

July 24, 2024
Project No.: 24-140

Mr. Michael Bryant
Planner II
City of Payson, Development Services
439 West Utah Avenue
Payson, UT 84651

**RE: Jacksons C-Store – 1250 W. 800 South
 Variance**

Dear Mr. Bryant,

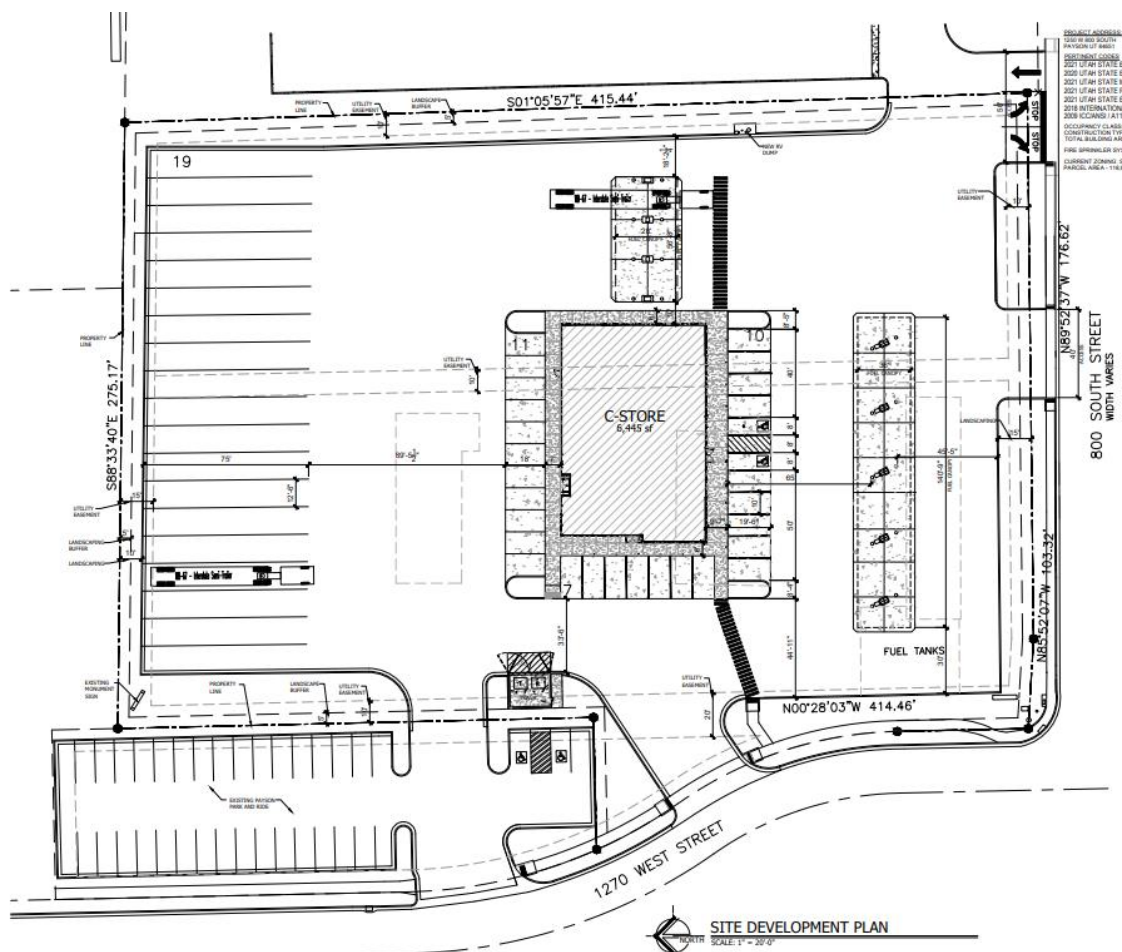
On behalf of Jacksons Food Stores, Inc., we are pleased to submit the attached application and required supplements for a Variance Application to Petition the Board of Adjustment.

Site Information

The subject property is located at 1250 W. 800 South in Payson, Utah, and is approximately 2.73 acres. The zoning designation for the property is S-1 (Special Highway Service Zone). Currently the property is owned and operated by Jacksons Food Stores Inc. who operates a convenience store and fuel station, as well as a carwash. To the west, south, and east of the property, commercial businesses such as a service station, auto service center, and drive-thru restaurant are present. A park and ride lot is located to the northwest of the property, and a vacant lot sits directly to the north. Zoning of the surrounding properties mostly consists of S-1 and I-L which is an industrial zoning to the southeast. The property is located at the northeast corner of W. 800 South and S. 1270 West.



Jacksons is looking to expand their existing site and fully utilize their property. The demolition of all existing structures is proposed to allow for a new facility to be built. This will include a single story, 6,445 sq. ft. convenience store as the centerpiece. To the south of the site, 5 fuel pumps will be provided with a fuel canopy directly overhead. East of the C-Store building will be 3 commercial diesel lanes under a fuel canopy. These will allow for larger trucks, specifically freight trucks to fuel up on site. At the north end of the property, there will be 19, 75' long parking spaces for semi-truck trailers given the proximity to Interstate 15. Various passenger vehicle parking spaces and ADA parking spaces will also be paved around the north, west, and south sides of the convenience store building. Sidewalks around the building, a trash enclosure, signage, and landscaping will also all be provided on site. This use of the property is outlined in the S-1 zone as an approved use.



In working with Staff on this application, we have been notified that the Special Highway Service Zone requires all properties to be at least 25% landscaped as outlined in Payson Municipal Code 13.14.130.18.B. Due to the site limitations this imposes, we are requesting a variance to this code section to allow for a decrease to 17%.

As mentioned previously, this property sits just over 400' east of the Interstate 15 off-ramp and on-ramp. Passenger vehicles and semi-truck traffic on I-15 are aplenty. Given this, Jacksons plans to add both fuel pumps and parking for all vehicles which will act as a service to the commuting traffic. While we understand the

importance of landscaping and design aesthetics, the requirement for 25% of the site to be covered in landscaping provides a hardship for Jacksons that would not make the site upgrades for Jacksons feasible. The site restrictions from landscaping would impose difficulty for truck traffic to flow through the site and back-up safely, potentially leading to an influx of pedestrian and vehicular conflicts. Semi-truck parking and fuel pumps would need to be significantly reduced and therefore removed altogether. Redevelopment of this property would no longer make sense if semi-truck parking and fueling is not safe.

In reviewing the existing conditions of S-1 zoned properties nearby and the developments east and west along 800 South, properties with 25% or more landscaping are non-existent. We ask to resemble those properties and businesses around us, while providing new landscaping to the site which has not been present for years. Currently, no landscaping exists along the subject property's frontage of 800 South, so this addition of perimeter landscaping will greatly enhance the street frontage and reflect other adjacent developments.

It's important to note that the City of Payson's S-1, Special Highway Service Zone, "is established to provide high intensity commercial areas that generate significant commercial tax base revenue for the community. The S-1 Zone is typically located near freeway intersections and along the major transportation and circulation routes of the City." Currently there are no properties within this area of the City that allow for fueling and parking for semi-trucks. This is the exact use that would support high intensity commercial uses while providing a significant commercial tax base revenue to the City through the sales of fuel and convenience store items. Visitors of the Jacksons site would also be prone to spend their money at business within walking and short driving distance up and down 800 South. Therefore, granting the variance would support the general plan for the City and would not be contrary to the public interest. All other code sections within the zoning ordinance of Payson will be upheld and followed.

In more detail the following variance standards will be met:

- (i) *literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

As mentioned previously, the S-1 zone requiring 25% of the site to be landscaped poses an unreasonable hardship for the property owner. The section would constrict the site design and impose difficulty for truck traffic to flow through the site and back-up safely, potentially leading to an influx of pedestrian and vehicular conflicts. Semi-truck parking and fuel pumps would need to be significantly reduced and therefore removed altogether. Redevelopment of this property would no longer make sense if semi-truck parking and fueling is not safe.

- (ii) *there are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

The nature of this property with the proposed truck parking and need for more surface area for larger commercial traffic is a special circumstance from the other property uses. There is a need for more hard surface areas for safe circulation of truck and car traffic. This need is unique to this property especially given its close proximity to the freeway.

Furthermore, other properties nearby with the same zoning of S-1 are currently not meeting the 25% landscaping requirement. We are asking to align with these adjacent properties. More specifically, the following calculations are approximate percentages of landscaped areas within nearby S-1 zoned properties:

- Phillips 66 – 11%
- Quick Quack Car Wash – 6%
- Jiffy Lube – 24%
- Dollar Tree – 18%
- Chubby's/Crumbl – 14.6%
- Dutch Bros – 21.3%
- Chip Shot – 21%
- Papa Murphy's – 10.7%
- Popeye's – 18.5%

(iii) *granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

The proposed uses are allowed on other properties within the S-1 zone. If the proposed variance is not granted for this property, the use would no longer be feasible on this site. We are asking to align with the adjacent properties landscaping requirements, creating a seamless transition from one property to the other, while providing the necessary square footage for the site improvements proposed.

(iv) *the variance will not substantially affect the general plan and will not be contrary to the public interest; and*

Granting this variance will not substantially affect the general plan and it will not be contrary to the public interest as the use and site plan will still require site design approval and various public agencies will have the ability to weigh in. City, County, State, and Federal requirements must all still be followed. The new landscape added along the 800 South frontage will now better reflect adjacent property landscaping, adding more of a buffer between the ROW and the site. This frontage landscaping adds visual appeal and would align with the City's General Plan Strategy 2.2 which focuses on enhancing streetscapes to create a sense of place for the public. Any additional landscaping at the rear of property wouldn't be of public interest.

(v) *the spirit of the land use ordinance is observed and substantial justice done.*

All ordinance provisions will be followed as a result of this development and the intent of the land use ordinance is upheld.

Conclusion

In conclusion, we appreciate the opportunity to express our need for a variance. Obtaining approval of this variance is necessary for our site plan proposal, and without it, we are unable to upgrade the site. We believe the site plan proposed for 17% of landscape coverage is very reasonable and not far from what the code requires. This will be an upgrade to the property overall and a great enhancement to this area along 800 South.

If you have questions or require further information to process the application, feel free to contact me.

Sincerely,
KM Engineering, LLP



Connor Lindstrom, CFM

Senior Land Planner

cc: Jacksons Food Stores, Inc.