five days.

A motion was made by Jeff Lovell, seconded by Dave Bromley that the Planning

Commission forward a positive recommendation amend Title 21, Chapter 36, Notice Requirements, of the Sandy Municipal Code, as shown in (Exhibit "A") based on the two findings detailed in the staff report.

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

Administrative Business

1. [20-305](#) Planning Commission minutes for 09.03.2020 (Draft)

Attachments: [PC Minutes 09.03.2020 \(DRAFT\).pdf](#)

A all in favor motion was made by Dave Bromley to approve the meeting minutes for 09.03.2020

Yes: 6 - Dave Bromley
Ron Mortimer
Jamie Tsandes
Michael Christopherson
Jeff Lovell
Cameron Duncan

Absent: 3 - Monica Collard
NH Rather
Daniel Schoenfeld

2. Sandy City Development Report
3. 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