

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 15, 2024 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: George Winn, Tom Hollingsworth, John Roberts, Trish Hatch, Ammon Allen, Jay Thomas, and Emily Gonzalez.

STAFF: Scott Langford, Larry Gardner, Tayler Jensen, Mark Forsythe, Duncan Murray, Julie Davis

The briefing meeting was called to order by George Winn with a quorum present. The agenda was reviewed. Training on impact fees was provided by Administrative Services Director Danyce Steck.

The regular meeting was called to order at 6:00 p.m. with a quorum present.

1. Approve Minutes from October 1, 2024

MOTION: Ammon Allen moved to approve the minutes from October 1, 2024. The motion was seconded by Emily Gonzalez and passed 7-0 in favor.

2. Approve 2025 Meeting Schedule

MOTION: Trish Hatch moved to approve the 2025 Meeting Schedule. The motion was seconded by Tom Hollingsworth and passed 7-0 in favor.

3. Holiday Oil; 7825 South Fallwater Drive; Preliminary Site Plan, Administrative Conditional Use Permit for a Drive-through, and Preliminary Subdivision Plat (1 lot); SC-2 Zone; Holiday Oil/Brent Neel (applicant) [#32913, 32915, 32914; parcel 20-35-100-001]

Brent Neel, Holiday Oil, explained that the application is for a gas station with 16 fueling pumps, a convenience store, and an automatic car wash. They have been working with the Peterson group regarding shared access to the other properties from Fallwater Drive and 7800 South, which should help to mitigate some of the traffic concerns. They have been working with staff for two years and they are now asking for site plan approval.

Ammon Allen asked him to address a question that came in from the public regarding whether there is a need for another gas station in the area.

Brent Neel said the facility would be a service for the current and future residents in the area. Mountain View Corridor is a future freeway that this will serve, and there is commercial planned to the north. Their traffic counts support a gas station.

Mark Forsythe said the current SC-2 (community commercial) zoning allows for the intended gas station use as well as other commercial businesses. The overall master plan for the Highlands

community was adopted in 2012 and this property was designated as commercial. He explained that the conditional use permit is required for the proposed drive-through retail that will provide the ability to pick up items sold in the convenience store. The access from 7800 South was established through a recorded cross-access easement and was situated to meet the separation requirements from the intersection of Fallwater Drive and 7800 South, which will be signalized. Two accesses from Fallwater Drive are shown. The north is right in and right out and the south access is part of the recorded cross-access agreement and will be multi-directional. He pointed out that there will be a concrete median on 7800 South as part of the widening. They will be providing a 12-foot-wide multi-use asphalt trail as designated on the trails master plan. Once the commercial properties to the east develop, the trail will connect to the trail that runs through Gladstone apartments. In order to keep as much separation as possible from 7800 South, the trail encroaches a little bit into the wash. The landscape plan follows the specific streetscape plan for arterial roads. Interior landscaping and tree requirements have been met. The photometric plan shows light levels at the property lines, which can be no more than one footcandle. Light poles within 150 feet from residential uses are 15 feet tall and the others are 20 feet tall. To mitigate any noise impacts, the car wash is situated away from the residences and oriented north and south. The drive-through speaker box is also oriented to the south pointed away from the residences.

Based on the findings analyzed and explained in the staff report, staff recommended that the Planning Commission grant approval for the Preliminary Site Plan, Preliminary Major Subdivision and the Administrative Conditional Use Permit for Holiday Oil (Fallwater Dr) located at 7825 South Fallwater Drive in the SC-2 zone with the Conditions and Requirements of Approval listed.

Preliminary Site Plan - Requirements of Approval

1. The entirety of the Clay Hollow Wash area shall be fully landscaped with rocks and City approved xeric plants in accordance with §13-13-6C-5 of the West Jordan City Code. As is City policy, hydroseeding will not be accepted as valid landscaping.
2. All redline comments from all City departments shall be addressed during the Final Site Plan review process.

Preliminary Major Subdivision - Requirements of Approval

1. All redline comments from all City departments shall be addressed during the Final Major Subdivision review process.

Administrative Conditional Use Permit - Conditions of Approval

There are no conditions of approval suggested by staff because staff has not identified any reasonably anticipated detrimental effects of this use. If the Planning Commission disagrees with staff's analysis and/or identifies any reasonably anticipated detrimental effects of this use, reasonable conditions should be identified, which, if imposed, would reasonably relate to and substantially mitigate each of the reasonably anticipated detrimental effects of the use, and which would comply with existing law. Such information should be clearly included in any motion made by and subsequent decision of the Planning Commission relative to the application. Any Planning Commission decision will supersede any conflicting analysis or opinions of the staff stated in this report or otherwise presented to the Planning Commission.

Trish Hatch asked for clarification about the fuel storage tanks.

Mark Forsythe said the fuel tanks will be next to the wash. The utilities department indicated in their review that the separation requirement from the wash had been met. He stated that the State of Utah regulates underground fuel storage tanks.

Ammon Allen asked for confirmation that everything requested for this project is permitted in the SC-2 zone other than the drive-through. He asked if the entire site is then a conditional use.

Mark Forsythe said only the drive-through is a conditional use, so any conditions to mitigate detrimental impacts would be narrowly tailored to the drive-through.

George Winn said the Commission received an email today from the Garbett community that identified six or issues of concern, which have been duly noted.

George Winn opened the public hearing.

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

MOTION: Jay Thomas moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Site Plan for Holiday Oil (Fallwater Dr) located at 7825 South Fallwater Drive in the SC-2 zone with the Requirements of Approval listed in the staff report. The motion was seconded by Trish Hatch and passed 7-0 in favor.

MOTION: Jay Thomas moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Major Subdivision for Holiday Oil (Fallwater Dr), titled specifically as the Coldstream Commons Subdivision, located at 7825 South Fallwater Drive in the SC-2 zone with the Requirements of Approval listed in the staff report. The motion was seconded by Trish Hatch and passed 7-0 in favor.

MOTION: Jay Thomas moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Administrative Conditional Use Permit for a restaurant, fast food limited for Holiday Oil (Fallwater Dr) located at 7825 South Fallwater Drive in the SC-2 zone with no Conditions of Approval as explained in the staff report. The motion was seconded by Trish Hatch and passed 7-0 in favor.

4. Copper Meadows; 8200 South Stokesley Drive; General Plan Amendment for approximately 76.21 acres from Future Park, Public Facilities, and Very Low Density Residential to Low Density Residential, Rezone from VLSFR (Very Low Density Single-family Residential), LSFR (Low Density Single-family Residential), and P-F (Public Facilities) Zones to P-C (Planned Community) Zone, and a Master Development Plan and Agreement; Barrett Peterson (applicant) [#29705, 29702, 29704; parcel 20-33-401-002]

Jeff Seaman, representing Peterson Development, said the Copper Meadows subdivision is on a difficult property to develop since the south half is a former gravel pit. This project came to the Commission and City Council last year and was postponed. He thanked the staff who helped to address the issues that were presented last year. He showed the current and former plans for comparison and noted the changes. A proposed trailhead at the north was removed after receiving opposition from the neighbors. Another concern dealt with the proposal to cut into the hillside for homes in the northwest, but now they are working with staff to keep it open space for trails or hiking, and it creates a buffer from the existing homes. He pointed out that nowhere in the development will a backyard fence touch an existing neighbor's fence. There will be at least 30 feet of buffer from fence to fence that will be maintained by the HOA. On the east side there is a park and detention pond that will buffer the neighbors. Another concern was the overall density, which was 5 units per acre on the first version with the density in the middle of the project. The neighbors who talked to them asked them to move the denser product to the south, so that is where the new plan shows townhomes and carriage homes. The overall density is now proposed at 4.2 dwelling units per acre with a reduction of 58 units that puts it in the low-density category. By working with staff, the proposal now has minimal impact on the neighbors. Good urban design is being provided with a variety of housing types, including the 'missing middle' housing type. An HOA will be formed and will maintain the open space. Residents of the new subdivision will not need to go through the adjacent subdivisions. 8200 South is a collector road. The traffic study showed that including this community plus the expected growth over the next 20 years, the study area intersections and project accesses will continue to function with acceptable levels of service with no additional improvements needed. The project is comparable to the Oneleven project approved this year that has a variety of housing types, but it is in the Integrated Housing Development zone that requires a commercial aspect. Commercial uses in the Planned Community zone are at the discretion of the Council, but this is not a commercial area. He felt that they addressed every concern that was presented at the previous hearing and asked that the Commission forward a positive recommendation.

Taylor Jensen stated that the property has gentle slopes on the north moving south to the existing gravel quarry. He reviewed the meeting history for the project that City Council directed last December to be redesigned. The applicant has worked with staff since then to address the 17 deal points identified in the previous submittal. The new lot layout no longer is 'conceptual', so the project will be built as it is shown unless they go through an amendment process. The bulk standards in the P-C zone allow the applicant to propose variations, which the City Council reviews and approves, denies, or amends. The applicant has proposed full length driveways, side setbacks were changed to 5 and 8 feet with a minimum of 13 feet between buildings. He reviewed the built separations on the wall and fencing plan. Twenty percent of the project must be in open space and 8% of that has to be irrigated and programmed. Slopes greater than 30% are not counted toward the open space requirement. An 8-foot-wide trail will continue along 8200 South and Stokesly Lane, which will connect into existing city trails that will continue into Jones Ranch. Internal trails are also provided. Some building elevation examples were shown, and the standard in the master development plan states that the same plan or colors cannot be next to or across the street from each other, which will help to create a sense of place. He explained the proposed changes to the future land use map and zoning map. The project asks for 318 units at 4.2 dwelling units per acre. There is an annexation request in process. If the project is approved, the major subdivision and site plan

applications would be reviewed by the Planning Commission. It has been pointed out that this property does not have 200 acres, however, the code gives discretion to City Council to approve less acreage. He noted that there are over 1,000 acres of P-C property adjacent to this parcel, so staff believes the intent of the 200-acre requirement is met. The P-C zone allows for more flexibility for unit placement, and it provides parks and open space for the residents. He read from 13-5C-1B regarding the purposes of the P-C Zone. It encourages a mix of compatible uses but does not require commercial within the project boundaries. Staff does not feel that commercial uses make sense in this location that is away from U-111, and it would introduce additional traffic, which has been a concern to the residents. There is a commercial property within one-quarter mile from this project.

Mr. Jensen reviewed the surrounding developments for context. Jones Ranch to the south has 592 acres with 5 dwelling units per acre overall density. Village 10 abuts Copper Meadows and contains 25 acres with a density of 1 to 3 units per acre. The larger portion of the abutting property is Village 9, which has 10 units per acre maximum density. The abutting portion of the Sycamores to the north is 31.7 acres with 71 units at a density of 2.24 units per acre with the average lot size of .35 acres. All lots in the Copper Meadows development adjacent to the Sycamores range from 4,000 to over 10,000 square feet and the majority of lots adjacent to the Sycamores are 8,000 square feet or larger.

On the previous layout, staff was concerned with the amount of significant grading that would take place on the hillside, but the current plan preserves the hillside. The new plan has no existing lot directly adjacent to a new lot and 30 feet of open space is provided as a buffer adjacent to the largest lots. A new wall will be placed next to the smallest lots along 8200 South. Hyde Point subdivision to the east is zoned R-1-8, which allows between 3 and 5 units per acre, which is in line with the 4.2 units per acre density requested and is separated from the development by Stokesly Drive (67 feet), a wall, and open space. He explained the concept of the 'missing middle' housing that is chronically underserved in West Jordan and throughout the U.S. Each cluster lot has a 2-car garage, additional non-required parking spaces, and areas for snow storage during a winter event.

Based on the analysis contained in the report, staff recommended that the Planning Commission make a recommendation of approval (positive recommendation) to the City Council for the proposed General Plan Amendment as the proposal successfully complies with the Criteria found in (13-7C-6). Staff recommended that the Planning Commission make a recommendation of approval (positive recommendation) to the City Council for the Master Development Agreement/Plan. Staff recommended that the Planning Commission make a recommendation of approval (positive recommendation) to the City Council for the proposed Rezone.

Requirements of Approval:

Staff recommended that the following Requirements of Approval be included with any motion that recommends approval of the Copper Meadows development to the City Council.

General Plan Amendment

1. Any increases and/or improvements necessary to provide utility service for the additional entitlements shall be memorialized in the development agreement, and paid for and constructed by the applicant.

Master Development Agreement/Plan

1. The Master Development Plan represents a *Maximum* number of dwelling units. The actual unit count shall be determined through the standard subdivision process, and shall meet all applicable development and fire codes. The development shall not be exempted from standard city ordinances and standards, except as explicitly stated in the Master Development Agreement (MDA). The City makes no representations that the developer is guaranteed to be able to develop the maximum number of dwelling units, unless all provisions of the City Code are followed. Any variations from the approved plans shall comply with City Code Section 13-7I-5 "*Variations from Approved Plans and Development Standards.*"
2. Proposed Masonry Walls shall have mow strips.
3. No development may occur in the annexation area prior to the annexation process being completed.
4. The applicant shall construct additional capacity for any development beyond the existing 154 ERU's. Additional capacity must be in a form and developed in a way that is acceptable to the City.

Rezone

1. The *Copper Meadows* Master Development Agreement (MDA) shall be approved prior to approving the Rezone.
2. The Planning Commission shall recommend approval, denial, or modifications to the proposed bulk development standards proposed by the applicant.

Jay Thomas asked if this application is jumping ahead of the process since the annexation is not approved.

Duncan Murray said the annexation process is underway and does not require Planning Commission recommendation. The master development agreement identifies it, and it is anticipated that the City Council could possibly approve it at the same time as the other items.

Tayler Jensen explained that it is a requirement of approval that they cannot develop any portion of the project that relies on any portion of that annexation until it is annexed.

Jay Thomas asked for clarification that if the Commission should make a negative recommendation on the project based on the acreage, the City Council could still approve it.

Duncan Murray said regardless of the recommendation, it will go to the City Council who will then take whatever action they want to within their discretion, including approval.

Trish Hatch asked staff to review the bulk standards that were referenced and if the developer is going above and beyond the typical standards of the P-C zone.

Tayler Jensen said the bulk standards are similar to what a P-C zone would use. They are requesting some slight reductions, such as on the alley-loaded townhomes asking for 12 feet in front instead of 20 because it is a rear-loaded product. None of the reductions relate to driveway lengths or side yard separations.

Ammon Allen said ten months ago this project had a negative recommendation from staff because at that time there were 17 outstanding items that had not been answered and the MDA needed to be finished. It appeared that over the last ten months the application has been retooled to manage the 17 items, which is why it is before them today.

George Winn opened the public hearing.

George Winn noted that all of the Commissioners received a document from Jake McNinch as a matter of record. After receiving a show of hands of those wanting to speak on the item, he stated that because of the large number and with the authority in the Planning Commission by-laws Section A.3.h that public comment would be limited to two minutes per person in order to move the agenda along and hold down redundancy, and so everyone has the chance to speak.

Jack McNinch, West Jordan resident, asked for five minutes because he was representing a large group in the Hyde Point and Jordan Hills neighborhoods. He appreciated all the time spent working on the proposal. He asked for a denial of the request. There are significant infrastructure issues and it goes against several of the guiding principles of the West Jordan general plan. He presented a petition with 298 signatures against the development due to adverse impacts on the neighborhood and lack of compatibility. He also presented a 12-page document outlining their arguments against the proposal. The P-C zone is not appropriate because code section 13-5C-5 requires 200 acres except as allowed by Council if it determines the surrounding neighborhood will not be adversely affected.

George Winn said the Commission wanted to hear from everyone regarding a broad range of comments without much redundancy.

Brian Jones, West Jordan resident, referred to Section 13-7C-6 that states that an affirmative determination for each criterion must be made for any amendment to the general plan. First, the proposal must conform to and be consistent with the adopted goals, objectives, and policies in the general plan. Page 49 of the general plan for master planned communities says they are achieved by an integrated mix of commercial and residential land uses with a variety of housing types. The P-C zone also encourages a mix of uses, including commercial. He stated that this application does not have a mix of commercial and does not have housing types other than what is proposed. Terraine, Jones Ranch, and Sycamores were all required to have a commercial aspect. He asked that this development not be treated differently.

Cassie Jones, West Jordan resident, said the staff report states that the reason staff is not requiring commercial is because the people do not want the proposal to follow city code, which is not true. It may be true that commercial is not required, but other similar developments in the area were required to have a commercial aspect. The Planning Commission should not break code and treat this project differently. The developer does not follow the definition of the P-C zone, and it goes against Sections 13-5C-5, 13-5C-1, and 13-7C-6 and the general plan. She asked for a negative recommendation. She felt that the developer was heading in the right direction but the properties to the west of Hyde Point are not even close in density, and it is just a stone's throw away for one home in Hyde Point to have four houses backing them.

Jason Allen, West Jordan resident, said the project is 76 acres with 10 acres that are unusable. If you take out the 20% open space, there are 318 units with a true density of 5.3 units per acre. If you take out the extremely high slopes the density increases to almost 7 units per acre. The request for P-C is just a way for the developer to maximize profits by allowing for high density units that are otherwise not allowed. This project is high density. Issues with snowplows have not been adequately addressed. High density developments have cars parked on the road so that snowplows cannot plow efficiently. They are not insensitive to the need for affordable housing, but high density is not the solution. They need more single-family homes that are small, simple, and not elegant and the P-C zone does not accomplish that.

Megan Allen, West Jordan resident, referred to Section 13-5-4 regarding newly annexed territory and said that the P-C zone is not appropriate for the 76 acres because of the sensitive slopes. The requirement for 20% open space leaves little land to build on and forces undesirable housing types such as townhomes that are not compatible with the existing developments. Ten acres cannot be used due to dangerous grades. She said that 318 units divided by 60 is 5.3 dwelling per acre. If you remove three acres of unusable land in the annexation area and 7.8 acres deemed dangerous slopes then the proposal is 7 dwelling units per acre, which is why the zone is not appropriate and it will not feel like a low-density development. She referred to a comment from Commissioner Thomas at the previous meeting for this development, "code 3-5C-5 and the regulation not to designate land under 200 acres a P-C zone, was to avoid this exact thing, cramming too many people into a small space."

Carrie Brown, West Jordan resident, said after fulfilling the open space requirement and removing the ten acres of unusable open space it will leave no room to build homes because it is less than 200 acres, and it should not be zoned P-C. The R-1-8 zone would be more appropriate because it would not require 20% open space or the annexation of unusable land. It would be more compatible with surrounding neighborhoods with less adverse impact. She asked that codes 13-5C-6 and 13-5-4 be upheld by voting for a negative recommendation. She summarized the previous points made regarding commercial aspects, minimum acreage, and compatibility of housing types.

Wendy Love, West Jordan resident, stated that the R-1-8 zone is more appropriate for the property, which is the same zoning as Hyde Point subdivision to the east. R-1-8 allows for the same density that is proposed, but it would also allow compatibility with other existing or planned land uses as stated in Section 13-7C-6. At the previous hearing, staff identified the major problem of incompatibility with the property to the north. The report stated the Sycamores had 2.24 dwellings per acre compared to the 4.2 proposed with an average 3,000 square foot lot.

Kelly Love, West Jordan resident, said the R-1-8 zone would be a compromise. It would better match the smallest lot sizes in the Jordan Hills neighborhood, but it still would not come close to the average lot size to the north. The P-C zone is the wrong zone for this property. It does not have a commercial use, does not have 200 acres, and does not match the definition and general guidelines. The general plan states that future land uses must promote quality of life, safety, and design. This will not promote quality of life or safety because of the abandoned gravel pit. The slope analysis shows several sensitive manmade slopes. Page 45 of the general plan states that when sensitive slopes exist that the very low residential zone is appropriate.

Cynitha Lopez, West Jordan resident, stated that the general plan does not advise high density near sensitive slopes. The proposal would put 157 carriage homes and 54 townhomes next to the sensitive slopes. The new plan does not use dirt from the northwest to mitigate the slopes. This proposal will not promote safety and would create a dangerous environment. The R-1-8 zone would prevent high density next to 30% slopes. She referred to an action in 2022 by Salt Lake County that enforced county ordinance 5.214.030 requiring a minimum of 200 feet buffer between the gravel pit and a residential development. If this developer is not going to fully remediate the gravel pit, then this same buffer is recommended.

Rich Willie, West Jordan resident, said a main problem is that the gravel pit is not being remediated. In 1997 Ron Reynolds represented that the pit would be remediated when no longer used. This remediation has not and will not be done because there will be no incentive if approved and the city will not have any leverage. The minutes from 1997 show that Robert Money was concerned about the eventual transition to low density residential due to slope grades. There are compaction problems in this area. Section 13-7C-6 talks about impact on the surrounding area and the staff report admits that the applicant is the sole beneficiary. While the City Council has discretion, the code can't be read that makes it a nullity.

Colette Farr, West Jordan resident, said that Peterson had not talked to her. The West Jordan general plan pages 30 to 37 talks about good urban design, which this does not follow regarding functionality and aesthetics. The applicant proposes a walking path through weeds, which is in her backyard. She was concerned about what people would do in the area. The 16 acres of ungroomed area will have noxious weeds, collect garbage, be a fire hazard, and be a dangerous liability to the community. This space does not follow the guidelines in the general plan or fulfill the goals of the city. The general plan also says good urban design can facilitate good social health. The Copper Meadows plan does not have amenities for social health.

Greg Kitchen, West Jordan resident, concluded that the proposal does not meet the first criteria and does not use land design to promote quality of life, safety, and good urban design. The staff report does not mention the bond that was required for remediation of the gravel pit. It is only opinion of staff that states this is good urban design because most of the high density is near the steep slopes that should be remediated. However, the general plan indicates that high density should not be placed next to sensitive slopes. Staff also said in the report that it will preserve the hillside, but the grading plan shows 23 homes will disturb the western portion of undeveloped hillside. Page 12 of the master plan shows that 7.8 acres will be disturbed that have created dangerous grades of 30% or more. The only preservation shown is an ungroomed garbage collection site and fire hazard on the northwest corner.

Nathan Turner, West Jordan resident, said that the opinions of city staff are good and appreciated, but the Commission should consider the preferred facts that have been presented over opinion. The general plan states that the general land use map is to be considered the will of the community and presumed correct. The developer has the burden of proof as to why the general plan should be changed. He stated that the developer had not talked to him, and he is not in favor. He stated that the Planning Commission is here for a purpose, and he appealed to them as human beings to give a human aspect and understand the time and effort that the community has put into the presentation. This is his forever home, and he asked if they would respect the community's opinion and give them their attention during the limited public comment period and to not have side conversations.

Michele McNinch, West Jordan resident, reviewed the existing land use map compared to the proposal, which is not compatible with the very low designation and is asking for an unreasonable increase. The land use map was recently updated and adopted at the end of 2023. Numerous residents, staff, and others spent many hours preparing the document and if there was a desire to change it for this area then it would have been voiced during the update. She asked what the purpose of the map is if it is not honored. Just because there is not a current proposal to develop the land in accordance with the current map, it does not mean it will not happen in the future. She asked that the Commission make a recommendation for denial. The general plan states that very low-density residential uses are appropriate as a buffer between higher density single-family development and dedicated open lands and hillsides where sensitive slopes make higher density developments inadvisable. She asked them to consider if there is a better zone for the property.

Sommer Young, West Jordan resident, said there are sensitive slopes that run from east to west along the property where the developer wants to put the highest density housing types next to it. Staff's opinion was that a future park would not come to fruition. The land use should have been changed with the recent update if the city did not want it developed in this way. The general plan is the will of the community and presumed correct, and the developer has not shown how it is in the best interest to be changed. The community would like it to remain low or very low residential with an R-1-8 entitlement. The staff report indicated that this would have minimal impact on the existing neighborhoods, but staff used the same information to also recommend denial 11 months ago. She reviewed the lot size data in the Sycamores and stated that the lots in the lower 2/3 of the Sycamores is still double the average lot size of what is shown in the proposal.

Alicia Nudd, West Jordan resident, asked the Commission to trust the staff and the report that was provided that shows this proposal is not compatible with the existing neighborhoods. The Jordan Hills development follows the pattern of placing large lots along the west boundary. The commission has heard from a large number of people who feel that the development will have a negative impact on the community. Staff asked the developer to consider using the densities similar to the Sycamores north of the gravel pit, but that advice was ignored. The average lot size is now 3,000 square feet, but now staff is in support because 10 lots were added that will buffer Jordan Hills neighborhood. The people do not accept that proposal and suggest a compromise of R-1-8 that will give the same density with a more compatible lot size. The staff report indicated that there will be little impact to the Hyde Point neighborhood, which has a density of 3.12 dwelling units per acre with average lot size of .18 acres. The average lot size of Copper Meadows is 3,000 square feet. According to 13-7C-6 and land guiding principles, when comparing land, we should compare what is existing and not what the buffering land *could* allow for.

Sariah Hurd, West Jordan resident, said the staff report is not comparing what is existing but what could have been allowed. The very low density currently shown on the map matches what exists in Hyde Point in dwelling units per acre. She asked them to agree with the more accurate analysis by comparing actual density in the neighborhoods and determining that the proposal is not compatible with the east. Copper Meadows is also not compatible with what Jones Ranch is proposing along the Oquirrh Mountains, which is low density in Village 10 and allows for 1.5 to 2.9 dwelling units per acre. Villages 11, 12, 13, and 14 that also buffer the Oquirrh Mountains allow no more than 3 dwelling units per acre. She asked that the neighbors be allowed to have exactly what was zoned and expected

for that property before they moved to the neighborhood. She said that people are renting so there isn't enough room for parking cars.

Kayleen Whitelock, speaking remotely, thanked the residents who came out to speak.

Nathan Voorhies, West Jordan resident speaking remotely, said typically the farther west you go the larger the houses get. He was frustrated to think that an area would build out that way and now to have it changed. He was also frustrated that the land is not getting remediated, there are 30% slope green areas that are expected to be used, and we are packing in more and more when it could be remediated to have a better product.

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

Jay Thomas indicated that part of what he was looking up during the meeting was the code regarding if commercial is mandatory in the P-C zone. It is not required but is recommended. With the comments tonight and everything he read prior and with the city codes he felt like the developer was heading in the right direction and it is a better plan than ten months ago. However, he was still troubled with the acreage and would vote no because of it.

Trish Hatch said that Peterson had done a lot of work to bring the plan into alignment. She felt that the P-C zone is better than the R-1-8, because it allows for more variety and for homes to be built where they are more suitable. She thanked the residents for taking time to come out and especially appreciated those who shared their own heartfelt comments. She had previously read through the comments provided by Jake McNinch and listened while they were being repeated. She felt that the P-C zone matches the zone to the north and south and matches what Jones Ranch is doing, and it allows the developer an opportunity to create green space. She recognized that a portion has 30% grade, but there is other open space that is less than 30%.

Ammon Allen asked if seven units per acre is considered medium or high density.

Tayler Jensen said seven units per acre is medium density, but density in West Jordan is calculated on a gross basis.

Ammon Allen asked staff to comment on the gravel pit remediation.

Tayler Jensen said they looked into the 1997 conditional use permit for 84.9 acres, which is the same acreage and parcel number as the property to the south and not for Copper Meadows. Staff searched for records of a conditional use permit on the subject property but were never able to find one. If there was a permit, we do not have record of it, and there is no bond for this site. There was a lot of talk tonight about no site remediation. However, there will be remediation as required with the project. That is why it makes more sense to have higher density in the gravel pit area because there will be a significant amount of work for it to be remediated. If the property is not developed, then the site remains as it is with no remediation.

Ammon Allen apologized if it seemed he was not paying attention, but he was looking down as he followed along with what the public was reading, as well as looking up the city code that was being

referenced throughout. He especially appreciated the specific non-read comments. He referenced city code 13-5C-1C in the planned development zones that says in part, "It is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter." He read what some of the purposes are and stated that it was his opinion that staff had effectively and accurately looked at this code and he sided with that. The document that was read by the community asked repeatedly to look at the facts. He had done that, and the fact is that he did not agree with what the community read. This property is absolutely exactly what the P-C zone was created for. This is a very effective and very well laid out development and he was 100% in favor of it.

George Winn reminded the Planning Commission of their obligation. The Commission does not have the same latitude as the City Council. If the application meets the set criteria, then they are obligated to support the application.

Duncan Murray explained that unlike the previous application on the agenda for site plan, subdivision, and conditional use permit that was purely administrative, the requests for Copper Meadows master development plan, rezone, and land use amendment are all recommendations to the City Council. Even though the Commission has limited discretion, they can still go through the criteria and use that to either give a positive or negative recommendation. In order to give a negative recommendation, they have to find at least one of the criteria that has not been met. With a positive recommendation they find that all criteria have been met. If they choose to give a negative recommendation, they need to take factual evidence from the record and identify what they are basing the negative recommendation on for that criterion.

George Winn said that all of his questions were asked by others and had been answered.

MOTION: Ammon Allen moved to make a recommendation of approval (positive recommendation) to the City Council for the proposed Copper Meadows General Plan Amendment amending the Future Land Use Map (FLUM) from Future Park, Public Facilities, and Very Low-Density Residential to Low-Density Residential and Parks and Open Land subject to the requirements of approval.

1. Any increases and/or improvements necessary to provide utility service for the additional entitlements shall be memorialized in the development agreement and paid for and constructed by the applicant.

The motion was seconded by Trish Hatch and passed 5-2 in favor with Jay Thomas and Emily Gonzalez casting the negative votes.

MOTION: Ammon Allen moved to make a recommendation of approval (positive recommendation) to the City Council for the Copper Meadows Master Development Agreement/Plan subject to the requirements of approval as shown in the staff report. The motion was seconded by Trish Hatch and passed 5-2 in favor with Jay Thomas and Emily Gonzalez casting the negative votes.

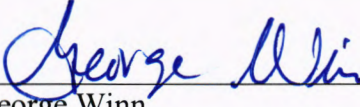
Jay Thomas and Emily Gonzalez said that they did not think that the application met the requirements for fitting in with the adjoining neighborhoods.

Duncan Murray clarified that because the motion is for a positive recommendation, those casting negative votes do not need to list specific criteria to support their opposition to the motion. However, if the motion had been for a negative recommendation, then the criteria would have to be identified.

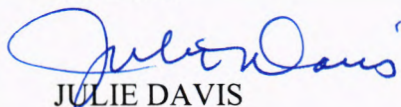
MOTION: Ammon Allen moved to recommend approval (positive recommendation) of the Copper Meadows Rezone of 76.21 acres from Very Low-Density Single Family Residential (VLSFR), Public Facilities (P-F), and Low-Density Single Family (LSFR) to Planned Community (P-C) subject to the requirements of approval in the staff report. The motion was seconded by Trish Hatch and passed 5-2 in favor with Jay Thomas and Emily Gonzalez casting the negative votes.

MOTION: Jay Thomas moved to adjourn.

The meeting was adjourned at 7:45 p.m.


George Winn
Chair

ATTEST:



JULIE DAVIS
Executive Assistant
Community Development Department



Approved this 19 day of November, 2024