



Sandy City, Utah

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

Meeting Minutes

Planning Commission

Joe Baker
Dave Bromley
Monica Collard
Ron Mortimer
Cyndi Sharkey
Cory Shupe
Jamie Tsandes
Michael Christopherson (Alternate)
Jeff Lovell (Alternate)

Thursday, October 18, 2018

6:15 PM

Council Chambers

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 McCuistion, 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

Public Hearings

According to the bylaws, Commissioner Joe Baker was appointed Chair in the absence of the Chair and Vice Chair. However, he delegated this responsibility to Commissioner Michael Christopherson.

2. [ANEX-09-18-5489\(PC\)](#) Mosher Annexation
11465 and 11467 E. Oberland Road
[Lone Peak, Community #27]

Brian McCuiston introduced this item to the Planning Commission.

Phillip Mosher, Applicant, gave reasons why he would like to be annexed into Sandy.

Commissioner Joe Baker asked the applicant if he owned both properties.

Phillip Mosher stated no. There is another owner involved.

The Planning Commission and the applicant had a brief discussion about the proposed property.

The Chair opened this item to public comment and there was none.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission send positive recommendation to the City Council that the Mosher Annexation be approved and zoned R-1-20 based upon the five findings 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

3. [ANEX-09-18-5488\(PC\)](#) Garza Annexation
2893 E. Little Cottonwood Road
[Granite, Community #30]

Brian McCuiston introduced this item to the Planning Commission.

Mark Garza, Applicant, gave reasons why he would like this property annexed into Sandy.

The Chair opened this item to public comment and there was none.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning Commission send a positive recommendation to the City Council that the Garza Annexation be approved and zoned R-1-15 based on the five findings 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

4. [ANEX-09-18-5494\(PC\)](#) Willow Creek Country Club Annexation
Approximately 8214 South to 8506 South Willow Creek Drive, 2550 East to 2570 East Robidoux Road, and 8300 South Etienne Way
[Community #18]

Commissioner Michael Christopherson per the bi-laws, wanted to acknowledge that Commissioner Cyndi Sharkey disclosed to the Planning Commission of her limited involvement with the applicant on this item. She also discussed this involvement with the City Attorney. The Planning Commission voted unanimously to have her participate as a Planning Commission member on this item.

Brian McCuiston presented this item to the Planning Commission.

The Chair opened this item to public comment.

Victoria Newman stated her property has been subject to an annexation twice. She would like to remain in Cottonwood Heights.

Commissioner Michael Christopherson asked Victoria if her home was located in the yellow area (the area being annexed shown on the screen).

Victoria Newman stated no, her home is not in the yellow area shown on the screen but she received a public notice.

Commissioner Michael Christopherson stated what most likely happened is she received a letter of notification because her home is within 500 feet of the subject area.

Alan Payne stated he would like to see this property annexed.

The Chair closed this item to public comment.

A motion was made by Jeff Lovell, seconded by Joe Baker, that the Planning Commission send a positive recommendation to the City Council that the Willow Creek Country Club Annexation be approved and zoned R-1-10 and Open Space based upon the four findings 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

5. [CUP-09-18-5](#) The Movement Center
[491](#) (Recreation Center)
9314 S. 700 E.
[Historic Sandy, Community #4]

Wade Sanner introduced this item to the Planning Commission.

Jack Session, Applicant, gave an overview of the proposed item.

Commissioner Cyndi Sharkey asked if music would be played during operating hours.

Jack Session replied yes. He also stated the music would not be loud and the doors would remain closed during business hours.

Commissioner Cyndi Sharkey, Staff, and the applicant had discussion about noise and conditions in the staff report.

The Chair opened this item to public comment and there was none.

Commissioner Joe Baker asked if the building is air conditioned. He stated the question is important and relevant to whether the applicant would have the back door open during the summer months.

The Jack Session stated yes, the building is air conditioned.

The Planning Commission members had discussion about noise levels.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission approve a Conditional Use Permit to allow for The Movement Center to operate a recreation center within 250 feet of a residential property at 9314 South 700 East based on the one finding and four 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

6. [CUP-09-18-5](#) The Elite Training Facility
[492](#) (Recreation Center and Extended Hours)
9322 S. 700 E.
[Historic Sandy, Community #4]

Wade Sanner presented this item to the Planning Commission.

Matt Johnson, Applicant, gave an overview of the proposed item.

Commissioner Cyndi Sharkey asked Matt about the noise levels.

Matt Johnson stated all activities will be inside the building.

The Planning Commission and the applicant had discussion about noise.

Commissioner Joe Baker asked why such early hours.

Matt Johnson stated there are people that work out early. There is a need for the early hours.

The Chair opened this item to public comment and there was none.

The Planning Commission had discussion on the conditions in the staff report.

A motion was made by Cyndi Sharkey, seconded by Joe Baker, that the Planning Commission approve a Conditional Use Permit to allow for The Elite Training Facility to operate a recreation center within 250 feet of a residential property with extended hours opening at 5:00 AM at 9322 South 700 East based on the one finding and the five conditions listed in the staff report, with a modification to condition number four to read: 4. That loud music not be heard beyond the property line during operating hours and that no music be heard beyond the property line before 7:00 am. 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

7. [CUP-09-18-5](#) La Puente Mexican Restaurant
[490](#) (Extended Hours and Alcohol Sales)
7460 S. Union Park Ave.
[High Point, Community #6]

Wade Sanner introduced this item to the Planning Commission.

Maria Flores, Applicant, stated she read and agreed with the staff report. She also gave an overview of the proposed project.

The Chair opened this item to public comment and there was none.

A motion was made by Joe Baker, seconded by Jamie Tsandes, that the Planning Commission approve a Conditional Use Permit to allow for extended business hours from 10:00 AM to 10:30 PM and for the Alcohol Beverage Restaurant Full Service License at 7460 South Union Park Avenue for La Puente Mexican Restaurant based on the two findings and four 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

8. [CUP-09-18-5](#) West Accessory Apartment
[493](#) 9988 S. Eastdell
[Falcon Hill, Community #21]

Wade Sanner introduced this item to the Planning Commission.

Commissioner Cyndi Sharkey stated the sketch in the staff report shows 773 sq.ft. The applicant is requesting 914 sq.ft. and staff is suggesting 800 sq.ft. She asked if there is a 914 sq.ft. sketch that shows the entrance elsewhere.

Wade Sanner stated the initial square footage is what the applicant submitted with the application. He also stated when he went out to the location, the square footage was larger than what was submitted.

The Planning Commissioners and staff had discussion on the square footage, the configuration of the basement, and the basement entrance.

Rikki Curtis, representing the applicant, gave an overview of the proposed item. She stated there would not be any street parking.

The Chair opened this item to public comment.

Karen Smith stated parking would be an issue for her. She asked how parking would be enforced. She also asked about occupancy rates.

Wade Sanner stated off street parking and occupancy numbers are enforced on a complaint basis.

The Planning Commissioners and staff had discussion about street parking and occupancy.

Steve Van Maren asked about the square footage of the basement. He also stated the application states the basement apartment would be rented for one to four months at a time. He said that is the definition of a short-term rental.

James Sorensen stated as long as it is over thirty days it is not considered a short-term rental.

The Chair closed this item to public comment.

The Planning Commissioners, staff, and the applicant had discussion about building code, access, and square footage.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning

Commission approve a Conditional Use Permit for Angela West to allow for a 914 square foot accessory apartment on the property located at 9988 South Eastdell Drive based on the three findings and four conditions listed in the staff report with condition three modified to read: 3. That the applicant submit for a building permit showing a maximum 914 square foot configuration of the basement. 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

9. [CUP-09-18-5](#) Madsen Accessory Apartment
[485](#) 9019 S. North Forty Rd. [Mountain Views, Community #19]

Wade Sanner introduced this item to the Planning Commission.

Jon and Karen Madsen, Applicants, gave an overview of the proposed item and stated they would be widening their existing driveway which will help with more parking.

The Chair opened this item to public comment.

Michael Beckman, stated he is in opposition of this item. He stated this project would bring a greater influx of traffic and people.

The Chair closed this item to public comment.

A motion was made by Jeff Lovell, seconded by Cyndi Sharkey, that the Planning Commission approve a Conditional Use Permit for Jon and Karen Madsen to allow for an accessory apartment on the property located at 9019 South North Forty Road for 821 square feet as approved by the Planning Commission based on the three findings and four 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

10. [SIGN-10-18-](#) Shops at South Town Sign Theme Amendment -
[5499](#) Dillard's Site
10450 S. State St.
[South Towne, Community#9]

Wade Sanner presented this item to the Planning Commission.

Mike Jorgenson and John Lee, Applicants, gave an overview of what is being developed at the Shops at South Town and the reasons why a theme sign amendment is needed.

The Chair opened this item to public comment.

Steve Van Maren stated he hopes the west side sign utilization could be restricted in size to get it closer to the other two sides.

The Chair closed this item to public comment.

A motion was made by Jamie Tsandes, seconded by Cyndi Sharkey, that the Planning Commission approve the sign theme for 10450 South State Street to allow the installation of wall signs based on the 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

11. [CUP-09-18-5](#) Stor-N-Lock Storage Building Conditional Use
[484](#) 8594 S. Harrison Street
[Northwest Exposure, Community #1]

Doug Wheelwright introduced this item to the Planning Commission.

Commissioner Cyndi Sharkey asked if parking was allowed on Harrison Street.

Doug Wheelwright stated yes, unless it's restricted by the city's Transportation or Public Works Departments. Those departments can regulate street parking.

Ben Jones, Applicant, gave an overview of the proposed item.

Cyndi Sharkey asked if the two parking areas are for employees.

Ben Jones stated no, the stalls are for customers. The employees live onsite and their vehicles are parked in their garage.

Commissioner Cyndi Sharkey and the applicant had discussion on parking.

The Chair opened this item to public comment and there was none.

A motion was made by Cyndi Sharkey, seconded by Jeff Lovell, that the Planning Commission grant the Conditional Use request to allow the commercial storage building use, 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 three conditions listed in the staff report with a modification to condition number two to read: 2. That the Conditional Use Permit for the storage facility, be reviewed

upon future legitimate citizen complaint or staff observation of non-compliance with conditions. 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

12. [SPR-09-18-5](#) Stor-N-Lock Storage Building
[482](#) 8594 S. Harrison Street
[Northwest Exposure, Community # 1]

The Chair opened this item to public comment and there was none.

A motion was made by Jamie Tsandes, seconded by Joe Baker, that the Planning Commission determine that preliminary site plan review is complete, and that no new customer parking is necessary in this application, based the 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

13. [SUB-09-18-5](#) Stor-N-Lock Storage Building Subdivision
[483](#) 8594 S. Harrison Street
[Northwest Exposure, Community #1]

The Chair opened this item to public comment and there was none.

A motion was made by Jamie Tsandes, seconded by Cyndi Sharkey, that the Planning Commission determine that preliminary review is complete for the Stor-N-Lock Sandy one-lot commercial subdivision based on the two findings and the 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

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 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, but 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 while he recommended increasing the normally allowed hours until midnight, he didn't feel that staying open 24 hours was appropriate.

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 of 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 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, esp. given the site's unique characteristics. Opening and closing doors, and talking, given the eight or ten-foot wall, together with the wall, 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. that her this issue. that her bedroom is on the second floor and the light will shine in her bedroom at night, and won't protect her and her neighbors from those problems.

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

Jeremiah Johnson, 722 West Jordan Oaks Drive, Sandy, directly behind the subject property, said he is a land developer, and understands the owner has a right to develop. He said that 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 zero. 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 are allowed to have half dept 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

Administrative Business

Minutes

[18-402](#)

Approval of the September 20, 2018 Planning Commission Meeting Minutes.

A motion was made by Joe Baker, seconded by Cyndi Sharkey, to approve the September 20, 2018 meeting minutes. 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

Sandy City Development Report

Director's Report

Adjournment

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 1, 2018

To: Sandy City Planning Commission Members
From: Douglas L. Wheelwright, Development Services Manager

Re: CUP #07-18-5462, 7-Eleven Gasoline Sales and Extended Business Hours to 7/24.

Dear Commission Members:

Attached, please find "revised draft minutes" and "restatement of findings" documents concerning your actions, at the October 18, 2018, Sandy City Planning Commission meeting, relative to the CUP request of Wright Development Group for the proposed 7-Eleven Convenience Store project at 711 West 9000 South. With assistance from the Sandy City Attorney's Office, these revised draft minutes and restatement of findings have been prepared, for the Planning Commission to consider on this matter.

Since you have not received the revised draft minutes and this restatement of findings documents for this portion of the minutes for the October 15, 2018 meeting with your regular packet for tonight's meeting, **staff is asking that when the Planning Commission votes on the approval of the minutes from the October 15, 2018 meeting, that the motion include an exemption from ratification on items # 14, 15 and 16.** Staff will bring the minutes for those items back for your ratification at a future date. We welcome any comments or revisions to the revised draft minutes and restatement of findings that Commissioners may have on these documents in the meantime.

Thank you.

A handwritten signature in blue ink, appearing to read "Doug", is written below the "Thank you." text.

MEMORANDUM

November 1, 2018

To:	Planning Commission	
From:	Community Development Department	
Subject:	7-Eleven Convenience Store Conditional Use	CUP – 07-18-5462
	(Civic Center, Community #2)	0994 acres
		CvC Zone

711 West 9000 South Street

A copy of the applicant's materials were provided to the Planning commission at the October 18, 2018 Planning Commission meeting and therefore, are not included in this report in the interest of saving paper. An electronic version is available by request.

INTRODUCTION

This matter involves an application by Wright Development Group, Inc. (the "**Applicant**") requesting conditional uses for gasoline sales associated with a retail convenience store, and for extended operation hours to 24 hours a day, seven days a week) pursuant to the Sandy City Land Development Code ("**Development Code**"). The property for which the permit is requested is located at 711 West 9000 South Street, Sandy, Utah (the "**Property**"). The Property is a 0.994-acre lot, zoned Civic Center Commercial, on an unimproved lot.

The Development Code allows a convenience store within 250 feet of a residential district to operate from 6:00 AM. to 10:00 P.M. Staff recommended that the store hours be extended to midnight, and 15 conditions of approval set out in the Memorandum to the Planning Commission dated October 18, 2018 "(Staff Report)".

Following a public hearing at which the Applicant presented evidence and argument held on October 18, 2018, and at which residents of the adjacent homes to the south spoke and expressed their concerns about the extended operating hours, the Planning Commission granted the request for gasoline sales in connection with the convenience store use, and approved extending the hours of operation from 6:00 A.M. to midnight, beyond the 6:00 a.m. to 10:00 p.m. hours allowed without a conditional use.

The public hearing was held pursuant to notice provided to property owners within 300 feet of the Property. Joe Baker, presided, with Alternate Planning Commissioner Michael Christopherson, assisting and conducting the hearing.

Douglas Wheelwright, Development Services Manager for Sandy City, presented the

staff report. Following the staff report, Justin Atwater, representing the Applicant, set out the facts and arguments supporting the application, and answered questions, and stated, among other things, that the Applicant would be happy to consider erecting a ten-foot high masonry wall, rather than the eight-foot wall originally proposed by the Applicant. The hearing was then opened to comments of others attending the hearing. Several members of the public spoke during the public hearing, including resident neighbors Jen Archuleta, Seung Ho Mun, also known as Bruce, who lives at 728 West Jordan Oaks Drive, Sandy, , , Jeremiah Johnson, who lives at 722 West Jordan Oaks Drive, Sandy, and Sandy resident Steven Vanmaren who expressed concerns about noise and light from the Property during the late-night hours, as well as drawing homeless persons, vagrants, and others to the site. The Planning Commissioners asked the Applicant several questions to which Justin Atwater and Logan Johnson responded. The Planning Commission then discussed the application and asked City staff questions, including the depth of groundwater in the vicinity of the Property. On motion and a second, the Commissioners voted 4-1 to grant the applicant's conditional use to sell gasoline, and to extend the hours of operation until midnight only, but not to operate around the clock, based on proposed conditions and findings numbered 1 through 15 of the Staff Report, proposed findings A, B, and C, the five additional conditions on page five of the Staff Report, and a sixth condition added by the Planning Commission that dense landscape screening be required along the south property line of the Property, defined as additional conifer trees with at least a ten-percent overlap of the trees, planted with trees which will reach at least 20 feet in height at maturity.

Based on the documents and statements from the Applicant, the correspondence and comments of residents and citizens, the information provided by staff and others, knowledge of the Planning Commission, and for other good cause, the Planning Commission makes the following findings of fact in respect to this matter:

FINDINGS

1. Sandy City is a residential community of approximately 96,000 people. The Sandy City Planning Commission is composed of residents of Sandy City which is empowered, among other things, to decide whether to grant a conditional use permit pursuant to the Sandy Land Development Code, notably including Section 15A-33-04 thereof, and to impose conditions related to conditional uses.
2. The parcel is currently unimproved and slopes downward from east to west.

Findings – 7-Eleven Conven. Store Cond'l Use.

3. There is a six-foot masonry wall along the lot line separating the Property from the homes on the south Property line.
4. The rear-yard setback of the residences along the Property's south lot line is 20 feet.
5. Many of the residents of the homes adjacent to the Property work daytime jobs, and there are now and in the future there will likely be children living in those homes.
6. The natural contour of the land slopes from the south residential properties adjacent to the Property to 9000 South Street. The upper floors of the homes along the south Property line will be substantially higher than an eight-foot or ten-foot masonry wall. Many of the residents of the homes sleep in the upper floors of those homes.
7. The Applicant's site plan for the development of the Property provides for construction of a convenience store approximately 43 feet from the south Property line. A masonry wall eight feet high will run along the south property line. The gasoline pumps will be 150 feet from the south Property line and 170 feet away from the homes. The convenience store will be of masonry construction, and will be approximately 20.6 feet in height.
8. The CVC Zone allows automobile service stations as a conditional use according to the use matrix in Section 15A-08-02 of the City's Land Development Code.
9. Extended business hours before 6:00 a.m. and after 10:00 p.m. are restricted by Section 15A-23-19 when business hours are requested to be extended, when in proximity to Residential Zoning or use nearer than 250 feet. The Planning Commission identified the following reasonably anticipated detrimental effects of the proposed conditional use, which are based on substantial evidence which cannot be substantially mitigated by reasonable conditions:

- (a) Noise from the Property will include the noise of vehicles entering, exiting, and operating on the Property; as well as customers, employees, and other persons moving, working, opening and closing doors, talking, laughing, shouting, and otherwise making noise on the property. Limiting the hours of deliveries and trash pickup, the placement of the convenience store on the site, the erection of a eight or ten-foot high masonry wall along the south Property line, and the planting of trees or shrubs will reduce some of anticipated noise. Some noise will still be heard by and will disturb the sleep of residents of the homes adjacent to the south line of the Property so the convenience store and gas station are not allowed to operate during the hours of midnight to 6:00 a.m.

- (b) Some light from the property, even with the shielded lights proposed by the Applicant, will still be visible from and disturb the adjacent residents during the late-night hours, which light will not be adequately reduced by the masonry wall), nor the conifer trees (even at their 20-foot maximum height years into the future. Lights from cars pulling into the driveway to be placed near the south Property line from 700 West Street may be mitigated by lowering the drive approach, sidewalk, lowering the driveway into the Property, and blocking the entrance from 700 West during late night hours, but because the south Property line drops from east to west, motor vehicle lights from the Property will also shine into some of the homes even if the south fence or wall is eight or ten feet high. Because some indirect and direct light is still highly likely to disturb the sleep of the residents, particularly in upper-story bedrooms in the homes south of the Property, the convenience store and gas station hours should not extend beyond midnight.

10. Trespassing and break-ins of residences of the neighborhood to the south of the Property have increased recently. There are homeless people in the area along the Jordan River, 500 feet to the west and others, who will be drawn to the neighborhood by the presence of a convenience store. An eight or ten-foot-high wall and closing at midnight will help mitigate but will not adequately protect the residents adjacent to and near the Property, as a person can easily walk around the wall at the ends, if he doesn't climb over it.. Substantial evidence shows that the reasonably anticipated detrimental impacts of staying open from midnight until 6:00 a.m. cannot be substantially mitigated by reasonable conditions.

DETERMINATION

Based on the findings above, the application for the gasoline station in connection with the convenience store is granted, and extended hours of operation of the convenience store are granted in part, extending from 6:00 a.m. until midnight, pursuant to the conditions set out above.

Joe Baker, Planning Commissioner, presiding

Findings – 7-Eleven Conven. Store Cond'l Use.