

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD MAY 6, 2009 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Justin Stoker, Chad Nichols, Nathan Gedge, David McKinney, Ellen Smith, John Winn, and Jesse Valenzuela.

**STAFF:** Tom Burdett, Robert Thorup, Julie Davis, Greg Mikolash, Bill Baranowski, Ray McCandless, Jennifer Jastremsky, Nathan Nelson, and Rodger Broomé.

**OTHERS:** Joe Long, Elizabeth Scanlon, Harlan Wallace, Travis Perry, Clara Alip, Jeremiah Alip, and Brenda Ivie.

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The briefing meeting was called to order by Justin Stoker.

The agenda was reviewed. Jennifer Jastremsky distributed a memo from the Engineering department regarding the review process for applications in the well water protection zone. Ellen Smith suggested that some of the language that determines what best management practices are be put in the documentation or read into the record for better understanding of those who have no background in this area.

Janice Larsen, Finance department, conducted some business regarding personnel issues.

Elizabeth Scanlon, UTA, invited the Commission to attend a construction open house on May 9<sup>th</sup> at Terra Linda Elementary school.

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

**1. Consent Calendar**  
**Approve Minutes from April 15, 2009**

**MOTION:** Nathan Gedge moved to approve Consent Calendar Item 1. The motion was seconded by John Winn and passed 7-0 in favor.

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**2. Copper Mountain Fabrication; 5280 West Old Bingham Highway; Amended Final Site Plan and Conditional Use Permit; M-1 Zone; WesTech Engineering, Inc./Harlan Wallace (applicant) [#SPI20090002, CUP20090004; parcel 26-12-176-003, 007]**

Jennifer Jastremsky gave an overview of the request to add a 19,000 square foot manufacturing building to an existing developed site. The building will match the architectural style of the existing building. She reviewed the parking areas. Six bay doors are shown, with three facing the public right-of-way. The code encourages placement of the doors at the rear of sides of the buildings and screened from public right-of-way. However, the Planning Commission can allow them facing the public right-of-way provided there is adequate screening. Fencing, trees, and a 135' building setback will be provided, which staff felt was adequate screening. She reviewed the landscaping. The property is located in subdistrict 4 of the well water source protection zone. She described the items that are reviewed as part of an application for chemical storage in the well water protection zone. There will be three separate storage areas on site. The north side will have two bulk fuel tanks for diesel fuel and propane. The south side will contain up to eight 55-gallon drums with hydraulic oil, motor oil, and solvent, all which will be within a secondary containment area, and the bulk fuel area will also have a concrete pad surrounding it for vehicles to park on while refueling. The north side of the existing building will contain a gas storage cage to house various gases that are used in conjunction with welding done on site. All engineering and fire department requirements for containment of the chemicals have been met.

Amended Site Plan

Staff recommended that the Planning Commission grant Amended Site Plan approval for the Copper Mountain Fabrication located at 5280 W Old Bingham Highway in an M-1 zoning district with the conditions of approval

as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. The applicant shall provide an 8-inch water line to service the FDC system and the on-site fire hydrants.
2. All roof top mounted mechanical equipment shall be screened with integrated architectural features.
3. Meet all requirements of the approved Conditional Use Permit.
4. Meet all requirements of the Planning, Building and Safety, Fire, and Engineering Departments.
5. Conform to approved Site Plan, Landscape Plan, and Construction Drawings.

Conditional Use Permit

Staff recommended that the Planning Commission grant Conditional Use Permit approval for Copper Mountain Fabrication located at 5280 West Old Bingham Highway in an M-1 zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

Conditions of Approval:

1. Secondary containment capacity shall be at a minimum of 110% at all times.
2. The project shall comply at all times with the City of West Jordan Best Management Practices, as determined by the Engineering Department.
3. All vehicles shall be parked on a paved surface while refueling.
4. The Conditional Use Permit shall be subject to review and/or revocation as per §89-5-404.

David McKinney pointed out that this property straddles the boundary of the well water protection zone. He asked if the requirements related to the protection zone apply to the entire property in this case or only to the portions that are located within the zone.

Greg Mikolash said the code doesn't indicate it, so it would be up to interpretation.

Harlan Wallace, applicant, WesTech Engineering, 5300 West Old Bingham Highway, felt that they had gone through all the proper procedures. They are not dealing with a large amount of materials. They have allowed for secondary containment. They only have a few drums of materials at any given time. They are going to purchase a commercial application for a cement vaulted system for their diesel fuel, and they will put that on a pad that has secondary containment.

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

**MOTION: Nathan Gedge moved to approve the Amended Site Plan for Copper Mountain Fabrication; 5280 West Old Bingham Highway; WesTech Engineering, Inc./Harman Wallace (applicant) with the conditions 1 through 5 as listed in the Planning Commission packet based on the findings of fact and discussion. The motion was seconded by David McKinney and passed 7-0 in favor.**

**MOTION: Nathan Gedge moved to approve the Conditional Use Permit for Copper Mountain Fabrication; 5280 West Old Bingham Highway; WesTech Engineering, Inc./Harman Wallace (applicant) with the conditions of approval 1 through 4 as listed in the Planning Commission packet based upon the findings of fact and discussion. The motion was seconded by David McKinney and passed 7-0 in favor.**

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**3. UTA Gardner Village South Park-and-Ride; Continued from 4-15-09; approximately 1095 West 7800 South; Preliminary Site Plan and Request for Waiver of Requirement to Underground Utilities per Section 89-6-405(b)(2); A-5 (TSOD) & C-G (TSOD) Zone; Team KHP – Psomas/Travis Perry & Utah Transit Authority/Elizabeth Scanlon (applicant) [#SPCO20080035 and #APP20090001; parcels 21-35-103-005, 006; 21-35-127-002, 003, 004]**

Ray McCandless gave an overview of the request for Preliminary Site Plan approval. This was reviewed by the Planning Commission in January with the recommendation to reconfigure the plan for ingress and egress design. He showed the original proposal and the new plan. The new plan eliminates all bus parking on the facility, and both access points can be used for cars. The new design also helps with internal circulation, and the number of parking stalls is increased from 84 to 130. The east access was originally planned to be signalized, but UTA conducted a traffic analysis that now determined that it is not warranted to get cars in and out of the site, and the City Traffic Engineer concurs. The one thing that a signal did provide for was a pedestrian crossing. The Engineering Division is still interested in seeing a pedestrian crossing at this location, and would like to see it installed on opening day. However, there are funding issues that need to be resolved, which is a decision to be made by the City Council. Staff would like a condition of approval that UTA enter into a funding agreement with the City to participate in the cost of that feature. He showed a concept trail plan that would allow for pedestrian access, but it is not proposed at this time. He reviewed the Engineering recommendation for a HAWK Pedestrian signal, which is a high intensity activated crosswalk. The City wouldn't support a standard crosswalk. He showed the master concept site plans for Gardner Village and Bingham Junction. UTA is also requesting a waiver of the requirement to underground overhead utilities. Reasons for this application include that it will cost about \$420,000. This site has some difficult situations such as the canal, a Qwest telephone fiber duct, and it would require two borings under 7800 South. Staff supported the waiver.

Staff recommended that the Planning Commission grant Preliminary Site Plan approval for the UTA Gardner Village park-and-ride located at approximately 1095 West 7800 South in a C-G, A-5, TSOD zoning district with the conditions of approval as listed below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Pursuant to section 89-6-405(b)(2), a waiver to underground overhead utilities should also be granted.

Conditions of Approval:

1. The applicant shall address and adhere to all applicable City of West Jordan Municipal Code standards in effect at the time of this approval.
2. The applicant shall consolidate the multiple parcels on this site into a single parcel of land and provide evidence of compliance prior to the issuance of a land disturbance permit.
3. Final approval shall be subject to UTA entering into an agreement with the City to participate in funding a protected pedestrian crosswalk when warranted as determined by the Engineering Department.
4. UTA shall verify that the proposed 6' chain-link fence around the open portion of the canal does not interfere with any required vehicular site distance requirements.
5. All lighting shall be shielded from adjoining property.

Clarification was made on the alignment of the pedestrian crossing, which would be on the west side of the driveway. That driveway will align with Gardner Village's approach.

Nathan Gedge said that Salt Lake City is proposing some of the HAWK crossings, but there are no others within Utah. He asked how the motorist will be educated on the system.

Bill Baranowski said studies have found that 95% of motorists stop for a red light, and this system provides for double red lights. The percentage of people who stop at a normal traffic signal is less than that.

Ellen Smith asked if the process of funding had been presented to the City Council and what the timeline is.

Tom Burdett pointed out that the connection to the Jordan River trail is also not funded at this time. He felt that condition #3 will provide for an agreement to fund in the future either a HAWK or a traffic signal. He felt that the condition of approval needed to reflect that if at such time a full traffic signal becomes warranted that it be provided. Current pedestrian mobility is limited, but there is development taking place in the area, and as future traffic studies come in they will be looking for improvements in both traffic and pedestrian mobility.

Justin Stoker asked about the lighting betterments and wondered if those were in the same situation with funding.

Tom Burdett said yes. They are looking into the cost of those items, which will then be taken to the RDA Board for approval of funding.

Nathan Gedge noted that the Traffic Engineer recommended that the signal be in place on opening day, and he asked if that should be in the condition of approval.

Bill Baranowski said UTA's study was based on the year 2030. He felt that a number of people will be using the train to get to Gardner Village, and he thought it was doubtful that people would take the indirect route on the river trail to cross 7800 South, but they would go across the road. The City has strict rules of not placing a crosswalk across a four-lane highway without some type of stop sign or signal, etc. to protect the pedestrians. He didn't know if there were any good ways to keep people from crossing the street if there isn't a signal. He didn't think it was a good idea to wait until after the station was operational to see how the pedestrians handled the situation, and he strongly recommended that the pedestrians going to Gardner Village have the protection that the city provides to the rest of the city.

Justin Stoker asked for comments on the recommended right-in right-out on the western access.

Bill Baranowski said the western driveway is only 60 feet from the driveway at the rock church, which doesn't meet the standards for distance. They could restrict it to right-in right-out in the future, but he didn't see a reason to restrict it on opening day, because the church isn't used very frequently.

Elizabeth Scanlon, Utah Transit Authority, 669 West 200 South, acknowledged at the last meeting that UTA is committed to safety, and they will do what they need to do so that crossing major facilities with patrons is in place, but they aren't solely responsible for that, because they did not warrant a traffic signal. They expect that West Jordan and Gardner Village will partner with them for what is essentially an access to a private development. They are ready to sign an agreement with West Jordan to fund their portion of whatever West Jordan feels is the best solution. She said that there had been other instances with this situation where they waited until opening day to observe and then take action accordingly, but they would like to do it sooner rather than later. UTA will do 'Operation Lifesaver' -type training in the schools and area to educate school children and for the community to understand there will be trains more frequently in the corridor and how to deal with it, and they could wrap the signal issue into the training as well. She updated the Commission as to the progress of the site. The canal box culvert is in place, the bridge work is done, and the bridge girders will begin to be installed in the summer. Now that the weather is good they are at 35% complete, and by the end of 2009 all major civil grading utility work will be done and they will be doing track work, systems, and signaling work during 2010. The contractor must turn the line over to UTA by January 2011. At that time UTA will do signaling, testing, vehicle commissioning, etc. and they are required to open the line no later than December 2011, but they hope to open by summer 2011.

There was a discussion regarding bus stops that might be needed in the future, and some possible options were given.

David McKinney asked about the parking lot on the north side of 7800 South that was discussed at the previous hearing.

Elizabeth Scanlon said the original plan had 84 stalls and buses. When they removed the buses it allowed for 130 stalls on the site. FTA requires 200 stalls at Gardner Village station. They evaluated the cost implications to develop the northern site, and it was determined that it is financially infeasible to purchase and develop that site. They will relocate the 70 remnant stalls to other nearby park-and-ride facilities. They will not share parking with Gardner Village at this time. They are working with the owners of Gardner Village with regards to allowing them to apply for a license to place a Gardner Village sign on the UTA property.

Chad Nichols asked how much of the \$420,000 cost of undergrounding utilities includes the 'risky' part of burial.

Elizabeth Scanlon said none of it, because they don't know what they are in for. There is a large Qwest duct bank running along the front of the property, a city waterline in the road right-of-way with an unclear location, so they will be boring twice and the waterline could be hit. There are also a lot of high tension power lines in the area. When the canal work was done conduit was installed, and they are not even taking power from the lines on the frontage of the property. She clarified the Qwest duct bank along the front of the property, which could be hit. She stated that there was a lot of concrete and debris on the site that incurred costs for removal and slowed down the project, and they think that there will be more of the same on the eastern portion of the property as well.

Joe Long, Gardner Village, 1100 West 7800 South, said Gardner Village is in support of the project. However, the recommendation needs to be modified with regards to condition #3 to require a safe public crossing be in place prior to the final site plan approval for opening day of the Mid-Jordan Trax Line as it is stated in the engineering memo. They had been working with UTA for some time. The site was originally approved for 200 parking stalls with bus traffic and a stop light. Now it is being reduced to 130 parking stalls with no pedestrian crossing. Unless a pedestrian crosses the road before 1300 West they won't have the ability to cross safely. He felt that criteria #2 hasn't been met for safety. He felt that there are many people benefiting from the installation of the signal, such as people acquiring property at Bingham Junction, and not just Gardner Village or the citizens of West Jordan. He felt that this is just a way to trim UTA's costs. Gardner Village is willing to participate, but he felt that UTA should bear the biggest portion and that it should be a requirement of approval that the signal be in place at opening day.

David McKinney asked Mr. Long if he were in favor of the pedestrian signal.

Joe Long said the best for long term would be a traffic signal, but he didn't know what the cost differences were. He felt that those types of issues should be in the discussion.

David McKinney asked if a full system isn't going in, would he feel that the HAWK pedestrian signal is satisfactory.

Joe Long said yes.

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

Elizabeth Scanlon said they all agree on the need for a safe crossing. They know that people will be using this facility and crossing the street, and felt that Gardner Village stood to benefit significantly from economic development dollars from the project. They agreed that the signal is needed and that it is a partnership from all three parties, but she didn't know that she agreed that UTA should bear more of the cost than West Jordan or Gardner Village, but they will work with the two parties to move forward to do what is right for the community and for safe pedestrian crossing.

David McKinney felt the pedestrian crossing was the biggest concern. The City wants Gardner Village to be a destination, and without the safe crossing it doesn't work. He would be in favor of including the requirement for a crosswalk signal to be there on opening day.

Justin Stoker asked for the costs of the HAWK system.

Bill Baranowski said it is roughly 1/3 the cost of a traffic signal. A traffic signal is about \$210,000, so a HAWK signal is about \$70,000. Many of the equipment parts of the HAWK system can be recycled toward the installation of a full traffic signal.

Ellen Smith said all parties seemed to be in agreement with the need for the crossing, but the issue is with the funding agreement and how quickly it is approved. This site is meant to be a destination, and it needs to be done right from the start. She thought that the HAWK signal was a good place to start, especially if UTA can provide public awareness training. She felt that Condition #3 needed to be clarified to require a pedestrian crosswalk signal to be in place for opening day. She asked if that was a feasible condition with regards to timing.

Tom Burdett said yes. The Commission should consider what improvements are necessary to make the site plan function, and staff will continue to work on the funding matters.

Justin Stoker asked if this were to be required as part of the opening, would there be a pioneering agreement done at the same time in order to meet the timing.

Tom Burdett said the Commission is not in the position to determine the cost sharing formula, but it is within the purview of the Commission to determine when it should go in. If UTA felt they can't come to an agreement with the formula on cost sharing there are avenues that can be taken up with the City Council.

Chad Nichols commended UTA on the revised site plan. He also agreed with Commissioner Smith regarding the timing of the installation of the signal and UTA providing the public education. He said this is a critical place and gateway into the city, and he doesn't like the appearance of the overhead power lines. It seems that West Jordan just accepts them and doesn't take advantage of new development to have them buried. If they don't take action now the lines will still be here in 30 years. He didn't feel that the power lines that cross the road make as much of an impact as the ones along the road. He would be in favor of providing a waiver for the lines that cross 7800 South. He felt that burial of the lines would make the area more attractive.

Ray McCandless said the number of poles that would be undergrounded might be two, but they are all interrelated.

Greg Mikolash said in order not to be able to bore under 7800 South it would be getting rid of one pole. If they didn't want to do the waiver, they could do a deferral based on the burden of UTA. The lines on this site are only one small portion of everything on the south side of 7800 South all the way to Redwood Road. They should consider how many poles are served from this site.

**MOTION:** Nathan Gedge moved to allow the applicant to address the issue of power lines. The motion was seconded by Ellen Smith and passed 7-0 in favor.

Elizabeth Scanlon said she didn't think it would achieve the city's goal if they ignore the two poles going under 7800 South. She said UTA is not a developer; they are expending public tax dollars to install the project. They follow the code and do what they need to do, but they also have to be accountable to the taxpayers. There was a comment tonight that they are trying to get out of spending money, and they are. They are trying to be wise in their spending. Gardner Village station is the most expensive station in the entire system because of the canal issues, grades, etc., so the power line issue is another ½ million dollar cost. It is her understanding of the code that if they aren't drawing power from the lines in question then they are automatically granted the waiver.

Greg Mikolash agreed that every pole on 7800 South serves a different property.

Justin Stoker asked if UTA is not using any of them are they exempt from undergrounding.

Ellen Smith thought that a waiver was granted on that same basis for the Southside Church of Christ site on 7000 South, because they weren't drawing power from the lines.

David McKinney asked if trenching were considered instead of boring.

Elizabeth Scanlon said in discussions with Rocky Mountain Power and Engineering it was her understanding that either way it is costly, and trenching incapacitates the road. There is also a waterline under the road. If they hit the line it is a huge impact to West Jordan and the contractor.

Chad Nichols said in reviewing what is printed in the code it refers to the fact that they are responsible for undergrounding utilities that serve the property, which they are doing. So his argument doesn't stand, although he really would like them to be undergrounded.

Elizabeth Scanlon said they will underground where it is feasible, such as at the Redwood Station.

**MOTION:** Nathan Gedge moved to approve the Preliminary Site Plan for UTA Gardner Village South Park-and-Ride; approximately 1095 West 7800 South; Team KHP – Psomas/Travis Perry & Utah Transit Authority/Elizabeth Scanlon (applicant) based upon the findings of fact with the conditions 1 through 5 as listed in the packet, amending:  
3. Final approval shall be subject to UTA entering into an agreement with the City to participate in funding a protected pedestrian crosswalk prior to opening day.  
The motion was seconded by John Winn.

Ellen Smith wanted the crosswalk signal to be in place by opening day not just the agreement for funding.

**AMENDED**

**MOTION:** Ellen Smith moved to amend the motion to add to the amended Condition #3 that the site shall include a protected pedestrian crosswalk between the park-and-ride and Gardner Village and that it be in place by opening day. The amended motion was accepted by Nathan Gedge and John Winn and the motion passed 7-0 in favor.

**MOTION:** Nathan Gedge moved to grant a waiver to underground overhead utilities to the UTA Gardner Village South Park-and-Ride; approximately 1095 West 7800 South; Utah Transit Authority/Elizabeth Scanlon (applicant). The motion was seconded by John Winn and passed 7-0 in favor.

**MOTION: Nathan Gedge moved to adjourn.**

The meeting adjourned at 7:10 p.m.

Justin Stoker  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Community Development

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009