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COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE
OFFICER

Staff Report Memorandum August 3, 2023

To: Planning Commission
From: Community Development Department
Subject: WHW Engineering Office (**Revised** Site Plan Review)
733 W. 9000 S.
(Civic Center, Community #2)

SPR10172022-006421_2nd
CVC Zoning
0.82 Acres
8500 Square Feet

Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, at public locations, and a sign posted on site.

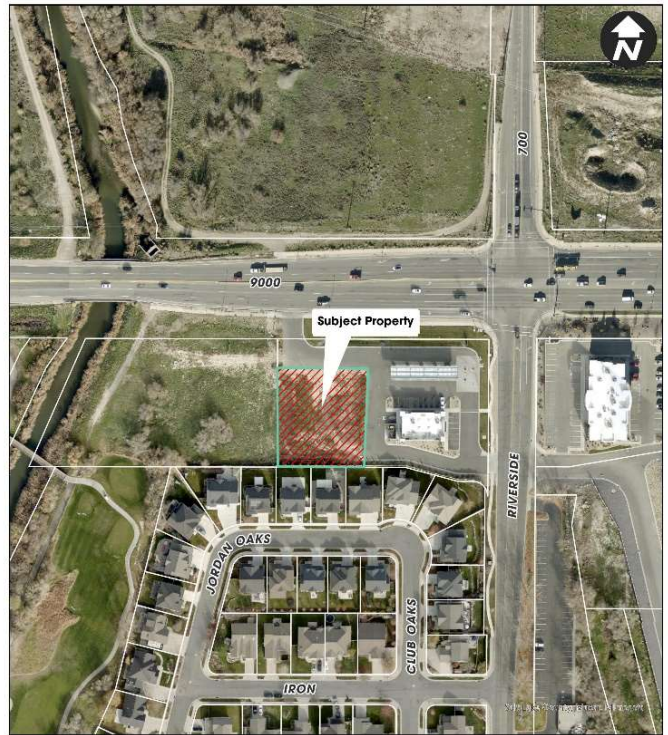
(Note: Blue colored text represents changes from the January 19, 2023, staff report on this item.)

Request

The applicants, Win Packer (property and business owner) and Nathan Williams (architect with AJC Architects) are requesting **Revised Preliminary Site Plan Review** of a proposed professional office building for WHW Engineering on property located at 733 W. 9000 S. **The previously reviewed plan contemplated a change to the cross-access easement along the southern end of the subject property. That easement was not able to be changed and the site plan has caused significant changes to the proposed site plan.** The Planning Commission is the land use authority for commercial site plan review in the Convenience Commercial (CVC) zoning district. The office use is a permitted use in this zoning district.

Background

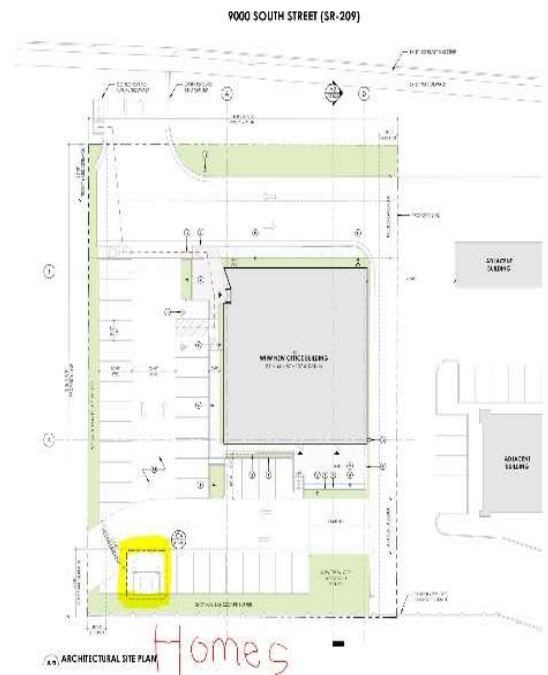
The site is currently vacant. The property is described as all of lot #2, of the Riverside Commons commercial subdivision, recorded in 2020. Lot #1 is the site of the 7-11 convenience store and gas station located abutting to the east of this site. Access to both lots in this subdivision is limited to one existing driveway on 700 W. and one existing driveway on 9000 S. St. Cross access agreements are of record across both lots to connect vehicle access and utilities to the vacant property to the west of lot #2 and the Jordan River (owned by NuPetco Properties, Mr. Wayne Petty.) (See applicant letter (Exhibit "A)).



SPR10172022-006421
Site Plan Review
733 W 9000 S
Community Development Department
Cartography Eleanor Mearns

Property Case History	
Case Number	Case Summary
CUP-5-12-2337	Pro Stop convenience store and gas station (Larry Miller) on 1.76 acres site approved by City but never built. 2012
SUB-07-18-5463	Riverside Commons commercial subdivision of 1.76 acres approved as two commercial building lots by Wright Development Group. Plat recorded 6-9-2020. The 7-11 store with gas station was developed on lot #1 by Wright Development Group and subsequently sold to 7-11 Corporation, who franchised this store to a local ownership entity.
SPR09212022-006407	Site Plan Review approved for this site and this building with different south access driveway location and parking stall location. Approved January 19, 2023.

Commercial property is located along this portion of 9000 South Street, which is a major arterial street and a Utah State Highway. To the south and abutting this property are single family residential homes, which were developed prior to any development of the CVC zoned property. Although the City has not changed any zoning in this area for the last several decades, many of the current residential property owners were unaware that the vacant property between their homes and 9000 South Street was zoned for commercial development. Therefore, the development of the 7-11 site caused much concern to the residential neighbors, who were very active during the approval and construction phases of the 7-11 project. The property ownership history of the CVC zoned property along 9000 South Street is important. Originally, all of the CVC zoned property was purchased by the NuPetco entity. The Larry H. Miller Family then purchased from NuPetco the east 1.76 acres of the property. This was done in 2012. The Miller Family sought approval from the City to build a Larry Miller themed gas station and convenience store on the east 1.76 acre property. As part of this sale to Miller, NuPetco retained certain access and utility easements, which are shown on the Riverside Commons subdivision plat. These prior easements, together with the site grading and incomplete utility stubbing thru the Riverside Commons plat area, have compounded the difficulties of construction now facing the owner of lot #2.



Public Notice and Outreach

A neighborhood meeting was held on December 7, 2022, (on the original site plan layout) to consider the application for the new professional office building. A mailed notice for that meeting was sent to all property owners of record within 500 feet of the site.

A second mailed meeting notice was sent to all property owners of record within 500 feet for the January 19, 2023, Planning Commission meeting. In addition to mailed notices, the Planning Commission meeting agenda was published and posted in the usual and required locations and web sites for public view. A notice sign was also posted to the property prior to the Planning Commission meeting. The notices for the August 3, 2023 meeting to consider the Revised Site Plan have been mailed and posted as required, but no new Neighborhood meeting was held.

At the December 7, 2022, Neighborhood meeting, five residents from the abutting neighborhood attended the meeting

virtually. Their concerns focused upon:

1. The proposed dumpster location being only five feet distant from the 10-foot wall.
2. The access driveway continuing to the west being **located** behind their homes.
3. The anticipated increased traffic on the access driveway behind their homes.
4. The vehicle headlight spillage over the wall, casting bright lights upon their house windows.
5. Many issues with the 7-11 site development and operations.
6. The site grade changes to raise the grade by seven feet on the 7-11 site, which degrades the mitigation proposed by the ten-foot-tall masonry wall.

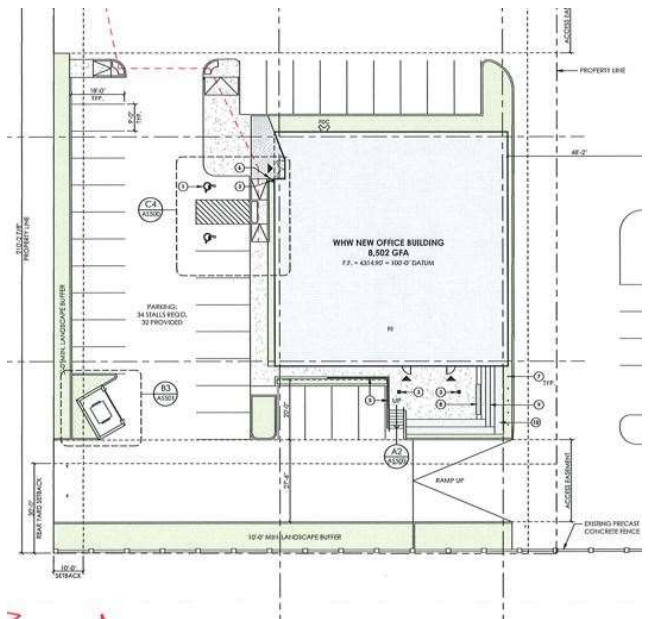
Staff also received an email from Jen Archuleta, stating that the neighbors had met after the City sponsored neighborhood meeting and stating renewed concern over the dumpster location and requesting that it be shifted to the north on the property. They also requested that if the south access driveway could not be eliminated that it be gated temporarily to prevent its use between the properties. Finally, the neighbors were requesting that the south facing windows located on the mezzanine level (second level) be eliminated or changed out to skylights. (See attached email correspondence from Jen Archuleta dated December 11, 2022).

Analysis

Access. Vehicle access to this entire CVC zoned area is restricted by both the Sandy City (700 West Street) and by UDOT (9000 South Street). UDOT has previously approved the shared driveway existing on 9000 South Street. Shared driveways and access easement restrictions have been applied to these properties since 2012. **The original Site Plan Review approval was based upon the applicant’s belief that the property owner to the west (NuPetco Properties, Wayne Petty) holder of the vehicle access easement reserved in 2012, was willing to allow this vehicular access to be shifted to the north 18 feet from its deeded location.**

Shifting the deeded vehicle access easement to the north had multiple advantages for the original site plan. First it would shift the location of the vehicle access 18 feet further away from the residential properties. Second, it would place the office worker’s vehicles to be parked between the 10-foot-high wall and the 10-foot-wide landscaping strip, to help buffer noise from vehicles using the east/west access road traffic. Third, it allowed for the required vehicle access to serve “double duty” as the maneuvering space for double banked parking stalls. Forth, it pushed the office building closer to 9000 S. St. and did not place any vehicle parking stalls between the office building and the 9000 S. Street frontage.

During the finalization of the original site plan layout, the applicant was informed that the NuPetco property owner to the west, was no longer interested in allowing the deeded vehicle access easement to be shifted to the north. This decision made the approved site plan impossible. The applicants then decided to pursue a revised site plan layout that did not alter the deeded easement location. The result is the revised site plan before the Planning Commission for review now.



The result of the revised site plan is that the proposed east/west vehicle access will be constructed just 10 feet north of the 10-foot-high wall and the 10-foot-wide landscaped buffer strip required by City ordinance. The change will also cause this vehicle

access driveway to no longer serve “double duty” as the vehicle maneuvering space for a double banked parking area, but now serves just a single bank of parking on the north side of the access, against the building. The building will also shift 18 feet closer to the homes. Finally, the vehicle parking stalls previously located on the south side of the rear access driveway have been shifted to the north side of the building, between the building and the 9000 S. Street frontage.

This revised plan also shifts the dumpster enclosure to the north, away from the residential properties as requested by the neighbors.

Vehicle access to all of the properties zoned CVC will be adequate. (See plan set drawings (Exhibit “B”).

Parking. Parking requirements for a professional office use is required at four parking stalls per one thousand gross square feet of floor space. This building will contain 8,500 Square feet total, equating to 34 parking stalls. Due to accommodations required by the existing cross access easements and the location of the dumpster enclosure required by City Code, the revised site plan only allows 33 parking spaces. Sandy City ordinance code section 21-24-3-C (1), allows the Community Development Director to grant parking reductions of up to ten percent, based upon criteria listed in the ordinance section. The request of a parking reduction of approximately three percent (one stall) is recommended and will be determined during final Site Plan Review by City staff. (See plan set drawings (Exhibit “B”). [\(Same for the Revised site Plan\).](#)

Architectural Design & Materials. The architecture of the building is very modern, as shown on the attached building elevations and renderings. The architectural design, building colors and materials meet the Sandy City Architectural Design Standards. The design is very accommodating to the difficult site and to the existing vehicle access and utility easements. (See plan set drawings (Exhibit “B”). [\(Same for the Revised Site Plan.\)](#)

Landscaping. Proposed landscaping will meet the city requirements and the existing tree planting located along the existing ten-foot wall will be replanted and intensified to help improve vegetative buffering to the south. Landscaping will be adequate. (See plan set drawings (Exhibit “B”). [\(Same for the Revised Site Plan.\)](#)

Signage. Signage for the new building and site will be limited to one monument sign on 9000 South Street and wall signs on the building and will be approved in the future by separate permit. [\(Same for the Revised Site Plan.\)](#)

Fencing. No new fencing is proposed for the site. The wall height between the commercial property and the residential property was resolved previously (during the 7-11 site plan review process), concluding that no additional wall height is required. [\(Same for the Revised Site Plan.\)](#)

Staff Concerns. [Planning Staff's concern with the Revised Site Plan is the increased impact upon the residential neighbors to the south as to vehicle noise and disruption that will be experienced by the installation and location of the deeded easement.](#) [Otherwise,](#) the use proposed is appropriate for the site and the site and building designs provide reasonable mitigation of potential negative impacts to the abutting neighborhood, while still allowing the desired use of the property by the owner.

Recommendation

Staff recommends that the Planning Commission determine that preliminary site plan review is complete for the proposed WHW Engineering Office, located at 733 W. 9000 S., based on the staff report, and following two findings and subject to the following eight conditions:

Findings:

1. The use is a permitted use in the CVC zoning District.

2. Building and site design will minimize potential adverse impacts to the abutting residential community and will still allow reasonable use and development of the property.

Conditions:

1. That the developer proceeds through the final site plan review process with staff prior to the start of any construction. The final site plan shall comply with all Development Code requirements and those modifications required or allowed by the Planning Commission.
2. That the developer consult with a Landscape Architect as to the design of an enhanced tree planting plan that will maximize the potential noise and light buffering effect as possible, within the 10-foot-wide landscaping buffer strip located on the south property boundary, with said plan to be approved by City staff before landscaping installation begins.
3. That the development complies with all Building & Safety, Fire and Life Safety Codes applicable to this type of use.
4. That the requested approximate three percent (one parking stall) parking reduction be granted by the Community Development Director upon his satisfaction that the reduction is justified by a future Parking Demand Analysis or Market Demand Analysis during final site plan review by City staff.
5. All utility boxes (i.e., transformers, switchgear, telephone, cable TV, etc.) shall be shown on the site plan and shall be placed underground or moved behind the front setback of the buildings and screened from view. Each box shall be shown in its exact location and shall be noted with its exact height, width, and length. Building utility meters shall be mounted to the side or rear elevation or screened.
6. That the developer be responsible for the placement of a temporary six foot (6') tall chain link fence around the perimeter of the project during the construction phase of the project for security. Said fence shall also be required to include fabric to prohibit blowing dust problems if it becomes necessary or if it is required by the Community Development Department during Site Plan Review.
7. That the applicant complies with all department requirements as noted in all Preliminary Review letters prior to submittal for final site plan review with staff.
8. That all signage be reviewed and approved under separate permits and be in conformance with City Code.

Planner:



Douglas L. Wheelwright
Development Services Manager

File Name: S:\Users\PLN\STAFFRPT\2022\SPR10172022-006421_2nd WHW Engineering
Exhibit "A"



WHW ENGINEERING, LLC.
CONSULTING
MECHANICAL
ENGINEERS

December 28, 2022

Sandy City Building Department
10000 Centennial Pkwy
Sandy City, Utah 84070

ATTN: Doug Wheelwright
RE: 733 West 9000 South Plan Overview

Dear Sandy City Planning Commission,

The purpose of this letter is to give a background into our company and necessity for building a new office building. WHW was founded by Steve Wadsworth in 1985 and is a consulting engineering firm specializing in HVAC and plumbing design. We do a lot of work for the State of Utah as well as local governments and private owners.

Our company has been steadily growing over the last 37 years and we are currently at 17 full time equivalent employees. We are currently located a few blocks away from the new site on 8619 S Sandy Parkway, suite #101. We have outgrown our current office space and are looking to get more space and decided to build a new building since we are in the design and construction business. We purchased the lot earlier this year. We are a typical a Monday to Friday 8 am to 5 pm company. Our office is primarily used for our own staff to work on engineering and design projects, so we have relatively little traffic to our building.

During the design process we tried to take into consideration the residential houses to the south and work with the grade changes to the east. We feel that we have come up with a good solution to help minimize concerns. Here are just a few of the considerations that were used during the design:

- To help with privacy and minimize disruption to the south residents, we pushed the building as far north away from the residences as possible. We are planning on providing the required parking stalls around the south and west portions of the building. This keeps the building more than 50 feet from any of the houses to the south.
- We have been told that one of the biggest complaints from the neighbors about the east (7-11) lot is that the elevation of that lot causes the headlights from the 7-11 customers to shine into the houses at the south. Our building will be set much lower than the adjacent 7-11 building. The building will have a single story and two-story portion, similar to the residences, and it will have the 1st floor at an elevation similar to the residences as well. The second story portion will have a floor level similar to the adjacent 7-11 main floor.
 - o Keeping the site elevation at the same level of the houses means that this will maintain a taller retaining wall on the north. This also keeps most of the lot relatively flat to help keep headlights from going into the residential

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8619 South Sandy Parkway, Suite 101 - Sandy, Utah - 84070
p. 801.466.4021 - f. 801-466-8536

- houses. The main grade change is along the south side and that would project headlights behind the adjacent building and not towards the houses.
- We have tried to work with the neighbor to the west to modify easements and remove access along the south side but have not been able to make that happen, so we are maintaining the required utility and access easements.
- As mentioned above, we are a Monday – Friday 8-5 business and don't anticipate a lot of traffic outside of those hours, so there will not really be an increase in headlights to begin with. The neighboring business has more traffic at all hours which has caused the homeowner's stress. We feel that we are the best possible fit, in terms of type of business, for the residents concerns with traffic. We had to outbid some investors that wanted to put retail on the lot, which would have brought a lot more traffic and a lot more hours of operation. We don't have a lot of clients that visit our office regularly so there isn't going to be a lot of added traffic outside of the employees in our office.
 - We are providing the required planting and offsets from the property line, which are required by Sandy City to give the residents their privacy. It also appears that the trees that were currently provided north of the concrete wall were not planted in a way that facilitates their growth. They were planted very close to the fence. We plan to improve the tree layout, planting in a way to allow for better growth, as well as adding irrigation. We want our view to be trees, and it sounds like the neighbors will like that view as well. The mass of our building, combined with the trees at the fence, will create a better sound buffer from 90th south, as well as a more visually appealing view.
 - The residents mentioned concerns with the trash enclosure, primarily because of the noise and possibly smells from the 7-11 dumpster. We are planning to install the required dumpster enclosure at the southwest end of the lot. The residents asked if we could move it farther to the north. We have evaluated different scenarios and cannot find a way to maintain site lines to the north drive, as well as well adequate dump truck access if it is moved to the north.
 - The city does require a 5' distance between the dumpster enclosure and the adjacent property, and we are planning to double that at 10' of separation. This will allow for trees to be planted between the dumpster enclosure and the 10' fence to the residences.
 - It sounded like the biggest concern was the noise associated with the dumpster pick up at the 7-11. We will not have near the traffic, and anticipate dumpster pick up to be only 2-4 times per month. We can contract with the trash removal services to pick up during business hours, so that the 2-4 times a month the truck comes, it will not be early in the morning or later in the evening.
 - We have very little trash that largely includes normal office trash such as paper and lunches. This should also help alleviate concerns with smells as we are not a food establishment.
 - We have tried to make the building visually appealing using a lot of nice architectural metal panels and clean window layout on all 4 building elevations. This is not a retail establishment with a fancy storefront and a back of house area, we want this building to be appealing to both our employees as they come to work, as well as to our neighbors all around.

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MECHANICAL
ENGINEERS**

- There was a question about possibly eliminating the windows at the south of the building facing the residential houses. Our understanding is that this may be a privacy concern, but it would have a significant impact on the usefulness and experience of our people in the building. We have an open office space on the southwest portion of the building, future mezzanine office space on a partial second level on the east side, back of house areas pushed up against the hill, and enclosed offices on the north side. One of the items that is very appealing for a better workplace and work environment are daylight and views, so the windows are a crucial part to this. We also want to have good views from the office, so the area immediately south of the 2 story windows, between our office and the residential area, will have an extended planted with additional trees and plants. This, combined with the distance from the residences, and the lower overall building elevation should really minimize the potential concerns for privacy. The main entrance will be located on the northwest corner of the building, as far away from the residential houses as possible.
- The infrastructure for a looped fire sprinkler line was not installed previously (although it had been required by previous easements.) We are working to correct the previous shortcomings and get that installed to meet fire flow requirements and the water line loop requirements of the city.
- We have designed the site lighting to maintain a safe area if employees are at work a little late, as well as for security and crime deterrent when we are not at the office. This lighting has been designed to maintain 0-foot candles at the residential property line, as required by Sandy City, so there should not be any light bleed over from our site to the adjacent residences.

Our company, as well as our architectural, civil, and electrical consultants have really put a lot of thought and effort into making this a great work environment where employees want to come and work and feel safe, while also making it an improvement for our neighbors.

We appreciate your time in reviewing this project and reading this letter. If you need additional information or have any questions, please do not hesitate to contact our office. Thank you.

Sincerely,

Win Packer
Brad Lash
WHW Engineering

GENERAL NOTES:

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE UTAH CONSTRUCTION CODE AND ALL APPLICABLE ORDINANCES.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
- 5. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS OF ALL WORK DONE.

EXTERIOR FINISHES

LOCATION	FINISH
CEILING	PAINT
WALLS	PLASTER
FLOORS	CONCRETE
ROOF	ASPH/FLT
EXTERIOR WALLS	BRICK
FOUNDATION	CONCRETE
DOORS	WOOD
WINDOWS	ALUMINUM
ROOFING	ASPH/FLT
PAVING	ASPH/CONC
LANDSCAPING	GRASS

NOT FOR CONSTRUCTION

**WHW ENGINEERING
NEW OFFICE**

KEYED NOTES:

- 1. SEE GENERAL NOTES FOR FINISHES.
- 2. SEE GENERAL NOTES FOR MATERIALS.

BUILDING ELEVATIONS

DATE: 08/15/22

PROJECT: 2022-01

SHEET NUMBER: **A201**

