

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD DECEMBER 3, 2008 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: James Dupaix, Nathan Gedge, David McKinney, Justin Stoker, Ellen Smith, and John Winn.

STAFF: Tom Burdett, Robert Thorup, Julie Davis, Greg Mikolash, Jennifer Jastremsky, Scott Langford, Nathan Nelson, and Rodger Broomé.

OTHERS: Richard Dennison, Elizabeth Scanlon, Travis Perry, Joel Meza, and Michael Eames.

The briefing meeting was called to order by James Dupaix.

Item #4 has been pulled by the applicant. A spelling correction was made on page 2 of the minutes. Item #2 was discussed regarding the number of businesses of this type in the City. Also, clarification was given that the required distance from other businesses of this type applies only to businesses located within West Jordan city limits. Scott Langford said he had received some citizen concerns regarding Item #3 as it relates to potential multi-family residential uses and the raised median on 2700 West.

The regular meeting was called to order at 6:00 p.m.

**1. Consent Calendar
Approve Minutes from November 19, 2008**

MOTION: Justin Stoker moved to approve the Consent Calendar as listed in the agenda. The motion was seconded by Nathan Gedge and passed 6-0 in favor.

2. Money 4 You; 4663 West 6200 South; Conditional Use Permit; SC-2 Zone; Money 4 You (applicant) [#CUP20080022; parcel # 21-19-100-019]

Jennifer Jastremsky presented the application for a check cashing service in a retail area. They have a current location on Redwood Road and 7800 South, but due to the redevelopment plans for the site they wish to relocate within the City. She reviewed the surrounding zoning, parking, and hours of operation. Section 89-3-605(c) gives two additional criteria for check cashing services. One of those is a minimum separation between businesses of this same type. A map was shown that indicated this application meets the requirement. The other issue deals with the overall number of check cashing services. With this application it will bring the total number to the maximum 12 within the City. She explained that the current site on Redwood Road would remain as a legal non-conforming location for this service until such time that more than one year's time passes without a business of that type as an occupant. The site meets all of the zoning criteria and regulations.

Staff recommended approval of the Conditional Use Permit for Money 4 You for "check cashing credit service" located at 4663 West 6200 South, based on the findings outlined above with the conditions set forth below.

1. Address and adhere to all Department comments, conditions of approval and all applicable code standards.
2. The old business location for Money 4 You at 7825 South Redwood Road shall cease operations on or before the opening date of the new location at 4663 West 6200 South.
3. The Conditional Use Permit is subject to review and/or revocation as per §89-5-404(f).

David McKinney noted that 9 out of the 11 uses listed on the check cashing chart are legal non-conforming, and he wondered what makes them that way.

Jennifer Jastremsky explained that the zoning code was changed in 2003 to require the 1,000-foot buffer and limiting the number to twelve within the City. Those listed as legal non-conforming existed prior to the code change.

Michael Eames, 3885 South 5000 West, West Haven, said they had been operating in Utah for 13 years and in West Jordan for 7. Because they can't re-sign a concrete renewal at their existing location they wanted to take action to relocate now. They don't have predatory lending practices. They don't cash checks or have cash on hand, and they only deal with post-dated check loans. They aren't susceptible to robbery. He felt that they provide a service that is needed in the community.

There were none in attendance who wished to speak on the item. The public hearing was closed for this item.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Money 4 You; 4663 West 6200 South; Money 4 You (applicant); based on the testimony, discussion, and findings of fact with the conditions of approval 1 through 3 as listed in the Planning Commission packet. The motion was seconded by John Winn and passed 6-0 in favor.

3. UTA 2700 West Park-and-Ride; 8349 South 2700 West; Conditional Use Permit, Preliminary Subdivision Plat (1 lot), and Preliminary Site Plan; R-1-10C(TSOD) Zone; Utah Transit Authority/Elizabeth Scanlon (applicant) [#CUP20080011, SDMA20080009, SPCO20080020; parcel 21-33-403-005, 006, 020]

Scott Langford gave an overview of the application. The property was rezoned with a Transit Station Overlay designation in July of last year in prelude to this application. The proposed park-and-ride will be approximately 6 acres in size. He reviewed the surrounding zoning and land use. The subdivision plat will divide the existing parcel to create a single lot for the project. A small area of road dedication and street improvements is located along 2700 West fronting Lot 1. A raised median will also be installed along 2700 West to allow for UTA to apply for a quiet zone crossing, and it will prohibit any left-hand turning movements from 2700 West onto Sugar Factory Road. He reviewed the site plan. The only structure on the site plan is the traction power substation (TPSS), which is an essential utility to the operation of the light rail train. It is generally 36' x 12' x 10' high and will be enclosed in a 6-foot high fence. UTA would like to open with 222 parking stalls in phase 1. The second phase will expand the parking to 409 spaces. Fencing, landscaping, screening, etc. have been reviewed by staff. Staff felt that the proposed 6-foot high chain link fence along the north and east property lines provide the best method for a safe containment area while also allowing for visibility. The south side of the park-and-ride will have a 4-foot high chain link with black vinyl coating. Although staff would have preferred the location of the TPSS to be in a less visible area, the proposed location is the best location away from pedestrian movement from the parking lot to the platform. He showed the light standards, which are required to be no higher than 15 feet since it is in a residential area. The conditional use permit is required because it is located in a residential area.

Preliminary Subdivision Plat

Staff recommended that the Planning Commission grant Preliminary Subdivision Plat approval for the 2700 West park-and-ride facility, located approximately on the northeast corner of 2700 West Sugar Factory Road in an R-1-10C (TSOD) zoning district, subject to the following conditions:

1. Meet all requirements of Title 87 of the Subdivision Ordinance and Title 89 of the Zoning Ordinance, and the requirements of the R-1-10C and TSOD zoning districts.
2. As part of the Final Subdivision Plat submittal, the applicant shall address all engineering redline comments.
3. Planning Commission approvals do not include Fire, Building and Safety, or Engineering approval. Requirements by those departments must be met and plat changes or additions may be required.

Preliminary Site Plan

Staff recommended that the Planning Commission grant Preliminary Site Plan for the 2700 West park-and-ride facility, located approximately on the northeast corner of 2700 West Sugar Factory Road in an R-1-10C (TSOD) zoning district, subject to the following conditions:

Conditions of Approval:

1. The applicant shall address and adhere to all City of West Jordan Municipal Code standards in effect at the time of this approval.
2. The Preliminary Site Plan shall remain valid for one year following the date of approval (Section 89-5-304a).
3. The applicant shall apply for final site plan review and receive approval before a land disturbance permit is issued for the development.
4. All Engineering Department redlines must be addressed as part of final site plan submittal.

Conditional Use Permit

Staff recommended the Planning Commission approve the Conditional Use Permit for the 2700 West park-and-ride facility, located approximately on the northeast corner of 2700 West Sugar Factory Road in an R-1-10C (TSOD) zoning district, subject to the following conditions:

1. The Conditional Use Permit is subject to review and/or revocation according to §89-5-404(f)(1) of the Municipal Code.
2. Final Site Plan and Subdivision approval must be granted and all conditions of approval be implemented and constructed.

Elizabeth Scanlon, Utah Transit Authority, 669 West 200 South, clarified that the raised median on 2700 West is part of the quiet zone application, which means no trains will blow their horns. The median will prohibit people from driving around the gates. There isn't a lot of flexibility for the TPSS location. They will landscape the structure and try to screen and fence it the best they can. The fencing on the back side of the park and ride will also be vinyl coated chain link.

David McKinney asked why there isn't a provision for a drop-off lane.

Elizabeth Scanlon said they are trying to minimize the amount of property they affect. There will be a drop-off at the Bangerter and Redwood stations, but they will sign some of the front parking stalls for drop-off areas.

James Dupaix asked if they are on schedule.

Elizabeth Scanlon said they are right on schedule, and the funding agreement will be signed in early January, so the contractor will have fully funded ability to move forward. She gave an update on the construction in some of the other areas. They are on schedule to hopefully open mid 2011. The Commission is welcome to come on a site tour.

Joel Meza, West Jordan resident, said there were about 65 to 75 neighbors who came to the rezoning hearing and they were told that UTA would work closely with the residents on their safety concerns. He said they had never received a return phone call from UTA or been notified about any of the planning meetings. He was disappointed that they hadn't been included in the process. He would like UTA to meet with residents at the 9400 South park-and-ride to hear their concerns. There are problems with vagrancy, lighting, vandalism, and the lack of public restrooms. He said that there are 65 to 70 people who could be at the next meeting who are all upset. He said the station wasn't located by the park because the Federal government said it would be too dangerous, but now it is right in his neighborhood.

Justin Stoker asked what other concerns he had in addition to vandalism.

Joel Meza said that vandalism was their main concern. His wife wanted to find out about the noise level, which wasn't bad at 9400 South. But the neighbor in that area said that people were parking in their front yard, but

when the cars were towed their homes were vandalized. He said he is fundamentally against the location of the station, but it is too late. He will probably use the station, but they should look at the lighting and the need for public restrooms and public telephones. He doesn't want people knocking on his door asking to use the bathroom or telephone. He said the City probably wouldn't let him install a 6 or 8-foot wall in front of his house. He wants the site to be lit and patrolled on a continuous basis.

Further public comment was closed at this point for this item.

Elizabeth Scanlon apologized on behalf of UTA if Mr. Meza felt they hadn't been listening. It is difficult to target every resident in the neighborhood, but they had done a lot of public outreach on this line. Meetings have been posted on website, legal notices have been posted, and they had quite a few public open houses. She stated that they have a construction update available on the website and a mailing list, and she offered to put him on that list. They are trying to spread the word regarding grade crossing, traffic impacts, and other construction-related items. In terms of long term maintenance, they are taking steps into options that will make their park-and-ride facilities safer. The transit police force has been expanded, and the lots will be patrolled regularly. Their 287-EYES campaign encourages people to call if they see suspicious activity. They are happy to meet with the community if that is what they want, and she will forward her business card to Mr. Meza. UTA's first priority is to the safety of their train patrons and managing their facilities.

Justin Stoker said none of the stations on the main line have restrooms, but there are public telephones.

Elizabeth Scanlon said there are telephones on the platforms for emergency dial out. Restrooms are helpful to a point, but they are also a maintenance and utility issue for UTA, and their policy is that they won't have public restrooms at this point. As they work through transit oriented development opportunities they have entered into agreements with adjacent developments that will let train patrons use their facilities. Other transit authorities have had issues with public restrooms such as vandalism, maintenance, upkeep, and infrastructure is expensive to implement.

James Dupaix asked Ms. Scanlon if she had comments about the 9400 South station.

Elizabeth Scanlon said she couldn't comment on it. Their customer service department takes the complaints and passes them on to the appropriate people. They hear both good and bad about their system and they respond where they can. She will pass the concerns on to both the capital projects and rail services. They are aware that this is in a residential station, and with that comes a little more responsibility to maintain and patrol.

James Dupaix asked if the operations and security people would be invited to the neighborhood meeting.

Elizabeth Scanlon said they could do that; there is a public involvement group that handles these kinds of things.

David McKinney pointed out that the only thing the Planning Commission can do regarding notification is to notify the public of the Planning Commission meetings, and that has been done. They should contact UTA with other planning issues and meetings. He felt that the issues had generally been addressed with this application.

James Dupaix noted that the application is for preliminary site, preliminary subdivision plat, and conditional use permit. Those applications all seem to be in order. The purpose of having a Planning Commission and the law on the books is to firstly provide for public safety. He encouraged UTA to meet with the residents in the area to help them understand what is being done for the public safety.

MOTION: Nathan Gedge moved to approve the Preliminary Subdivision Plat for UTA 2700 West Park-and-Ride; 8349 South 2700 West; Utah Transit Authority/Elizabeth Scanlon

(applicant) with the conditions 1 through 3 as listed in the Commission packet, based upon the findings of fact and testimony given. The motion was seconded by Justin Stoker and passed 6-0 in favor.

MOTION: Nathan Gedge moved to approve the Preliminary Site Plan for UTA 2700 West Park-and-Ride; 8349 South 2700 West; Utah Transit Authority/Elizabeth Scanlon (applicant) with the conditions 1 through 4 as listed in the Planning Commission packet, based upon the testimony and findings of fact. The motion was seconded by Justin Stoker and passed 6-0 in favor.

MOTION: Nathan Gedge moved to approve the Conditional Use Permit for UTA 2700 West Park-and-Ride; 8349 South 2700 West; Utah Transit Authority/Elizabeth Scanlon (applicant) with the conditions 1 and 2 as listed in the Commission packet, based upon the testimony and findings of fact. The motion was seconded by Justin Stoker and passed 6-0 in favor.

4. UTA Redwood Road Park-and-Ride; 8021 South Redwood Road; Preliminary Site Plan; CC-C (TSOD) Zone; Utah Transit Authority/Elizabeth Scanlon (applicant) [#SPCO20080028; parcel 21-34-251-001, 002, 005]

[This item was pulled by the applicant.]

Tom Burdett gave updates on recent City Council actions. He updated the Commission as to the progress with filling vacancies on the Commission and the General Plan Committee.

MOTION: David McKinney moved to adjourn.

The meeting adjourned at 6:50 p.m.

James F. Dupaix
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Community Development

Approved this _____ day of _____, 2008