



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

March 18, 2021

To: Planning Commission
From: Community Development Department
Subject: Jackson's "C" Store Conditional Uses Review CUP-03-21-6004
1295 E. 10600 S. Street 0.878 Acres
[Community #12] CC Zone

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 as well as a notice sign posted on the property.

PROPERTY CASE HISTORY	
CASE NUMBER	CASE SUMMARY
SUB-01-20-5789	Lot line adjustment to assemble three property parcels into one for the purpose of enlarging the site for commercial use. Completed Feb. 25, 2020.

REQUEST

The applicant, Mr. Jason Sandberg with Curtis Miner Architects, representing the property owner, Scott Stom, with Jackson's Food Stores, Inc., of Meridian, Idaho, is requesting that the Planning Commission consider a request for preliminary Commercial **Site Plan Review and Conditional Use for a new automotive self-service gas station, beer sales for off-premise consumption and extended business hours from 6:00 A.M. to midnight** on the property located at 1295 E. 10600 S. Street in Sandy. The Planning Commission is the land-use authority for these requested actions.

BACKGROUND

The site is currently occupied by an existing Chevron automotive self-service gas station, car wash and convenience store, which will all be demolished in preparation for the new development. The property is located in the Community Commercial (CC) zoning district. A Conditional Use Permit is required due to the location of residential zoning within 250 feet (West) of the property. This Conditional Use Permit also triggers the requirement for the City to hold a neighborhood meeting to gather comments and input from the neighbors, prior to scheduling the matter for a decision by the Planning Commission. The Site Plan Review will be considered in a separate staff report on this same agenda.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on this project on February 11, 2021 via Zoom. No one from the public attended the virtual meeting. Staff did not receive any correspondence relative to the meeting or the project. Staff received one phone call generated by the mailed notice for that meeting. The caller inquired but did not voice any objection to the rebuilding of the use on this expanded site.

CONDITIONAL USE ANALYSIS

Conditional Use consideration for: Automotive Self-Service Gas Station; Off-premise Beer Sales and Extended Business Hours within 250 feet of Residential Zoning, in the Community Commercial (CC) Zoning District.

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 21-33-04).

Compliance with Section 21-33-04 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 buildings.

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 these facilities.

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 these public facilities either presently exist at the site and are functioning or are proposed to be improved and expanded by the proposed site improvements. These public facilities will not be detrimentally impacted by the proposed Conditional Use 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 by the surface parking on the site.

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

Site circulation will be sufficient for the use as designed on the site plan.

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 Standards for commercial buildings.

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

This standard will be met. Site signage is not included in this review but must be by separate application.

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 companion Site Plan Review Staff Report. This standard will be met.

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. There will not be any unusual vibration, smoke, dust, and debris or plant materials nuisance factors after development of the building and site. A site photometric plan has been provided to the City to determine acceptable site lighting parameters.

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.

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

Extended business hours are restricted to 6:00 A.M. to 10:00 P.M. in this zoning district when within 250 feet of residential zoning. The conditional use process is designed to solicit neighborhood concerns about reasonably anticipated negative impacts from the extended

business hours beyond the normal limits. This site has been used similarly and with similar extended hours by the Chevron Gas station, without any conditional use permitting and has not been a problem for the neighborhood. There is a newly installed 8 foot high masonry wall along the west commercial zoning boundary, which is also the residential zoning boundary and the Sandy City limit boundary. The new building will be positioned between the neighborhood and the gas pumps and parking lot, to help further buffer the neighborhood from excessive noise and light trespass. The proposed extended business hours will be prohibited during the dark night hours of midnight to 6:00 A.M.

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 by the Planning Commission, through the imposition of additional mitigating measures

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

Measures to ensure compliance will be enforced by the Sandy City staff through detailed building and site plan review, upon citizen complaint or by 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.

To mitigate any potential negative impacts to the City and the neighborhood, staff suggest the conditions listed at the bottom of this report, 1 to 3.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **grant** the Conditional Use requests to allow **Automotive Self-Service Gas Station; Beer Sales for Off-premise Consumption and 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 three 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 and infrastructure improvements, building design and the existing 8 foot masonry wall will provide substantial mitigation of reasonably anticipated

detrimental impacts of the **Automotive Self-Service Gas Station, Off-premise Beer Sales and Extended Business Hours to 6:00 A.M. to Midnight.**

- C. That the proposed land use request has been reviewed by staff considering the 15 standards contained in the Sandy City Development Code, 21-33-04, Conditional Use Process, and appropriate and adequate mitigation measures will be implemented or will be imposed as deemed necessary to minimize impacts to the surrounding business community, subject to the following conditions:

CONDITIONS OF APPROVAL:

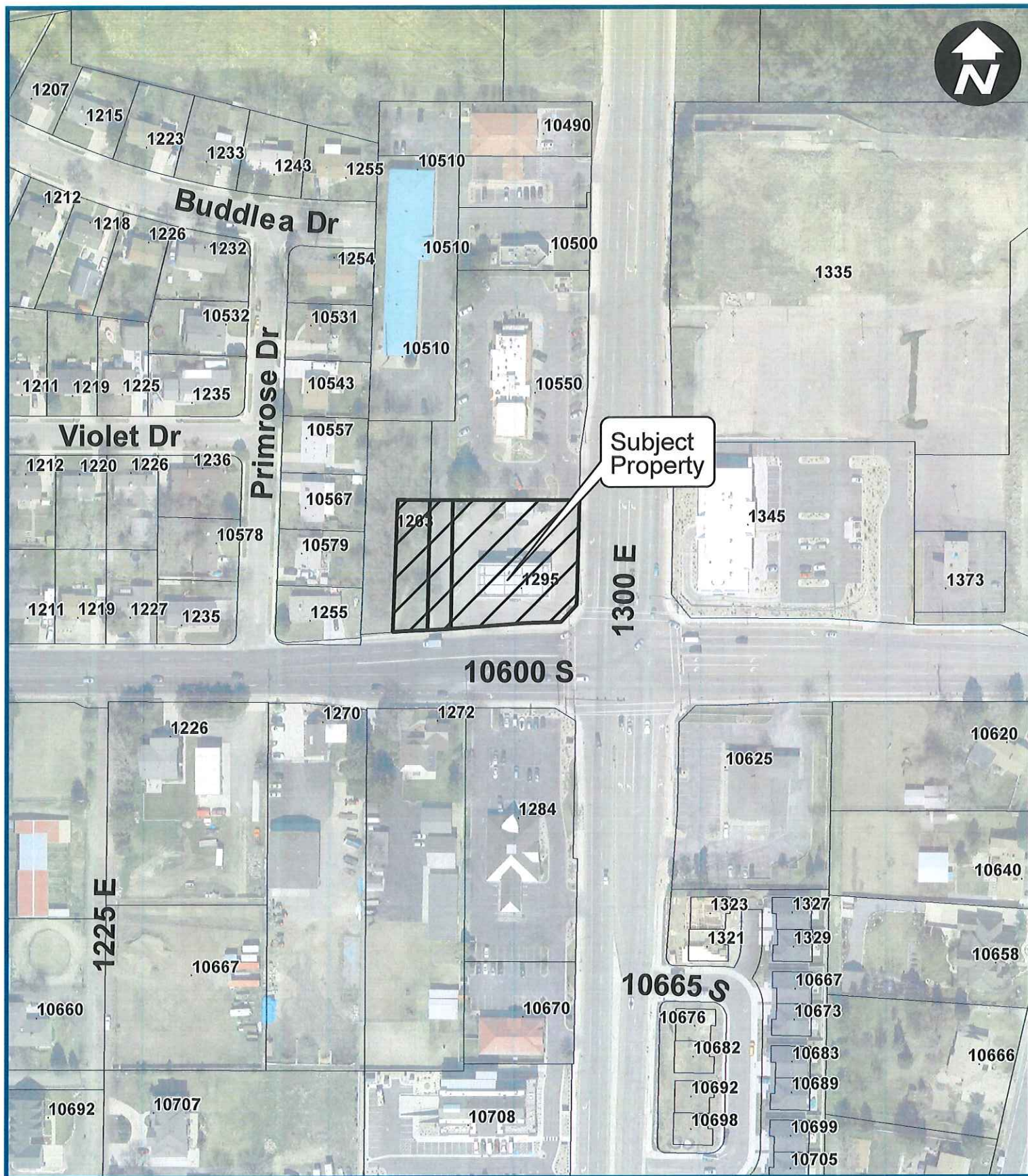
1. That the applicant proceeds through final site plan approval with staff as required by the Sandy City Development Code.
2. That the Conditional Use Permit for **Automotive Self-Service Gas Station, Beer Sales for Off-premise Consumption and Extended Business Hours to 6:00 A.M. to Midnight** be reviewed 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 uses.

Planner:

Reviewed by: *BM*



Douglas L. Wheelwright
Development Services Manager



SPR-10-20-5932 & CUP-03-21-6004
Jackson's Fuel Store
1295 E. 10600 S.



PRODUCED BY DAVID RODGERS
THE COMMUNITY DEVELOPMENT DEPARTMENT

Conditional Use Permit Narrative

December 9, 2020

Applicant:

Jacksons Food Stores, Inc.
2350 E. Commercial Ct.
Meridian, ID 83642

Contact:

Scott Stom
Office: 208.884.6788
Mobile: 208.830.7528
Email: Scott.Stom@jacksons.com

Project:

Jacksons Store 191 Rebuild
1295 E 10600 S
Sandy, Utah 84094

Parcel: 280030, 280032, 280034

Overview

Jacksons Food stores currently operates a c-store at this property location. They would like to demo the existing store and fuel canopy and replace it with a new, larger, and updated c-store building with a new gas canopy. The use on the property and in the store will remain the same as it currently is, but will have a larger store with more expanded offerings. This project will have a dramatic improvement for the surrounding neighborhood and local community.

The Conditional Use being proposed for this location:

1. **Hours of Operation:** The current city ordinance requires that the store operate between the hours of 6:00 AM to 10:00 PM. The current store operates between 6:00 AM to 12:00 AM and we would like to continue these hours of operation with the new store.
2. **Beer Sales:** We would like to continue the sale of Beer at this location within the new c-store. This is a product offered commonly within the convenience store industry and by many adjacent convenience stores locally. Jacksons Stores will obtain appropriate licenses to sell beer as required by the local jurisdiction.



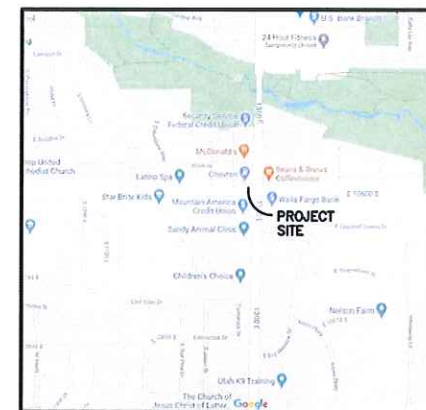
MARCH 5, 2021 3:15 PM

Project Narrative/Notes/Revisions

- 09/28/20 JM - COMPLETED DESIGN FOR CLIENT & CITY REVIEW.
- 10/01/20 JM - CLIENT AND CITY COMMENTS
- 10/05/20 JM - CLIENT AND CITY COMMENTS
- 12/14/20 JM - CLIENT COMMENTS
- 12/15/20 JM - CLIENT COMMENTS
- 01/19/21 JM - CLIENT COMMENTS
- 01/25/21 JM - DUMPSTER REVISIONS
- 02/10/21 JM - CITY COMMENTS.

Jackson's C-Store 1295 E 10600 S Improvement Plans

SANDY CITY, SALT LAKE COUNTY, UTAH
SEPTEMBER 2020



Vicinity Map
NOT TO SCALE



REVISIONS	DESCRIPTION
DATE	

Jackson's C-Store
1295 E 10600 S
SANDY CITY, SALT LAKE COUNTY, UTAH

Cover/Index Sheet

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- Sheet 3 - Existing/Demolition Plan
- Sheet 4 - Proposed Site Plan
- Sheet 5 - Grading/Utility Plan
- Sheet 6 - Civil Details
- Sheet 7 - Storm Water Pollution Prevention Plan Exhibit
- Sheet 8 - Storm Water Pollution Prevention Plan Details
- Sheet 9 - Landscape Plan
- Sheet 10 - Irrigation Plan
- Sheet 11 - Irrigation Details



Engineer's Notice To Contractors

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM AVAILABLE INFORMATION PROVIDED BY OTHERS. THE LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ALIGNMENT AND/OR GRADE OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO CONTACT THE UTILITY COMPANIES AND TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN, AND ANY OTHER LINES OBTAINED BY THE CONTRACTOR'S RESEARCH, AND OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

Developer Contact:

Jason Sandburg
Curtis Miner Architecture
233 S Pleasant Grove Blvd
Pleasant Grove, Utah, 84062
PH: (801) 769-3000

Project Contact:

Project Manager: NATE REEVE
Project Engineer: KEN HUNTER

Project Info.

Engineer:
J. NATE REEVE
Drafter:
J. MEYERS
Begin Date:
APRIL 2020
Name:
JACKSON C-STORE
SANDY
Number: 6789-16

Sheet
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Sheets

