



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUIH  
CHIEF ADMINISTRATIVE OFFICER

## NOTICE OF PUBLIC MEETING

Dear Property Owner,

On **Thursday, March 21, 2019, at 6:15 P.M.**, the **Sandy City Planning Commission** will consider a **REVISED** plan and **NEW INFORMATION** relative to the previously considered development project for a new 7-Eleven Convenience Store, located at approximately 711 W. 9000 South Street. On October 18, 2018, this project was considered by the Planning Commission, and approved with conditions which limited the hours of operation to 6:00 A.M. to 12:00 Midnight. The applicants had requested 24/7 operations. Since that time, the applicants have revised the proposed site plan and provided noise impact and light trespass studies, in an effort to mitigate anticipated adverse impacts of the project development upon the neighboring residences and to quantify noise and light trespass impact concerns.

The meeting will be held at the Sandy City Hall , 10000 South Centennial Parkway, in the City Council Chambers, Room 211, located on the west end of the second floor.

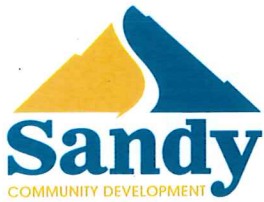
If you have questions or comments concerning this proposal, please attend this Meeting. You may also contact **Doug Wheelwright**, Development Services Manager at **801-568-7255 or by email at [dwheelwright@sandy.utah.gov](mailto:dwheelwright@sandy.utah.gov)** before 3:00 P.M. the day of the meeting, and he will answer questions. Written comments received in the office before the meeting will be forwarded to the members of the Planning Commission.

We are sending this courtesy notice to known property owners within 500 feet of this proposal. Please pass this information on to others who you think may also be interested.

Thank you,

SANDY CITY PLANNING DIVISION

PLEASE SEE THE MAP LOCATED ON THE REVERSE SIDE OF THIS NOTICE.



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## Neighborhood Meeting Summary – Community #2 Civic Center

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**Date:** 2/29/2019

**Location:** 711 West 9000South

**Community #/Name:** Community #2 Civic Center

**Community Coordinator:** Pete Keers

**Project Name:** 7-Eleven Convenience Store

**Number of Attendees:** 7

**Applicants:** Wright Development Group

**Number of Invitees:** 50

**Length of Meeting:** 1 hour 20 minutes

**Notice Radius:** 500 ft.

**Project Description:** Wright Development Group has requested Site Plan Review, a Commercial Subdivision and a Conditional Use Permit for extended business hours to 24 hours, 7 days a week (24/7) associated with a proposed 7-Eleven Convenience store with gasoline sales, on property located at approximately 711 West 9000 South Street.

### **Community Comments:**

- How high will the will the fence be? The fence will now be 10 ft from the 7-11 side at land level.
- The building will be built on a slope that will vary about 5 ft thru out the length of the building. There will be a buildup to level out the building.
- A resident of one of the homes backing the 7-eleven had a question about cars using the dirt field as a parking lot. Cars will not be allowed to use that space to park. There will be a curb on the driveway.
- The 7-Eleven property owner is in charge of upkeep on the vacant lot grass maintenance.
- There will be trees and other vegetation (EVERGREEN ) planted to help with lights, noise & appearance in the 10 ft wide landscape buffer, against the new wall.
- There may be a need for a separate fence if the home owners choose not to let the builder back it. In that case there may be a need for a gate to be installed to keep people out of the space between the 2 fences.
- There will be trees to help with light spill as well.

## Doug Wheelwright

---

**From:** Archuleta Home <archuleta.home@gmail.com>  
**Sent:** Saturday, March 09, 2019 1:30 PM  
**To:** Doug Wheelwright  
**Subject:** Proposed 7-11

Doug,

I was unfortunately stuck at parent teacher conferences on the 28th. My neighbor passed along the meeting notes to me though. I'm a little concerned with the changes. I am no longer getting a 10' wall on my side and adding pine trees to the plant screen does nothing for our bedrooms on the second floor until they grow to maturity which we all know will take several years. I have no issue with a 7-11 occupying that lot, I do have a serious issue with it being open 24 hours.

Jen Archuleta  
734 W Jordan Oaks Dr

## Doug Wheelwright

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**From:** Doug Wheelwright  
**Sent:** Tuesday, December 11, 2018 9:48 AM  
**To:** 'Justin Atwater'  
**Cc:** Brian McCuistion; James Sorensen; Jared Gerber  
**Subject:** RE: Sandy 7-Eleven Studies

Justin: Did you attach the whole body of information in the two "reports" to this email? I have reviewed the material sent and cannot draw the same conclusions that you relate in your e-mail narrative. I do not see any written report or conclusions from the report writer/author on the light study and cannot read the light level numbers on the exhibits. May I suggest that you deliver a fully printed copy of the report materials with full sized exhibits that can be read by an old guy with bifocals?

I cannot forward what I received to the Planning Commission in hopes of them doing any better than I in interpreting the information. Please respond. Thanks. Doug

---

**From:** Justin Atwater <Justin@wrightdevelopmentgroup.net>  
**Sent:** Monday, December 10, 2018 3:22 PM  
**To:** Doug Wheelwright <DWheelwright@sandy.utah.gov>  
**Subject:** Sandy 7-Eleven Studies

Hi Doug:

Thank you for your time last week. After the Planning Commission meeting on our CUP for 24 Hour use we commissioned two separate studies. We engaged Spectrum Engineering to study the impacts discussed by the planning commission; namely noise and light. I have attached for your review both of those studies. If you recall from the PC meeting, we suggested the amount of light and noise added by a 24-hour convenience store during the dark night time hours: (1) was nominal and had no detrimental impact; and (2) would be less than other permitted uses.

### Light Study

The Light Study considers all projected grades, site plan and wall as approved by the PC. It does not contemplate the vegetation as we wanted to demonstrate the impacts before planting. The measurements were modeled using candles. Spectrum has provided varying scenarios and car locations and angles to provide the best illustration of possible outcomes. The car used in the model is a Honda Pilot (averaged size SUV). Note the measurements shown are for the moment the light passes a particular surface or home it is not a constant light (just the intensity for the moment the light passes). You will see from the model the greatest impact at any one angle and moment is a +.04. This means about 1/4 of the light of a single candle for the brief moment the light passes. We can demonstrate what that would look like in a window with and without blinds, but by practical and measurement standards that is a very, very small amount of light for a very momentary beat. The general summation of the report is that the impacts from light are almost zero and any modeled impacts would have no detrimental impacts.

### Noise Study

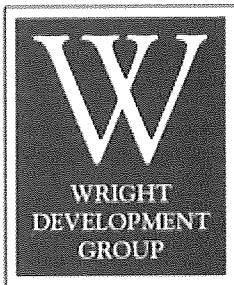
The noise study analyzes three components: (1) the current noise on our sight during the dark night hours; (2) the noise generated during the dark night hours at a nearby 24-hour 7-Eleven in South Jordan; and (3) using the prior two, the projected noise on the Sandy sight during the dark night hours assuming a fully operating convenience store. The model analyzes various potential noises - laughing, cars starting and cars taking off. The model places these potential noises at the perceived most detrimental locations. The study is very compelling and supports the arguments and assumptions we made before the Planning Commission. You will see from the study, the current site noise level is in excess of any noise generated by the 24-hour store in South Jordan and is quite high. You will also see from the model and the conclusion that even assuming people laughing, a car starting and a car taking off at the same time, the simultaneous noise generated by those events will not add to

the overall ambient noise at the site. This is because the added noise is below the noticeable threshold given the existing ambient noise on site. Note also, similar to the light study, all these noises are momentary and not persistent so the impacts are actually far less than modeled.

In sum, these studies support the positions we took in the PC meeting, namely there are no detrimental impacts from a 24-hour use on this site specifically because of the existing characteristics of the property. Even the Planning Commission was not able to identify a real impact. Rather it suggested there was a potential hypothetical impact (even though it needed significant evidence in the record to suggest there was an impact). We believe these studies provide the supporting information for the record that the condition use for 24-hours would not detrimentally impact the property and the permit should be granted. We would like the Planning Commission to either reconsider the application or consider anew the application, but wanted to get your review and thoughts.

Please review the attached and let me know if you have questions.

Thanks,



**Justin Atwater**  
Wright Development Group  
1178 W. Legacy Crossing Blvd, Suite 100  
Centerville, Utah 84014  
Office +1 801 773 7339  
Direct +1 801 913 0258  
Fax +1 801 773 7355  
[justin@wrightdevelopmentgroup.net](mailto:justin@wrightdevelopmentgroup.net)

## Doug Wheelwright

---

**From:** Spencer C. Little <scl@spectrum-engineers.com>  
**Sent:** Friday, December 21, 2018 9:32 AM  
**To:** Logan Johnson; Doug Wheelwright; Justin Atwater  
**Cc:** Brian McCuistion; James Sorensen; Jared Gerber; Sarah Rollins; Michael C. Fackrell  
**Subject:** RE: Sandy 7-Eleven Studies

Logan,

The headlight simulations were performed using (2) 100 watt, 1000 lumen lamps. The maximums measured were the maximums on a vertical plane at the stated distances. These values were recalculated and the values obtained were virtually the same. We would anticipate real world measurements to give similar outcomes.

Thanks,



**Spencer C. Little, P.E.**  
Principal Electrical Engineer

Direct: 801-401-8495  
Mobile: 801-635-7533

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---

**From:** Logan Johnson <Logan@wrightdevelopmentgroup.net>  
**Sent:** Thursday, December 20, 2018 4:17 PM  
**To:** Doug Wheelwright <DWheelwright@sandy.utah.gov>; Justin Atwater <Justin@wrightdevelopmentgroup.net>  
**Cc:** Brian McCuistion <bmccuistion@sandy.utah.gov>; James Sorensen <jsorensen@sandy.utah.gov>; Jared Gerber <jgerber@sandy.utah.gov>; Spencer C. Little <scl@spectrum-engineers.com>; Sarah Rollins <sxr@spectrum-engineers.com>  
**Subject:** RE: Sandy 7-Eleven Studies

Spencer Little: Can you confirm that the distance and light values are correct in the overhead and side view illustrations on the last page of the "Light Calculations" PDF? Staff was surprised at how quickly the foot candle measurement decreased. You used feet and we wondered if it was supposed to be yards.

Just reply to this group email with your response.

Thanks,

Logan Johnson | Wright Development Group | 801.649.9798

**From:** Logan Johnson  
**Sent:** Thursday, December 20, 2018 1:48 PM  
**To:** 'Doug Wheelwright' <[DWheelwright@sandy.utah.gov](mailto:DWheelwright@sandy.utah.gov)>; Justin Atwater <[Justin@wrightdevelopmentgroup.net](mailto:Justin@wrightdevelopmentgroup.net)>  
**Cc:** Brian McCuiston <[bmccuiston@sandy.utah.gov](mailto:bmccuiston@sandy.utah.gov)>; James Sorensen <[jsorensen@sandy.utah.gov](mailto:jsorensen@sandy.utah.gov)>; Jared Gerber <[jgerber@sandy.utah.gov](mailto:jgerber@sandy.utah.gov)>; Spencer C. Little <[scl@spectrum-engineers.com](mailto:scl@spectrum-engineers.com)>; Sarah Rollins <[sxr@spectrum-engineers.com](mailto:sxr@spectrum-engineers.com)>  
**Subject:** RE: Sandy 7-Eleven Studies

Doug, I am bringing down the updated reports now. They are attached as well.

Logan Johnson | Wright Development Group | 801.649.9798

**From:** Doug Wheelwright <[DWheelwright@sandy.utah.gov](mailto:DWheelwright@sandy.utah.gov)>  
**Sent:** Tuesday, December 11, 2018 12:38 PM  
**To:** Justin Atwater <[Justin@wrightdevelopmentgroup.net](mailto:Justin@wrightdevelopmentgroup.net)>  
**Cc:** Brian McCuiston <[bmccuiston@sandy.utah.gov](mailto:bmccuiston@sandy.utah.gov)>; James Sorensen <[jsorensen@sandy.utah.gov](mailto:jsorensen@sandy.utah.gov)>; Jared Gerber <[jgerber@sandy.utah.gov](mailto:jgerber@sandy.utah.gov)>; Logan Johnson <[Logan@wrightdevelopmentgroup.net](mailto:Logan@wrightdevelopmentgroup.net)>; Spencer C. Little <[scl@spectrum-engineers.com](mailto:scl@spectrum-engineers.com)>; Sarah Rollins <[sxr@spectrum-engineers.com](mailto:sxr@spectrum-engineers.com)>  
**Subject:** RE: Sandy 7-Eleven Studies

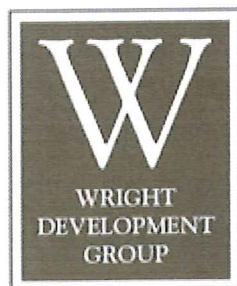
Great. Thanks. I will have a look when I get the material. Regards. Doug

**From:** Justin Atwater <[Justin@wrightdevelopmentgroup.net](mailto:Justin@wrightdevelopmentgroup.net)>  
**Sent:** Tuesday, December 11, 2018 11:35 AM  
**To:** Doug Wheelwright <[DWheelwright@sandy.utah.gov](mailto:DWheelwright@sandy.utah.gov)>  
**Cc:** Brian McCuiston <[bmccuiston@sandy.utah.gov](mailto:bmccuiston@sandy.utah.gov)>; James Sorensen <[jsorensen@sandy.utah.gov](mailto:jsorensen@sandy.utah.gov)>; Jared Gerber <[jgerber@sandy.utah.gov](mailto:jgerber@sandy.utah.gov)>; Logan Johnson <[Logan@wrightdevelopmentgroup.net](mailto:Logan@wrightdevelopmentgroup.net)>; Spencer C. Little <[scl@spectrum-engineers.com](mailto:scl@spectrum-engineers.com)>; Sarah Rollins <[sxr@spectrum-engineers.com](mailto:sxr@spectrum-engineers.com)>  
**Subject:** Re: Sandy 7-Eleven Studies

Good morning Doug. I'm sorry you are unable to view the reports. Logan will bring you hard copies. That said, zooming in using pdf gives me the closest view of the data (but I do have a big monitor). They've done a great job color coding the report for easier understanding. My e-mail below simply restates the data in narrative format not drawing inferences or conclusions. I think the data speaks for itself. Hopefully the hard copy you allow you to see it.

I have also copied Spencer Little and Sarah Rollins with Spectrum Engineers to this e-mail. I'm sure they are happy to explain any questions you have about the reports or data.

Thanks,



**Justin Atwater**  
Wright Development Group  
1178 W. Legacy Crossing Blvd, Suite 100  
Centerville, Utah 84014  
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Direct +1 801 913 0258  
Fax +1 801 773 7355  
[justin@wrightdevelopmentgroup.net](mailto:justin@wrightdevelopmentgroup.net)



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## Memo

RECEIVED

**To:** Logan Johnson  
**Company:**  
**Job:** Sandy 7-eleven Light Study  
**Job No.**  
**Re:**  
**From:** Spencer Little, PE  
**Date:** 2018-12-17  
**Distributed Via:** Email

**Cc:**  
**email:**

DEC 20 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

**phone:** (801) 401-8495  
**email:** scl@spectrum-engineers.com  
**page:** 1 of 2

To whom it may concern,

Regarding the light study that was performed by Spectrum Engineers for vehicles entering the 7-eleven property the following study was performed.

A lighting calculation was performed using software called Visual Lighting. This software allowed for light to be simulated for headlights in different situations. Multiple vehicle location scenarios were calculated to give a better idea of the impact of headlights with the houses proximate to the 7-eleven location.

Many factors were taken into consideration for the lighting calculations. A Honda Pilot was selected as an average sized vehicle for the calculations. The Pilot has a wheelbase of 111 inches and a headlight height of 36 inches. The typical angle for headlights on a vehicle is a 2 inch drop every 25 feet, however the calculations in this study were calculated assuming the headlights were not at a downwards angle when the vehicle was on flat ground.

The 12 inch street gutter was used in the calculations. Using the wheel base of the Pilot and the gutter depth the maximum angle the headlights would rise to was calculated at 6 degrees. This 6 degrees was used in all of the calculations providing a worst case scenario.

The measurements were done in foot candles. With the worst possible case measured being .4 foot candles. This converts to 4 lux. The maximum street lighting trespass recommendations from the Illuminating Engineering Society (IES) is 10 lux. Based on the Lighting calculations performed we would anticipate the actual lighting levels to be below the levels shown. One reason is the slope of the lot. This was not taken into





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consideration in our calculations but we anticipate the actual foot candle calculations being less because the actual height of the car will be lower than the wall in the model.

Note that this calculation was done using no landscaping next to the wall. If landscaping were added next to the wall (trees), we would anticipate the light level trespassing past the wall, to be less thus decreasing the light levels on the homes and windows.

In conclusion,

The light level simulated at a maximum of 4 lux from the headlights is well below the maximum recommended trespass level of the IES standard. The calculations were done based on worst case scenarios to account for any discrepancies. Based on these findings it is Spectrums opinion that there will be no issues with headlights and light trespass into the neighboring homes.

Respectfully,

By: 

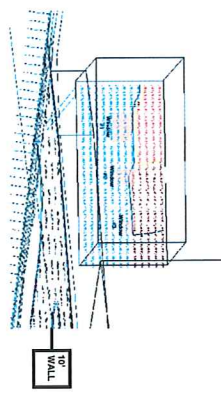
Spencer C. Little, P.E. Associate Principal Electrical Engineer



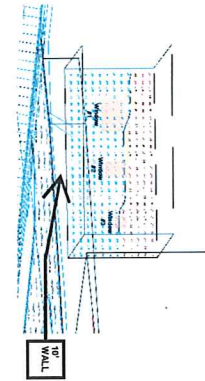
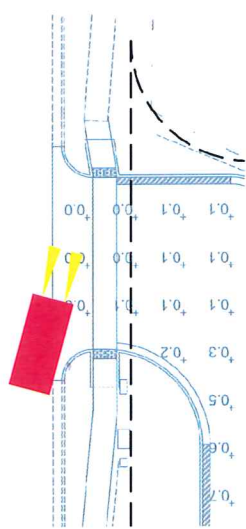
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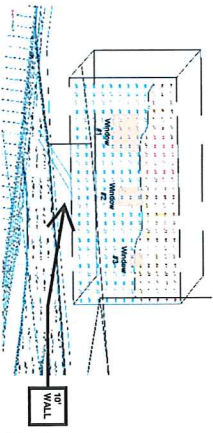
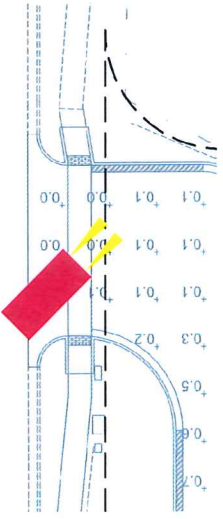
4 LIGHT CALCULATIONS (HOUSE 1)



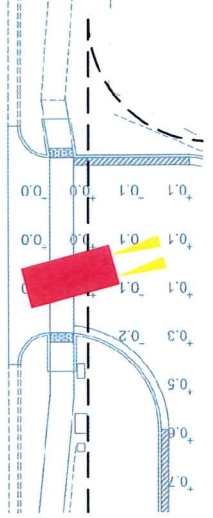
1 LIGHT CALCULATIONS (SCENARIO 1)



2 LIGHT CALCULATIONS (SCENARIO 2)



3 LIGHT CALCULATIONS (SCENARIO 3)



4 LIGHT CALCULATIONS (SETUP 1)

GENERAL NOTES	
The following values were used in the lighting calculations.	
VEHICLE	HONDA PILOT
LUMENS PER HEADLAMP	1000
HEADLIGHT HEIGHT	36"
HEADLIGHT ANGLE (DOWN)	6 degrees
STREET GUTTER	12"
WHEELBASE	111"



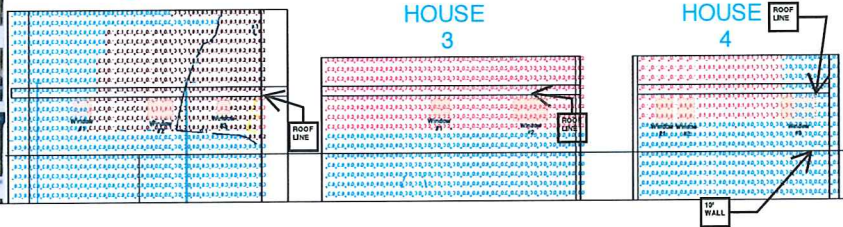
ES1.1P

ELECTRICAL SITE  
PHOTOMETRIC  
PLAN

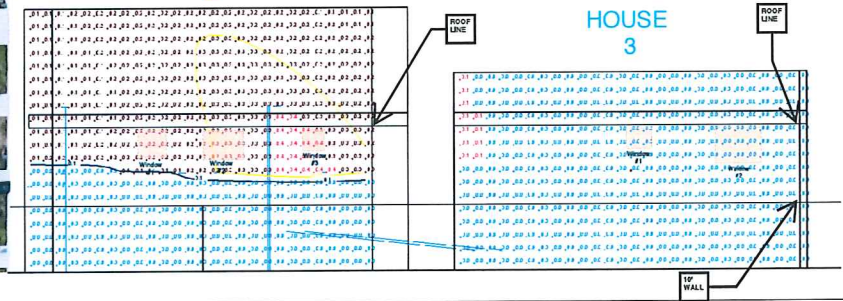
7-ELEVEN  
715 W. 9000 S. SANDY, UT



PROJECT NUMBER	18074
ISSUE DATE:	
REVISIONS:	
No.	Date



1 LIGHT CALCULATIONS (SCENARIO 7)



2 LIGHT CALCULATIONS (SCENARIO 8)

PROJECT NUMBER  
18074

ISSUE DATE:

REVISIONS:  
No. Date

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ELECTRICAL SITE  
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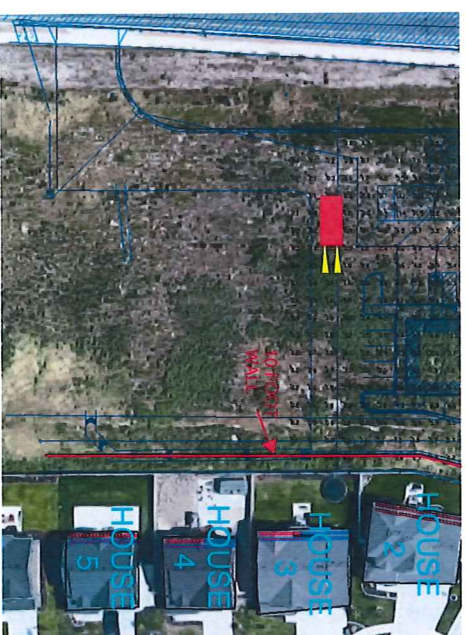
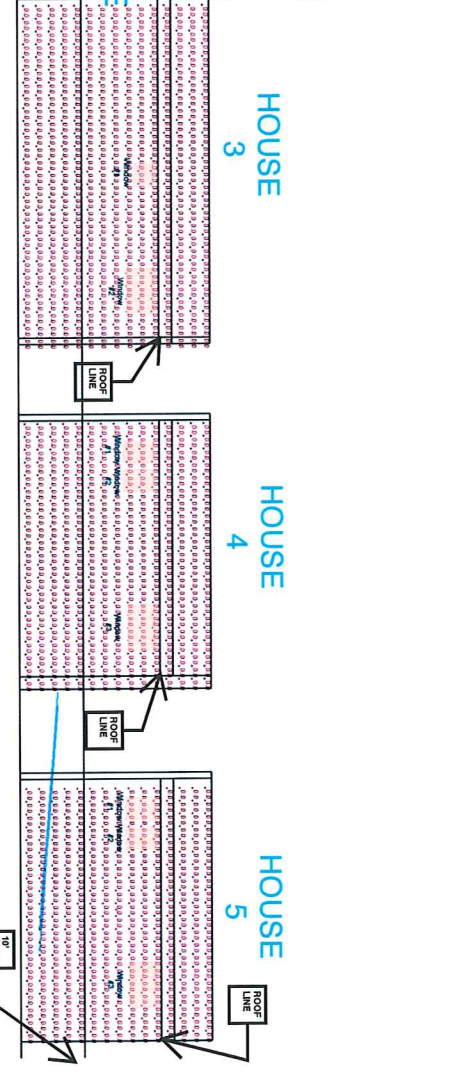


**JZW**  
ARCHITECTS

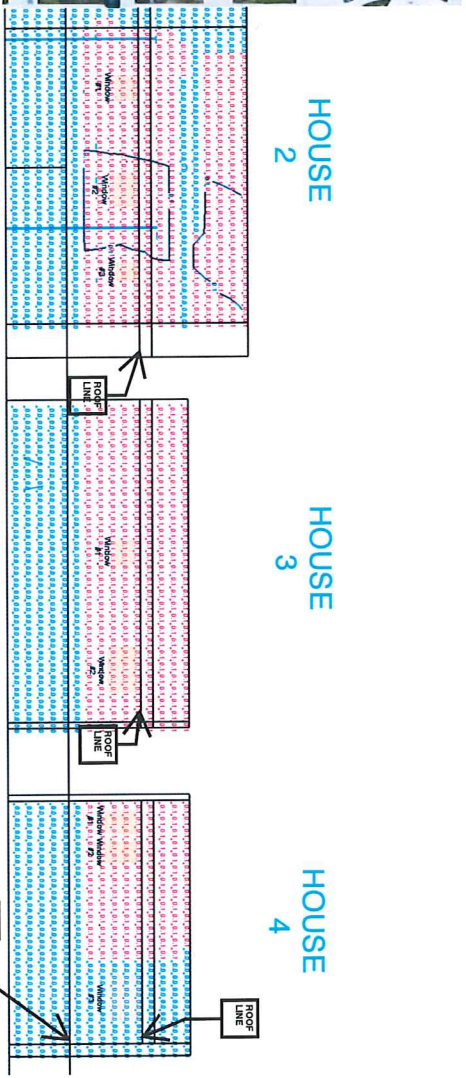
File Name: G:\001\Architect\Hatchwork\001\ES1.4P.dwg, Issue Date: 2018/07/24, 8:32:27 PM, By: rmanila



1 LIGHT CALCULATIONS (SCENARIO 5)



1 LIGHT CALCULATIONS (SCENARIO 6)



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ES1.3P

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SPECTRUM ENGINEERS 234 S. GARDEN BL., SUITE 4100 SANDY, UT 84085 PHONE: 801-252-7277 FAX: 801-252-5155 WWW: WWW.SPECTRUMENGINEERS.COM



1 LIGHT CALCULATIONS (HOUSE 2,3,4,5)



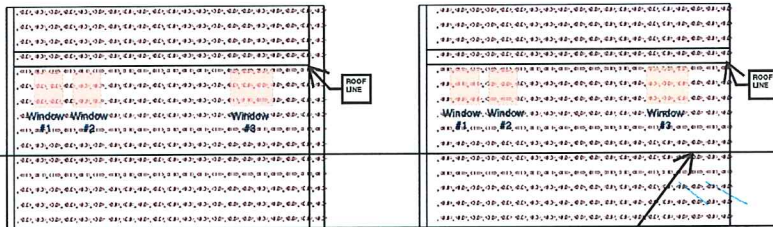
2 LIGHT CALCULATIONS (SETUP 2)



3 LIGHT CALCULATIONS (SCENARIO 4)

HOUSE 4

HOUSE 5



PROJECT NUMBER  
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ISSUE DATE:

REVISIONS:  
No. Date

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December 13, 2018

Justin Atwater  
 Wright Development Group  
 1178 W. Legacy Crossing Blvd, Suite 100  
 Centerville, UT 84014  
[justin@wrightdevelopmentgroup.net](mailto:justin@wrightdevelopmentgroup.net)

RECEIVED  
 DEC 20 2018  
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**7-ELEVEN SANDY – ACOUSTIC STUDY, revision 1**

We appreciate the opportunity to work on the ambient noise study for the new 7-Eleven store in Sandy, UT. The following report documents our measurements and analysis for the noise from this new store to surrounding neighbors. These recommendations are based on the observations and sound level measurements made at an existing 24/7 store in South Jordan and at the site for the new store during the last week of November.

MEASURED SOUND LEVELS

*Ambient Measurements*

To determine the existing ambient sound level for each location, hourly equivalent sound levels ( $L_{eq}$ ) were measured at the west property line (A) of the South Jordan store, and the south property line (B) of the Sandy site on November 26-27 and November 27-28, respectively. Site maps showing these locations are in Appendix A and the equipment used is listed in Appendix B. For both locations, the microphone was approximately 6' above the ground. Given the size of the noise source (roadway) compared to the microphone, the sound level up 10' to 15' feet above this location is expected to be essentially the same.

Table 1 summarizes the measured ambient levels for each location between the hours of 10 p.m. and 6 a.m.

**Table 1: Nighttime ambient levels at each location (dBA,  $L_{eq}$ ).**

	Min	Max	Average
South Jordan	45.8	56.1	52.7
Sandy	55.5	62.5	59.8

*Predicted Sound Levels*

There are several noise sources at the 7-Eleven that could affect the neighboring areas. These include people laughing, cars starting, and cars taking off. In order to predict the sound pressure level due to these noise sources at the south property line, SoundPLAN software was used to create a three-dimensional computer model of the sound propagation from the new 7-Eleven store. This software uses industry standard equations for outdoor sound propagation to predict sound levels at various locations, while accounting for barrier and buildings between the noise sources and the receivers. The following table summarizes the results of this model. A site plan showing the house locations is in Appendix A.



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**Table 2: Predicted sound levels at nearby houses for each noise source (dBA, Leq).**

Sound Source	House 1	House 2	House 3	House 4	House 5
People Laughing	25.9	37.9	36.4	35.3	34.2
Car starting	34	47.7	45.2	44.2	43
Car taking off	36.6	38.5	39.4	39	39.8
Car door closing	33.9	46.5	44.3	43.2	42
Total (simultaneous)	39.9	50.6	48.5	47.6	46.7

### CONCLUSIONS

Table 1 shows that at a similar 24/7 store, even with the activity from the store, the overall average sound level between 10 p.m. and 6 a.m. is noticeably quieter than the existing ambient sound level at the new site. As shown in Table 2, the predicted sound levels for the 7-Eleven sound sources, even if they all happen at the same time, are still lower than the existing ambient nighttime levels, by 5-30 dB. For decibels, a source that is quieter by 10 dB (or more) does not add to the overall sound level.

Also note that per the Salt Lake Valley Health Department Health Regulation #21<sup>1</sup>, garbage collection cannot take place between the hours of 10 pm and 7 am, since the dumpster is within 300 feet of the south (residential) property line.

We can provide additional information or guidance if necessary. Please call if there are further questions.

Sincerely,

SPECTRUM ENGINEERS

Sarah Rollins, M.S., INCE  
Acoustician

<sup>1</sup> Salt Lake Valley Health Department Health Regulation #21, *Community Noise Pollution Control*, Amended August 2, 2012, Under Authority of Section 26A-1-114, Utah Code Ann.



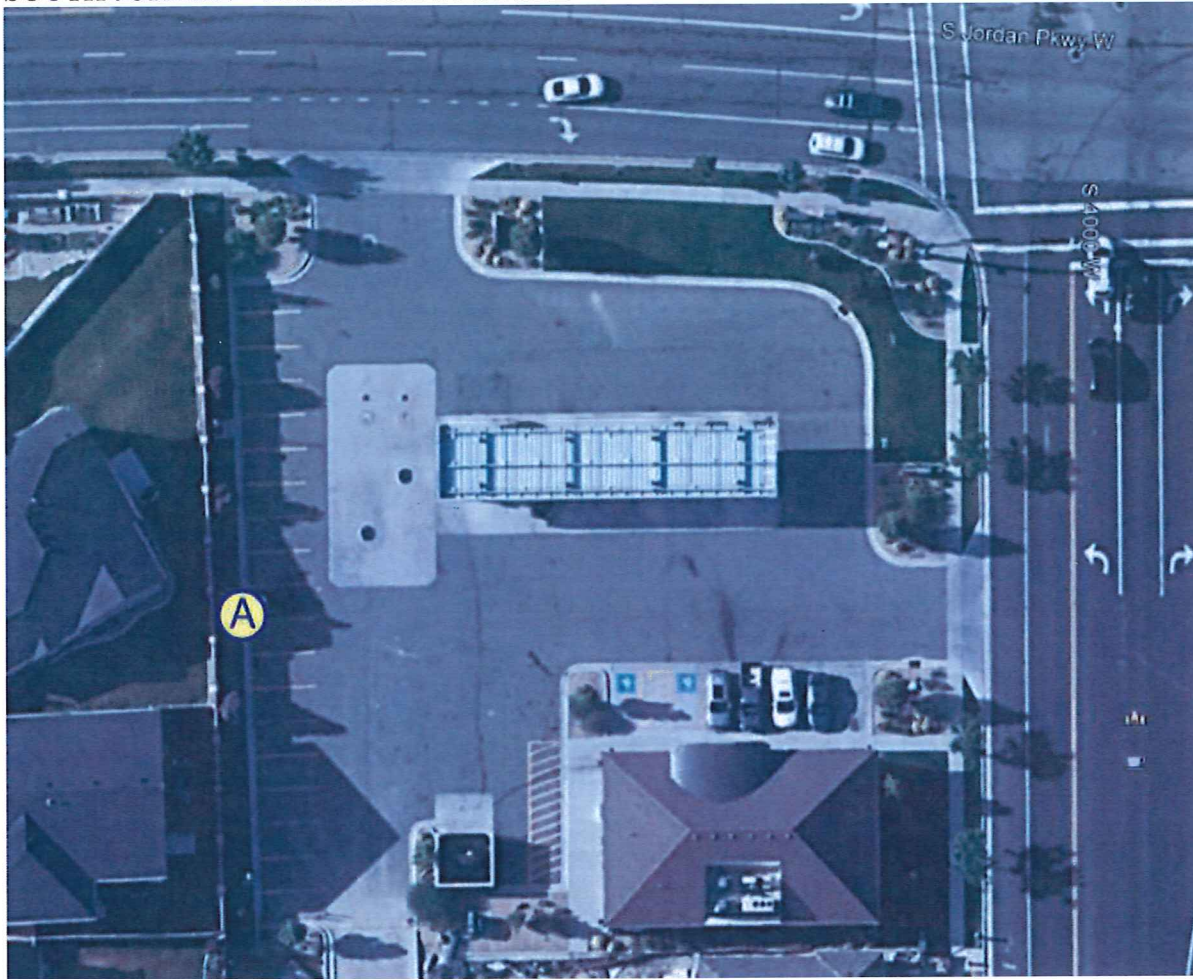


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## APPENDIX A: AMBIENT SOUND LEVEL MEASUREMENT LOCATIONS

### SOUTH JORDAN – EXISTING 24/7 STORE





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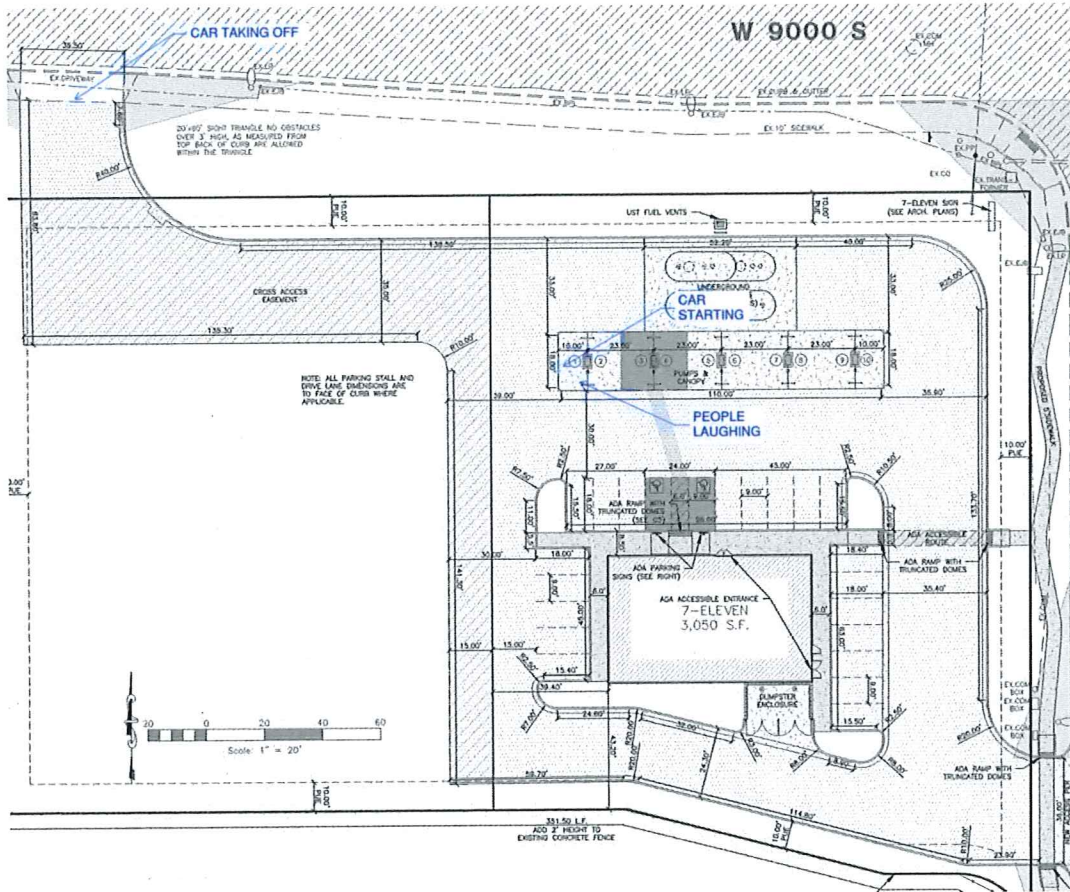
## SANDY – NEW SITE





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## APPENDIX B: MEASUREMENT EQUIPMENT

Measurements were taken with the following equipment:

Description	Manufacturer	Model	Serial Number
Type 1 Logging Sound Level Meter	Larson Davis	SoundExpert LxT	0004099
Type 1 Microphone	Larson Davis	377B02	151292
Type 1 Preamp	Larson Davis	PRMLxT1L	035971
Calibrator	Bruel & Kjaer	4231	2725454



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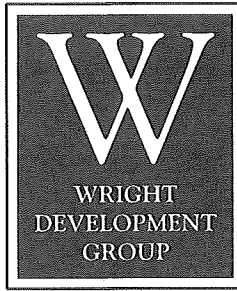
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## APPENDIX C: TYPICAL SOUND PRESSURE LEVELS

Sound is a variation in air pressure, perceived by us within a very wide range of pressures. The decibel (dB) scale represents our perception of sounds, as illustrated by the following examples:

Weakest sound heard	0 dB
Whisper at quiet library	30 dB
Moderate rainfall	50 dB
Normal conversation (3-5')	60 – 70 dB
Telephone dial tone	80 dB
Truck traffic	85 - 90 dB
Power mower at 3'	107 dB
Loud rock concert	115 dB
Threshold of pain	125 dB

A 3 dB increase in sound level is just perceptible, while a 5 dB increase is clearly noticeable and 10 dB seems twice as loud.



October 16, 2018

VIA ELECTRONIC MAIL

Sandy City Planning Commission

**Re: CUP-07-18-5462 Application Response**

Dear Sandy City Planning Commission:

Wright Development Group, Inc. ("Applicant") has worked productively with Sandy City staff members and neighboring residents for the past several months with respect to its application (CUP-07-18-5462) for a conditional use permit to operate a 24-hour convenience store with retail gasoline sales on the Property located at 711 West 9000 South, Sandy Utah (the "Property"). We look forward to discussing this important matter with you in your upcoming meeting on October 18, 2018. This letter is in response to the Memorandum, dated October 16, 2018 prepared by Douglas L. Wheelwright, Sandy City Development Services Manager (the "Staff Memorandum"). We appreciate Mr. Wheelwright's diligent efforts in working with us, the community and in preparing the Staff Memorandum. The purpose of this Letter is to respond to item #10 of the Staff Memorandum (closing the proposed store between the hours of 12:00 am and 6:00 am). Despite numerous prior conversations with Mr. Wheelwright, the first time the Applicant was made aware of this proposed recommendation was in the Staff Memorandum, and we feel it is important to address our response prior to the Planning Commission meeting.

**I. LAW GOVERNING CONDITIONAL USES**

The following section references Office of the Property Rights Ombudsman Advisory Opinions No. 139 and 192 (to read the text of these opinions, please click on the links found in the associated email).

As mentioned in the Staff Memorandum, when a municipality receives a conditional use permit application, the city may review the local code's standards applicable to conditional uses to determine whether, in light of the standards, the proposed use will produce any "detrimental impacts" on the municipality generally, or on the surrounding uses and property owners specifically. Any determinations must be supported by substantial evidence in the record. If the decision makers are unable to identify any reasonably anticipated detrimental effects, additional conditions are unnecessary and cannot be imposed.

As a threshold matter, the Staff Memorandum suggests it is the applicant's burden to mitigate detrimental impacts. While that is accurate, before an applicant's burden arises to mitigate impacts, it is the City's burden to demonstrate, by supportable substantial evidence on the record, the specific detrimental impacts created by the use. Then, if detrimental impacts can be demonstrated by substantial evidence on the record, the use can only be denied if the applicant's or City's proposed reasonable conditions cannot substantially mitigate the detrimental impacts.

**II. ANALYSIS OF ITEM STAFF MEMORANDUM ITEM #10**

As the Staff Memorandum correctly points out, the application includes a request for two separate conditional uses: (a) retail gasoline sales; and (b) 24-hour operation within 250 feet of a residential zone.

Convenience store is currently a permitted use and as such, the threshold questions before the Planning Commission are limited to: (1) does the record have supportable evidence that retail gasoline sales introduce a specific detrimental impact to the City or neighboring properties that does not currently exist or that would exist as a result of a permitted use; (2) does the record have supportable evidence that 24-hour operation (regardless of type) introduces a specific detrimental impact to the City or neighboring properties that does not currently exist or that would exist as a result of a permitted use; and (3) if the answer to numbers 1 and/or 2 is yes, are their reasonable measures that can be taken by the applicant to substantially mitigate the identified detrimental impacts.

As set forth below, the applicant believes there are no detectable detrimental impacts that would exist as a result of granting either or both conditional use requests, and, in the alternative, there are reasonable measures that would substantially mitigate any identified detrimental impacts.

A. Identification of Detrimental Impacts

The Staff Memorandum provides a few possible general detrimental impacts - noise and gaseous odors - but does not include supportable evidence that any of these possible impacts would result on nearby properties from either: (1) retail gasoline sales; or (2) 24-hour operations. The Staff Memorandum also does not consider the existing site conditions and other currently permitted uses at the site. It is well established that any evaluation of impacts must consider the overall zoning, previous approvals granted by the City, considerations for specific setting and circumstances, the location of the proposed use and the unique aspects of the location. Generalized statements about the use do not suffice (See Office of the Property Rights Ombudsman Advisory Opinions No. 139 and 192 for more detailed analysis).

There are several important site-specific currently existing factors that are relevant to impacts analysis in this application. The neighboring residential properties are located within: (1) 100 feet of the Jordan River Parkway Trail; (2) 250 feet of State Highway 209; (3) 800 feet of a major power hub with main line overhead power lines running through the residential zone; (4) 1/3 of a mile of mass transit train line; (5) 1/3 of a mile of two 24-hour convenience stores with retail gasoline sales; and (6) 1/2 of a mile of Interstate I-15. The noises and/or odors generated by these already existing proximate uses generate significant noise 24-hours, 7 days a week.

Moreover, convenience stores with gasoline sales are invariably known as "traffic interceptors" rather than "destinations"; especially in this location. As such, the project will not introduce any additional noise to the site; it will simply change that noise from high speed passing cars to a small amount of cars opening/closing doors. While there will likely be a slight increase in proximity of the noise to neighboring residential properties, the more proximate noise is relatively benign and undetectable (and can be substantially mitigated as discussed below). When taken as a whole (combining existing noises and conditions with newly introduced noises), we believe, with the mitigation measures suggested below, the overall noise level impact on surrounding properties would be reduced.

Second, any impacts of conditional uses must be measured against permitted uses within the zone (not the existing status of the property). With respect to odors, there is no evidence gasoline odors spread beyond the immediate place of fueling a vehicle. In fact EPA standards regulate gas omissions and provide assurances that such gases are not emitted beyond acceptable limits into the surrounding areas. Compared to, full service restaurants, a permitted use, the odors created by retail gasoline sales would be undetectable.

With respect to noise generated during the hours of 12:00 am to 6:00 as a result of the conditional 24-hour use, agricultural uses (farming equipment), restaurant uses, commercial retail uses, Public Plaza and Mixed Use Buildings all have impacts on neighboring properties during these hours. Often deliveries and cleaning crews occur during these hours and public tend to use public places during all hours. Residential component of Mixed Use and Public Plaza uses persist during all hours and would involve the same, and likely more noticeable, noises during the same hours.

In sum, there is no substantial evidence that granting a conditional use for retail sale of gasoline or 24-hour operations will create a detrimental impact on neighboring properties. Perceived dissimilarity to adjacent uses is not a detrimental effect in light of the applicable standard. On the contrary, since existing conditions at the site already have the same or more detrimental impacts, and since permitted uses in the zone would contribute the same impacts, granting the conditional use permit actually provides the City the opportunity to reduce existing, and other permitted, impacts by conditioning the grant of conditional use on reasonable mitigation measures (discussed next).

#### B. Reasonable Mitigation Measures

Even though the applicant believes there are no detectable detrimental impacts on neighboring properties resulting from the conditional use, the applicant does agree that certain measures will mitigate existing conditions and any added impacts.

The Staff Memorandum acknowledges some measure of mitigation of these impacts can be achieved by the building and site-planning efforts put forth. In addition, the Staff Memorandum acknowledges existing laws such as noise ordinances and environmental protection laws already mitigate any potential negative impacts of noise and odor. The Staff Memorandum suggests all detrimental impacts are mitigated by the proposed site plan except that noise is not “eliminated” between 12:00 am and 6:00 am. The idea that impacts must be “eliminated” is not the appropriate standard, rather substantial mitigation is the measure. As described above, the added noise during the “deep nighttime” is nominal and undetectable and the site planning (i.e. location of building, location of canopy, fencing/wall and landscaping) substantially mitigates any detection and further substantially mitigates already existing noise conditions on the specific site. To address the perceived impacts (noise and odors) mentioned in the Staff Memorandum, the applicant suggests there are multiple mitigation measures that would substantially mitigate these suggested impacts as demonstrated on the site plan. These include:

- o Site design of the project including the placement of the building to face north with the front doors located on the north side of the building
- o The placement of the building between the gas canopy and the residences.
- o Installation of an 8-10' precast textured concrete wall along the south property line of the project (between the project and the residences)
- o The extension of that same concrete wall along the full length of the property to the west; even beyond the boundaries of this specific site and project
- o Significant landscaping will be installed along the back wall including the installation of at least seven (7) Bakers Dwarf spruce trees directly behind the 7-11 building. These will provide a significant buffering effect from any light or noise before reaching the concrete wall
- o Site lighting has been designed to ensure that (i) the highest concentration of lighting is on the north side of the building, (ii) the lighting to the south of the store has been minimized to include only that



CUP-07-18-5462  
October 16, 2018  
Page 4 of 4

- lighting needed for safety and security and that (iii) none of the light produced by the project leaves the property as shown on the project photometric plan.
- Per the staff's request, the location of the trash enclosure was shifted from the south to the west of the building.
  - Deliveries will not be made to the property after 8:00 pm

Moreover, the City has several 24-hour operations within 250 feet of residential zones throughout its jurisdiction. In those instances the City invariably determined that certain mitigation measures were sufficient to reduce the impacts to neighboring properties. The same equal consideration should be given here.

In summary, conditional use applications must be granted unless, considering the specific site conditions, there are verifiable, substantiated detrimental impacts on neighboring properties and those impacts cannot be mitigated by reasonable measures imposed by the City. As set forth in this Letter, the applicant believes the conditional uses requested - 24-hour operations and retail gasoline sales - do not introduce any detectable increase in any detrimental impact on neighboring properties that do not already exist or could exist with permitted uses. Moreover, even if any detectable detrimental impact were introduced, the applicant believes that it has introduced significant measures that substantially mitigate any impacts to the neighboring properties.

Again, we appreciate the effort of Sandy City Staff and for the work they have done on this application. We look forward to discussing this important matter with you.

Sincerely,

Justin Atwater  
[Justin@wrightdevelopmentgroup.net](mailto:Justin@wrightdevelopmentgroup.net)  
801-773-7339



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

October 18, 2018

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**To:** Planning Commission

**From:** Community Development Department

**Subject:** 7-Eleven Convenience Store Conditional Use

**CUP-07-18-5462**

**CvC Zone**

**0.994 Acres**

711 West 9000 South Street  
[Civic Center, Community #2]

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*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.*

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### 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:



Douglas L. Wheelwright  
Development Services Manager

Reviewed by:



## 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.





# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## Neighborhood Meeting Summary – Community #2

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**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?



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

- 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

## 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 city. 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





# Sandy City, Utah

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Sandy, UT 84070  
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## 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

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 usual business hours of 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, 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 is why he recommended increasing the normally allowed hours only until midnight, he didn't feel that staying open 24 hours was appropriate in such close proximity to single family homes.

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 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, especially given the sites unique characteristics. Opening and closing doors, and talking, given the eight or ten-foot wall, together with the 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.

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 concerns.

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, lives 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 Jordan 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, lives directly behind the planned store, stated he has a problem with gas and alcohol sales, and noise. 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 cars on the store property coming from 700 West will shine into their homes.

Jeremiah Johnson, 722 West Jordan Oaks Drive, Sandy, lives directly behind the subject property, said he is a land developer, and understands the owner has a right to develop. He said that his 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 at zero feet. 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 can have half depth 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 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