



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

October 18, 2018

To: Planning Commission

From: Community Development Department

Subject: 7-Eleven Convenience Store Conditional Use
711 West 9000 South Street
[Civic Center, Community #2]

CUP-07-18-5462
CvC Zone
0.994 Acres

Public Notice: In addition to the posting of the meeting agenda, this project was noticed for this meeting to property owners within 500 feet of the subject property, by U.S. Mail delivery. A Neighborhood meeting was held on this project on September 12, 2018. The neighborhood meeting was well attended.

DESCRIPTION OF REQUEST

The applicant is requesting that the Planning Commission review and approve the proposed conditional use application for a new 7-Eleven branded Convenience Store with gasoline sales and also requesting 24/7 extended operating hours which is also a conditional use when located within 250 feet of a residential use or zoning. The Planning Commission is the approval body for Conditional Uses.

BACKGROUND

The applicant, Mr. Logan Johnson, representing Wright Development Group, is requesting that the Planning Commission allow two conditional uses associated with the proposed new 3,050 square foot 7-Eleven branded retail convenience store, proposed on the currently vacant property located on the southwest corner of 700 West Street (AKA Riverside Drive) and 9000 South Street. (See applicant letter requesting the Conditional Uses, attached.)

CONDITIONAL USE ANALYSIS

Conditional Use consideration for gasoline sales associated with a retail convenience store, and for extended operating hours to 24 hours/7 day a week. Under the Sandy City Development Code, the Planning Commission, through the Conditional Use process, can: **approve** Conditional Uses if no mitigation of reasonably anticipated detrimental impacts is necessary; **approve** Conditional Uses, subject to reasonable conditions designed to mitigate or eliminate reasonably anticipated detrimental impacts; or **deny** Conditional

Uses, if it is determined that reasonably anticipated detrimental impacts cannot be adequately mitigated. The burden of mitigating these impacts or effects is the responsibility of the applicant and not of the municipality or adjacent property owners (Section 15A-33-04).

Compliance with Section 15A-33-04 Conditional Use Permit

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address these standards:

1. Size, configuration and location of the site and the proposed site plan layout.

The layout is properly designed and located. The site is adequately sized for the proposed new building. The proposed gasoline dispensing area includes a canopy roof and is located toward 9000 South Street, with the retail building placed between that street and the residential backyards.

2. Proposed site ingress and egress to existing and proposed roads and streets.

The ingress and egress to and from the site will be adequate for use by this facility, provided that UDOT allows the shared driveway on 9000 South Street.

3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and street, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.

All of these public facilities presently exist at the site, are functioning, and will not be detrimentally impacted by the proposed Conditional Uses of the property.

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

Adequate vehicle parking will be provided as per the Sandy City Development Code. Parking for the retail store will meet the 5 parking stalls per 1,000 square feet of gross building square footage standard. The proposed trash dumpster has been relocated from the south side of the building to the west side and is now farther away from the residences than before.

5. Site circulation patterns for vehicular, pedestrian and other traffic.

Site circulation will be sufficient for the use as designed on the site plan, provided that UDOT allows the shared driveway on 9000 South Street.

6. Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

The building design, materials, and colors meet the zoning requirements and the Sandy City Architectural Design regulations. The proposed building has been modified to increase the parapet height and to meet the unique Sandy City architectural regulations and to better screen the residential properties from light and noise activities generated by the gasoline dispensing area, located to the north of the building. The building entry is on the north side of the building, which is where the customer coming and going will take place.

7. The location and design of all site features, including proposed signage, lighting, and refuse collection.

This standard will be met. Signage is not included in this process and must be subsequently applied for and reviewed by City staff. Site lighting is required to be directed downward and to not spill directly onto adjoining residential properties. A site photometric plan has been developed for this site. Light spill was a general concern for the residents who attended the neighborhood meeting. Refuse collection will need to be by a commercial contractor. Dumpster trash collection activities must be restricted to 7:00 A.M. or later and not after 10:00 P.M. due to residential proximity.

8. The provision of useable open space, public features, and recreational amenities.

This standard is not applicable.

9. 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 site landscaping will be installed as part of this site plan approval as shown on the attached plans. An 8-foot high minimum solid masonry wall is required along the south property boundary to help screen the commercial activity from the residential uses. Since the neighborhood meeting, the applicant has modified his plans to extend the 8 foot masonry wall westward for the full extent of their ownership, and also to extend the 10 foot wide landscape buffer to the west end of their ownership. Landscaping is to be densified with the use of more trees and a majority of the trees being conifer, so as to not lose their leaves in the winter, and provide better screening. These items were of concern to the neighbors attending the neighborhood meeting.

10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

*This facility will be subject to the noise limits imposed by the County Health Department. The building location and the gasoline dispensing area canopy will help buffer the noise and light. There will not be any unusual vibration, smoke, dust, and debris or plant materials nuisance factors after development of the building and site. **Odors from gasoline and car exhaust will be present and will negatively impact the residential properties during operating hours. Noise from vehicles coming and going, opening and closing doors, and people***

talking will be present during all operating hours and will be a detrimental impact to the residential properties during operating hours. Some measure of mitigation of these negative impacts can be achieved by the building and site-planning efforts put forth. However, these negative impacts cannot be eliminated, except by limiting the business hours during the deep nighttime period, Midnight to 6:00 A.M.

11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife and plant life.

This standard is not generally applicable. The gasoline storage tanks will be underground and installed with the required double wall construction with spill monitoring, and inspected by the State of Utah.

12. The regulation of operating hours for activities affecting normal schedules and functions;

The applicants are requesting that the normal business hours of operation, 6:00 A.M. to 10:00 P.M., seven days a week, be extended to 24 hours a day, seven days a week. Staff has identified negative impacts that cannot be fully mitigated during business operating hours (see#10 above). Therefore, staff recommends that the requested extended business hours be limited to 6:00 A.M. to Midnight, in order to reduce the impact of the new development on the existing residential community abutting the site to the south.

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

The conditional use will be reviewable upon legitimate complaint, and any new impacts arising can then be addressed through the imposition of additional mitigating measures, by the Planning Commission.

14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

Measures to ensure compliance will be enforced by the Sandy City staff upon citizen complaint or staff observance and will be adequate to mitigate potential violations of approval conditions.

15. 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.

Staff suggest the conditions listed at the bottom of this report, 1 to 5.

STAFF RECOMMENDATION

Staff recommends 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 above analysis of the Conditional Use Standards and the three **additional findings listed below and subject to the following five conditions:**

FINDINGS:

- A. That the various City Departments and Divisions, including the City Engineer and the Transportation Engineer, have preliminarily approved the proposed related site plan.
- B. That the proposed site-planning, building design, landscaping and buffer wall will provide considerable mitigation of reasonably anticipated detrimental impacts of the development upon the abutting residential properties, but 24/7 operations are not appropriated at this site due to residential proximity.
- C. That the proposed gasoline sales use and the extended business hours request has been reviewed by staff considering the 15 standards contained in the Sandy City Development Code, 15A-33-04, Conditional Use Process, and appropriate and adequate mitigation measures will be implemented or will be imposed as deemed necessary to minimize impacts to the abutting residential community, subject to the following conditions.

CONDITIONS OF APPROVAL:

1. That the applicant proceed through final site plan approval with staff as required by the Sandy City Development Code.
2. That the Conditional Use Permit for the gasoline sales and extended business hours, be extended only to 6:00 A.M. to Midnight and be reviewed upon future legitimate citizen complaint or staff observation of non-compliance with conditions.
3. That the applicant be responsible to meet all provisions of the Sandy City Development Code and all conditions of approval that are included in this report and as may be imposed by the Planning Commission to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. That UDOT must allow the right-in-right-out shared driveway on 9000 South Street.
5. That fuel deliveries and the dumping of the trash by commercial trash removal service be limited to 7:00 A.M. to 10:00 P.M.

Planner:

Reviewed by:



Douglas L. Wheelwright
Development Services Manager

Doug Wheelwright

From: Raju Pusapati <rp1070@gmail.com>
Sent: Wednesday, September 12, 2018 10:12 PM
To: Doug Wheelwright
Subject: Concern related to proposed 7-Eleven convince store at 9th south 7th West

Hi Doug,

Greetings!

Thank you for organizing the meeting today (Wednesday). I could not make it even though I wanted to due to some conflicting appointment. I did get the meeting minutes fro my neighbor.

I live in the 746 plot and I learned that the bigger fence will stop at 740. This is a concern because after the store comes up there will be people roaming or camping around and they can easily jump over our backyard wall. THis is a big security risk. I would like to have the city extend the higher fence behind my home too. I am also concerned about the bright lighting behind my backyard.

Please advise.

Thanks,
Raju.



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Neighborhood Meeting Summary – Community #2

Date: 9.12.18

Location: City Hall – Multipurpose Room

Community #/Name: #2, Civic Center

Community Coordinator: Pete Keers

Project Name: 7- Eleven

Number of Attendees: 16

Applicants: Wright Development Centerville, UT

Number of Invitees: 52

Length of Meeting: 90 minutes

Notice Radius: 500 ft.

Project Description: Proposed project is a new 7-Eleven convenience store with gasoline sales, that will be open 24/7, on approximately 1 acre of a 1.76-acre property parcel, located on the southwest corner of 700 W (Riverside Drive) and 9000 South.

Community Concerns:

1. Access from 9000 S - UDOT says they will not allow access from 9000 S but applicant thinks they will. There is still a discussion to be had. if UDOT says no access from 9000 S then this project won't happen.
2. Traffic
 - a. People doing U-Turns
 - b. 9000 S and 700 W light system would need to be fixed
 - c. Not just the immediate intersection but a half mile away in both directions – speeds need to be lower
 - d. Flow issues
 - e. Freeway interchange traffic lights will bottleneck this intersection
 - f. Left-hand turn going west bound on 9000 S – a lot of wrecks in this intersection this will cause much more
 - g. Residents would want a dedicated left-hand turn signal
 - h. 9400 S and 500 W there is only a stop sign and a lot of accidents happen here. This will add traffic to it. We need a light here. Need to let Britney Ward know.
3. Too many convenience stores around – why do we need another one?
 - a. What other developers has been interested in this space, is there an alternative company that could come in?
4. Business hours – 24/7
 - a. Why does it have to be 24/7 if primary interest of applicant is morning commute?



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- b. Residents would rather have a restaurant or something that isn't open 24/7. They are very worried about 24/7
- c. Can they not be 24/7? Can it be open from 7 AM – 11 PM? Applicants say no, not likely
- 5. Smells – dumpster location
 - a. Dumpster will be covered by metal doors, but residents are worried about the smell
- 6. Noise Issues
 - a. Can a noise barrier wall be put in? – Ordinance is 8 ft wall height masonry wall at a minimum, but they could add height to that, residents would like it to be higher it would be at the same site as the current wall. Is the wall going to be on just this portion of the site or the entire property?
 - b. **Residents would like tall trees included to keep lighting and noise out – evergreens or some form of tree that does not lose its leaves**
- 7. Light pollution
 - a. They will be using directional lighting for gas pumps which will lessen the pump lighting, but they are also worried about the marquee signs and fuel signs
 - i. In Sandy you can't have the big signs the sign should be on 9000 S and the residents won't even see it from their homes
 - b. There will be two lights on the rear of the building but it shouldn't reach homes
 - i. **Residents still want trees to try to block the light**
 - ii. Applicant plans to plant 3 trees but residents want more
- 8. Safety
 - a. They aren't worried about robbery, they are worried about the people it will draw to the site to loiter in the parking lot
 - i. 7-Eleven night clerks have to go through training to deal with loitering
 - ii. They will make sure they get the good night clerk at this location
 - b. Transient individuals camping near Jordan River Parkway coming to the convenience store. This will be the prime location for them to come.
- 9. Privacy/Proximity to existing homes
 - a. Building is 22 ft tall – so the residents shouldn't see the gas pumps
 - b. Building would be 45 ft setback from south fence line
- 10. One resident is not in favor of a gas station at all
- 11. Property values going down is a big concern
 - a. Resident is wondering if the applicant can do a study to see if home values have gone down around other 7-Elevens
- 12. Is there a chance that this project will not happen?
- 13. 700 W – there are a lot of semi-trucks being parking on the road – this is an issue the city needs to look into

Neighborhood Meeting – Sign-In Sheet

September 12, 2018

	Name	Email	Cell Phone Number
1	Winnie Kandala	Winnim@outlook.com Winnim@outlook.com	Nm 801 576-6608
2	Jim Kandolin	jakandoli@outlook.com	801-674-7859
3	Candy Page	page61@gmail.com	801-258-1023
4	Brett Rhodehouse	brett@rhodehouse.net	801-942-6752
5	Pete Kees	ptkeese@yahoo.com	801-201-1990
6	Angela Salerno	ernangie@outlook.com	801-389-7009
7	Chase Peterson	Chase.Peterson@7-11.com	385-218-1123
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Neighborhood Meeting – Sign-In Sheet

September 12, 2018

	Name	Email	Cell Phone Number
1	KEVIN DEMPSEY	ked114@msn.com	801-979-1339
2	Morgan Thompson	megragnie@gmail.com	801-455-0117
3	Car Tolentino	otolentino@hotmail.com	801-244-7527
4	Jen Archuleta	jenni.archuleta@gmail.com	801-793-0563
5	Jenny Sosa	Jennyjbrera@hotmail.com	801-953-0197
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CONDITIONAL USE EXPLANATION LETTER

Sandy City Staff and Public Officials,

As part of the application for this product, we are requesting approval for two conditional uses that are important to the permitted use of the property. 24 hour business operation and sale of alcohol on the premises.

Staff has expressed concerns about headlights, store lighting and noise that may occur due to business operation after the hours of 10:00 pm. Some ideas on how to mitigate these may include building height and placement, lighting considerations, fencing/screening etc. We are prepared to discuss and implement these ideas through discussions with the cit. We look forward to the city identifying any issues related to the sale of alcohol that we can mitigate.

These conditional uses will allow for a small amount of traffic to access the property during the night.

These conditional uses are not in contrast to the public interest. Gas stations provide an important service to the community via the accessibility of fuel, food, and other items offered for sale. These conditional uses are important to the success of the permitted use and therefore keep the character of the zone.

Thank you for your consideration.

Logan Johnson
Wright Development Group

