

SOUTH JORDAN CITY PLANNING COMMISSION STAFF REPORT

TO: South Jordan City Planning Commission

FROM: Anika Stonick, Planner

DATE: DECEMBER 10, 1997

SUBJECT: **APPEAL TO SECTION 11.36.070(3) OF THE MUNICIPAL SIGN ORDINANCE, PEGASUS DEVELOPMENT (APPLICANT).**

RECOMMENDATION:

Staff recommends the Planning Commission DENY the proposed additional signage for the Sterling Village Apartments on Jordan Gateway.

ZONING AND LAND USE PLANNING:

The area for the proposed signage is zoned C-FF. Land use planning for this area is for "Mixed Use."

BACKGROUND:

This is an application for additional signage in the area of the Sterling Village Apartments, but not on the apartment site. The signage proposed would be located within the median of the street which approaches the complex. Two types of signs are proposed, monuments and banners.

Two monument signs are proposed. They are proposed to be 3 feet high by 4 feet wide erected upon a 1 1/2 foot base. This amounts to 12 square feet not including the base portion. The signs will be constructed of concrete with a brick veneer. The copy of the monument signs will be placed upon a 24 inch wide panel attached to the monument and will include the words "Sterling Village" and a directional arrow. Please note the proposed location of these signs on the drawing submittal.

The total area of the proposed monuments is within the limits given by the municipal sign ordinance (one sign at 64 s.f. when associated with parcels 5 acres or larger). It should be noted that off-site signage for projects is prohibited under the sign ordinance as are signs on public property. There have been occasions when the City has permitted such signage. The development agreement reached between the City and Pegasus Development for allows one extra monument sign at a specific off-site location. A temporary monument sign has been permitted at that off-site location (in the area of

South Jordan Gateway) meeting the dimensions and location given in the development agreement. This proposal asks for two more off-site monument signs.

The banner signs are proposed to hang from the street lights located in the median of the street approaching Sterling Village. Six banner signs sized at 3 feet wide by 9 feet high are proposed to hang on either side of three street light posts. Size is not the issue, however, in considering approval for these signs. Banner signs are a prohibited sign type, as are signs in the public right-of-way and/or attached to any appurtenance on public property.

Section 11-36-050 C states that the Planning Commission may recommend approval and the City Council may approve applications petitioning for different sign size, height, text, design, copy or location than specified by the ordinance. The signs proposed in this appeal, however, are types and in locations expressly prohibited by the ordinance (see Section 11-36-130 F, M, Q, and T).

The developer has informed staff that the medians are already connected to the apartments for irrigation water and street light electricity. The developer proposes that with the placement of the signage for the apartments in the median they would agree to maintain the landscaping in the median. Should this be agreeable to the City an appropriate agreement, in document form, would need to be determined.

Some benefits of allowing some or all of the proposed signage would be to assist visitors in identifying the apartments. The visibility and identity afforded the apartments by the proposed signage may also promote continued value and tenancy of the apartments. These are benefits to the developer, however, and not necessarily to the City as a whole. The developer presently enjoys these same benefits due to the extra off-site monument that has already been permitted per the City's development agreement.

APA Suggs. Planning Comm. consultations w/ Developer
proposes a probably too lengthy process if taken, in
total, to heart, but some process to promote
relationship should help achieving desirable projects.

Regass Sign Appeal

12/10/97

3. for Deny w/ recommendation ^{to} ~~to~~ ~~approve~~ ^{approve} should
acceptable agreement be reached between the ~~to~~ ~~approve~~ an
parties re maintenance of the medians and sign package
1 opposed re opposes banner signs of pkg.

March 5, 1998

Mr. Dan Safier
Pegasus Development Co.
350 Bridge Parkway
Redwood City, California 94065

Dear Mr. Safier:

You previously filed an appeal to the City's Municipal Sign Ordinance regarding construction of signs in the median in the public road entering your development as well as banner signs. This appeal was heard by the City Council on Tuesday, March 3, 1997 and denied.

As part of your appeal, you were willing to maintain these medians if the signs were allowed. Due to lack of staff, the City's maintenance of the significantly landscaped medians is not possible. The Council directed staff to discuss this with you or the City may have the medians paved.

Should you wish to keep the medians landscaped, the City is willing to consider a maintenance agreement. A proposal of such an agreement must be submitted before Tuesday, March 17, 1998. After that date, the City will likely proceed with the paving.

If you desire further information, staff can be reached at the City offices, or by telephone at (801) 254-1404 during regular business hours.

Sincerely,



Judy Hansen
City Planner

cc: Mayor & City Council
City Administrator
Steve Bowen
Shane Bennett
Sterling Village



SOUTH JORDAN
U T A H

S *TERLING*
V *ILLAGE, L.C.*

July 28, 1997

Mr. Dave Millheim, City Administrator
Ms. Jodi Ketelsen, Director of Planning
City of South Jordan
11175 South Redwood Road
South Jordan, Utah 84095

Re: Guard House and Monument Tower at Sterling Village

Dear Dave & Jodi:

The purpose of this letter is to confirm the resolution we reached at our meeting this morning with Jodi, Judy, Keith Snarr, Dan Safier, and myself.

Jodi agreed that the City should and will take responsibility for all the conditions imposed on Sterling Village by the City Council on the approvals for construction of the guard house and the monument tower with the exception of making sufficient physical allowances for the City to install a five foot wide sidewalk tight to the back of curb of the northerly portion of the monument tower pad, which condition shall remain on Sterling Village.

Jodi also agreed that this remaining condition shall be imposed solely upon the construction of the monument tower, and that no condition shall be imposed on the construction of the guard shack.

Dave, please execute the enclosed originals of this letter and please return one copy for our records.

Please contact me immediately if you have any questions or require any additional information.

Very truly yours,

STERLING VILLAGE, L.C., a Utah limited liability company

By: PROM MANAGEMENT GROUP, INC., a California corporation,
Manager



Timothy X. Toohey
Assistant Secretary

AGREED AND ACCEPTED



Dave Millheim
City Administrator

TXT/mga

cc: Lynn Sharp, Chief Building Official, City of South
Jordan
Keith Snarr

File: 7.28.97 ketelsen letter.txt

Lynn Chase said he had several questions for the applicant and seeing that he is not here he felt the item should be tabled at this time and made to the following motion.

MOTION - LYNN CHASE - TABLE THE HOME OCCUPATION BUSINESS LICENSE FOR COMPUTER SYSTEMS UNLIMITED; REQUESTING STAFF TO CONTACT MR. SIMMONS, AND INVITE HIM TO THE NEXT PLANNING COMMISSION MEETING TO ADDRESS ANY QUESTIONS.

SECOND - RALPH JACKSON.

VOTING - UNANIMOUS.

IV. PUBLIC HEARING ITEMS:

Chairman Pro-Tem Brad Marlor noted that Item "A" the rezone for property located at 11023 South 2700 West, had been removed from the Agenda.

B. Sterling Village Apartment Complex Sign Tower (Site Plan), 10800 South Sterling Blvd., and Guard Building, 11000 South Sterling Blvd., Commercial-Freeway Frontage (C-FF) Zone District, Pegasus Development.

Jodi Ketelsen presented this item saying that this application is for 2 structures, one being a tower (noting that it will be considered one of the two monument signs for the development) and the other structure will be a guard shack. Jodi outlined the areas proposed for the tower and the guard shack on the site plan. She noted that Staff was recommending that: 1) along the east side of the Gateway Blvd., an 8 ft. sidewalk will be required to go around the corner (at the north end) and to join the curb and gutter at the intersection of Sterling Blvd. and Gateway Blvd.; 2) the wall setback should be a minimum of 10 ft. from the curb for the length of the wall along Sterling Blvd. (City standards for public streets are to have 5 ft. parkstrips and 4 ft. sidewalk) but Staff will allow a 6 ft. wide sidewalk (from the curb) due to the steep topography of the area; and 3) eliminate the "stop or guard arms" from the guard shack as they tend to distract from the development. Jodi also mentioned (in regards to the sidewalk issue) that Staff had agreed in prior discussions to allow the sidewalk on the east side (Matrix Marketing site) to be the major sidewalk for the this complex as an exit onto Jordan Gateway that would accommodate that roadway. She asked the Planning Commission for their consideration on this proposal.

Chairman Pro-Tem Brad Marlor opened the Public Hearing.

Marty VanWaggoner with Pegasus Development, asked for clarification on the sidewalk issue regarding the curb and the retaining wall. Jodi said the retaining wall would need to be pushed back to accommodate an 8 ft. wide sidewalk around the curve, which would meet the requirement along the Jordan Gateway. Mr. VanWaggoner said this would be an 8 ft. sidewalk adjacent to the curb? Jodi said yes. Mr. VanWaggoner asked what dimensions would be suitable, for the retaining wall to be placed, in conjunction with the sidewalk?

Kevin Nichol said if handrail (minimum of 42" high) were to be installed on the retaining wall, the sidewalk could be adjacent to the wall. Mr. VanWaggoner said they will consider doing that and also made a statement that they wouldn't be installing the guard arms on the guard building (as once indicated).

Kevin Nichol said as noted in his Staff Report, a concern he has is that the plans he reviewed didn't delineate the sign tower and flags being located outside the public right-of-way (no dimensions were given on the drawings). Even though they appear to be outside the right-of-way on the site plan, the required setback needs to be 10 ft. from the back of the curb.

Chairman Pro-Tem closed the Public Hearing and called for a motion.

MOTION - RALPH JACKSON - APPROVE THE SITE PLAN FOR STERLING VILLAGE APARTMENT COMPLEX SIGN TOWER AND GUARD BUILDING, NOTING THE FOLLOWING CONDITIONS: 1) NO STOP ARMS ON THE GUARD BUILDING; 2) THE SIDEWALK AND THE RETAINING WALLS BE CONSTRUCTED AS MENTIONED IN THE *DISCUSSION; 3) THE PEDESTRIAN CROSSINGS BE PROVIDED AT THE INTERSECTION OF STERLING BLVD. & JORDAN GATEWAY; 4) THE SIGN TOWER & FLAGS ILLUSTRATED IN THE SITE PLAN BE OUTSIDE OF THE RIGHT-OF-WAY (10 FT. BACK OF CURB).

***THE MOTION TO DEFINE: THAT THE SIDEWALK IS 8 FT. FROM THE CURB AT THE NORTHWEST CORNER, ONLY FOR THE LENGTH OF THE INTERSECTION (OR THE CROSS WALK) TO ACCOMMODATE PEDESTRIANS EXECUTING THE INTERSECTION.**

SECOND - LYNN CHASE. VOTING - UNANIMOUS.

C. CONDITIONAL USE-SITE PLAN, LDS STAKE CENTER, 4881 WEST CINDY LANE, 3.795-ACRES, RESIDENTIAL (R-3) ZONE DISTRICT, DENNIS BUTLER.

Jodi outlined on the map the area proposed for the L.D.S. Stake Center located off of Cindy Lane and just west of Skyview Drive. The site plan shows 2 accesses (both on Cindy Lane). Staff feels that an additional access from another street is necessary to accommodate excess traffic and emergency vehicles. Thus, Staff is recommending that Mr. Butler contact the property owner to the south and work out provisions for Rosewood Lane (currently a stub street) to be extended to the church site for an additional access at the rear of the site. An access gate may be installed at this "rear" access if the developer desires, to control traffic on less active days and for security. She noted with the roadway extension, the parkstrip should be landscaped and maintained where it would adjoin the church property. Another concern she pointed out was fencing along the west side of the property that the Planning Commission may want to address.

Kevin Nichol with the Engineering Department acknowledged that there should be the third access as indicated by the Planning Department. Also 2 additional street lights are needed on Cindy Lane, one directly opposite Wood Park Lane and the other 200 ft. to the west. He said the developer would need to pay the fees for the lights, but they would be installed by UP&L and tie to the Wood Ranch system.

Jodi noted any the conditions required from the Planning Commission would be added to the Development Agreement.

Lynn Chase asked for the placement of the 2 additional lights. Kevin Nichol said both lights would be placed on the south side of Cindy Lane. One light to be located at approximately the intersection of Cindy Lane and Wood Park Lane and the other light just 200 ft. to the west of that one.

Chairman Pro-Tem Brad Marlor said normally Stake Centers don't have a third access at the back as they are "land locked" therefore there is usually no opportunity for the additional access.

Date of initial submittal: _____

*Date of Complete Application: _____

SITE PLAN REQUIREMENTS

Applicant's name: _____ Project name: _____

Conceptual plan Fees paid \$ _____

Pre-application conference: Staff Review

(A concept plan for the following must be submitted before a conference will be scheduled.)

_____ Site plan	_____ Landscaping plan
_____ Elevations	_____ Location Maps
_____ Lighting Plan	_____ Drainage Calculations

_____ Staff held conference on: _____

Development Review Committee Review on _____

Fill out a DRC checklist of issues and faxed on: _____

Resubmittal Received (see attached site plan checklist)

(Staff has at least 3 weeks from the date below to review plans)

- _____ A complete SITE PLAN APPLICATION CHECKLIST Staff has 3 weeks to review plans)
- _____ Application fee \$ _____ Postage and Labels for residents within 300 feet
- _____ Complete set of full sized plans of the following (full and 11x17 of each sheet)
 - 3 sets of engineering drawings to Engineering
 - 2 set of plans plus landscape/irrigation/lighting plans to Planning Department

_____ **Insure staff satisfaction with D.R.C checklist is complete.**

(when the below departments have signed and dated their satisfaction)

_____ Engineering review	_____ Landscape review
_____ Public works review	_____ assign address
_____ Site plan review	

Upon receipt of complete application, prepare:

- _____ Planning Staff Report
- _____ Engineering Staff Report
- _____ Development Agreement
- _____ Bond Estimate prepared
- _____ Place on Planning Commission Agenda (Date _____)
- _____ Mail and Notice the Hearing (minimum 10 days advanced notice is required)

Planning Commission Public Hearing

Tabled on _____ (Next agenda date _____)

Denied on _____ Due to _____

Approved on _____ Subject to conditions as attached.

Additional Requirements:

- _____ Bond Escrow/Letter of credit for public improvements or landscaping or other improvements
- _____ Additional Fees: (Engineer, fire, flood, and lighting)

City Council Action Item:

Tabled on _____ (Next agenda date _____)

Denied on _____ Due to _____

Approved on _____

_____ Copy this sheet to the Building Department (and copy Development Agreement, if necessary)

**SOUTH JORDAN CITY
REQUEST FOR CITY COUNCIL ACTION**

To: The Honorable Mayor and City Council

From: Jodi Ketelsen, Community Development Director

Date: July 1, 1997

Subject: **SITE PLAN, STERLING VILLAGE APARTMENT COMPLEX SIGN TOWER, 10800 SOUTH STERLING VIEW DRIVE & GUARD BUILDING, 11000 SOUTH STERLING VIEW DRIVE, COMMERCIAL-FREEWAY FRONTAGE (C-FF) ZONE DISTRICT, PEGASUS DEVELOPMENT (APPLICANTS).**

RECOMMENDATION:

Staff recommends **APPROVAL** of the site plan with the condition that there be no guard arms on the Guard Building, an eight (8) foot sidewalk along Jordan Gateway Blvd., and a pedestrian crossing be installed as per ADA requirements across Sterling View Drive at the intersection of Sterling View Drive and Jordan Gateway Blvd.

BACKGROUND:

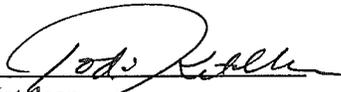
This minor site plan for the entry into Sterling Village is before the City Council because the tower & guard building have not been on any site plan heretofore. Although the tower is considered a building structure, it will also be considered one of the two signs as permitted in the Development Agreement.

Staff would recommend that there be no stop arms on the guard building. Also, along the east side of the Jordan Gateway Blvd., on the east side, an 8 foot sidewalk is required that will join the curb & gutter at the intersection of Sterling View Drive and Jordan Gateway Blvd. Therefore, the wall set back should be a minimum 10 feet from the curb for the length of the wall.

Also, at the intersection of Sterling View Drive & Jordan Gateway Blvd., there shall be a pedestrian crossing consistent with City engineering standards that adjoins the island over the median and connects to the west side of Sterling Blvd.

The landscape plans are very well done and staff would like to compliment the applicant on these. It should also be noted that, while this is a public street, maintenance of the landscaping will be the responsibility of Sterling Village as per the Development Agreement.

The Planning Commission unanimously approved the Site Plan on June 11, 1997 (3-0).



Jodi Ketelsen
Community Development Director



Dave Millheim
City Administrator

South Jordan City

MEMORANDUM

To: Jodi Ketelsen, Community Development Director

From: Kevin P. Nichol, P.E., Assistant City Engineer *KMN*

Date: 11 June 1997

Subject: **STERLING VILLAGE TOWER AND GUARD BUILDING SITE PLAN REVIEW**

.Engineering has reviewed the site plan for the guard building and the tower sign and recommends approval with the following revisions and conditions:

1. The ends of the retaining wall must be pushed back away from the curb to allow for sidewalks. On the north end, the wall must be at least 10 feet from the back of the curb for the 8-foot sidewalk planned for the Jordan Gateway road. The Community Development Department should be consulted for the minimum offset on the south end for the required sidewalk width on Sterling Boulevard.
2. The tower structure, including foundations, and the flagpoles shown shall be located fully outside of the public right-of-way, which is 10 feet from the back of curb. This appears to be the case on the plans, but no dimensions are given by which the offset can be verified.
3. A level pad (2% max. slope), at least 10 foot by 10 foot, centered approximately 20 feet south of the tower, must be maintained for the future installation of a wheelchair ramp by the City.
4. This approval is only for the tower, guardhouse, and related amenities. The width and layout of the sidewalk along Sterling Boulevard has been neither reviewed nor approved.

cc: chron

SOUTH JORDAN CITY PLANNING COMMISSION STAFF REPORT

TO: South Jordan City Planning Commission

FROM: Planning Technician

DATE: June 11, 1997

SUBJECT: SITE PLAN, STERLING VILLAGE APARTMENT COMPLEX SIGN TOWER, 10800 SOUTH STERLING VILLAGE BLVD. & GUARD BUILDING, 11000 SOUTH STERLING VILLAGE BLVD., COMMERCIAL-FREEWAY FRONTAGE (C-FF) ZONE DISTRICT, PEGASUS DEVELOPMENT (APPLICANTS).

RECOMMENDATION

Staff recommends **APPROVAL** of the site plan with the conditions outlined below.

BACKGROUND

Staff is bringing this minor site plan before the Planning Commission because the tower & guard building have not been on any site plan heretofore. Although the tower is considered a building structure, it will also be considered one of the two signs as permitted in the Development Agreement.

Staff would recommend that there be no stop arms on the guard building. Also, along the east side of the Gateway Blvd., on the east side, an 8 foot sidewalk is required that will join the curb & gutter at the intersection of Sterling Blvd. and Gateway Blvd. Therefore, the wall set back should be a minimum 10 feet from the curb for the length of the wall, after which, along Sterling Blvd., City standards for public streets is a 5 foot parkstrip and a 4 foot sidewalk. In this case, if topography prevents the parkstrip, the City will accept a 6 foot sidewalk from the curb.

Also, at the intersection of Sterling Blvd. & Jordan Gateway, there shall be a pedestrian crossing consistent with City engineering standards that adjoins the island over the median and connects to the ~~west~~ side of Sterling Blvd.

The landscape plans are very well done and staff would like to compliment the applicant on these. It should also be noted that, while this is a public street, maintenance of the landscaping will be the responsibility of Sterling Village as per the Development Agreement.

Remove this condition 7/97 JG

May 29, 1997

Dear Property Owner:

Pegasus Development has filed an application for site plan approval for a Guard Shack and Sign Tower located within the Sterling Village Apartment Complex at approximately 445 West 11000 South Street, South Jordan, Utah in the Commercial-Freeway Frontage (C-FF) Zone District. Our records indicate that you own property within 300 feet of the proposed site.

The South Jordan City Planning Commission will consider this application at a public hearing to be held on Wednesday, June 11, 1997 at 7:30 p.m. at the South Jordan City Offices located at 11175 South Redwood Road, South Jordan, Utah. All interested parties are invited to attend. A copy of the proposed site plan is available for public inspection at the South Jordan Community Development Department in the City Offices during regular business hours.

Should you have further questions, you can contact the Community Development Department at the City Offices or by telephone at (801) 254-1404 during regular business hours.

Sincerely,



Lori Day
Administrative Assistant



Date of DRC meeting: 5/22/97

**DEVELOPMENT REVIEW COMMITTEE
REVIEW AND COMMENT SHEET**

Applicant's name: Pegans Project name: Sterling Village Tower / square
Address: _____ Fax No.: _____
Phone No.: _____

_____ Plan meets all DRC review requirements, proceed with formal Application
*City Department comments are made, with other Agency comments made if known, this
doesn't imply that all issues have been addressed.*

Development Review Committee:

Please contact the following departments concerning individual items noted or circled below:

Fire Department: (Phone 254-0948) Water, fire hydrant, type of occupancy, life safety issues, access to site, building height, fire flow analysis	<u>Other comments</u>
Engineering: (Phone 254-3742) Engineering calculations, drainage, roads, right of way, curb, gutter, easements, traffic volumes, auxiliary structures/enclosures, dumpsters, mechanical equipment	<u>Other comments</u>
Public Works: (Phone 253-0615) Parks, parkstrip improvement, orphan parkstrips, (plant species, irrigation, trail), water, secondary water, storm water, sub-surface drains, street design, snow removal, signs, striping, collector fence, sidewalks	<u>Other comments</u>
Community Development Department: (Phone 254-1404) Land Use, General plan, Zoning, site plan: parking, access, handicap, setbacks, lighting, landscaping, grading, streetscape, trails, irrigation, shade, edging, screening, plantings, design guidelines, streetscape, building height, architecture, pedestrian access, subdivisions, layout, lot size, double frontage lots	<u>Other comments</u> <i>Need to keep from using guard gates automatic arm lifts!</i>
Building Department: (Phone 254-1778) Building construction, building and building permits.	<u>Other comments</u>
Economic Development: (Phone 254-3742)	<u>Other comments</u>
Police Department: (Phone 254-4708)	<u>Other comments</u>

**UTILITY AND AGENCY
COORDINATION**

These agencies are not represented at the DRC meeting. Comments below are not exhaustive. Please contact the appropriate agencies for further development requirements.

Utah Power and Light: (Phone 576-6120)

Other comments

Salt Lake County Sewer District No. 1
(Phone 571-1166)

Other comments

Salt Lake County Flood Control
(Phone 468-2711)

Other comments

State Department of Natural Resources
Streams, natural resources. (Phone 538-7375)

Other comments

Utah Department of Transportation
(Phone 965-4026)

Other comments

**Salt Lake Valley Water Reclamation,
District 1- (Commercial businesses)**

Other comments

TCI Cable (Phone 572-4000)

Other comments

US WEST (Phone 1-800-573-1311)

Other comments

MT. Fuel Supply (Phone 324-5555)

Other comments

Subdivision off-site improvements are completed, South Jordan City (Applicant).

Assistant City Engineer Kevin Nichol explained this item. He stated that the entire second paragraph of the staff report is incorrect and needs to be deleted. Mr. Nichol stated that all the exhibits are correct.

Mr. Nichol explained that the current ordinance allow partial bond releases for work completed on a subdivision, no closer than 30 days. Some of the developers have been requesting numerous bond releases. The large number of revisions has caused a great deal of work both for the inspector in preparing cost estimates for the improvements completed in a piece meal fashion, and for the clerical staff in preparing the Council staff reports to process the bond releases. The proposed revision to the ordinance would limit the number of partial bond releases for any one subdivision solely to releases based on completed systems. Such as the storm drain system, the culinary water system, secondary water system, etc. This change will reduce the number of bond releases required and will also eliminate the piece meal nature of releases so that an entire system, including services can be inspected, tested, and approved prior to release.

Bradley G. Marlor asked how other cities handled the bond releases? Mr. Nichol stated that he did not know.

Ralph Jackson stated that item 5 of the exhibit states that "The Bond proceeds may be reduced at intervals determined by the City upon request of the subdivider as improvements are installed." Mr. Jackson asked if "and tested" should be included? Mr. Nichol stated that it would be a good idea to do so.

Chairman Romph opened the public hearing. Seeing no one present, he closed the public hearing and called for a motion.

MOTION: BRENT ARNOLD - APPROVE THE ORDINANCE REVISION TO SECTION 11.16.090, PARAGRAPH A5 WITH THE NOTED CHANGE.

SECOND: RALPH JACKSON

VOTE: UNANIMOUS IN FAVOR.

B. Conditional Use-Site Plan: Sterling Village Apartments, Phase 2, 11000 South 400 West Street (Approximate), 11.8 Acres, 310 Dwelling Units, Commercial-Freeway Frontage (C-FF) Zone District, Pegasus Development (Applicant).

Community Development Director Dennis P. Larkin reviewed this item. He stated that an application to amend the Sterling Village Master Plan has been submitted. This request will violate certain terms and conditions of the approved and signed Development Agreement. Mr. Larkin reviewed this as follows:

- **Number of Units by Phase.** The Development Agreement calls for the development of 600 units with the approval of Phase II. This is 300 units each for Phase I & II.

The developer is proposing 255 units with the proposed change. When the preliminary site plan was approved, the plan proposed 17 buildings with 12 units each or 204 units, totaling 17 units per acre.

- **Unit Size Mix.** The Development Agreement requires 60% of the units to be not less than 1,000 square feet. The amendment will make those units in Phase II, 59.8% not less than 1,000 square feet. The Agreement requires 85% of the units not less than 850 square feet. The amendment for Phase II will reduce that number to 78% not less than 850 square feet.

Mr. Larkin stated that it is important to note that even though the mix of units does not conform with the overall unit size requirement for Sterling Village with the development of Phase II, because of the closeness to the standards in the Development Agreement, the mix requirements for the overall project can be met by the time all 874 units are constructed.

- **Garages.** The Development Agreement calls for a garage for each unit with 60% of the garages attached to the units. This would be 153 attached garages and 102 freestanding garages. The developer proposed 102 garages, none of which are attached, and 154 carports. This proposal is a significant departure from the requirements of the Development Agreement.
- **Parking Spaces.** The Agreement requires 1.8 spaces per unit or 459 parking spaces. The proposal is for 460 spaces, including garages and carports.
- **Overall Density.** The Development Agreement has allowed a concession on density up to 16.3 units per acre. The amendment proposes 20.7 units per acre for the 12 acre parcel in Phase II. Overall, the density must remain at 16.3 because the Agreement calls for a maximum of 880 units.

Mr. Larkin stated that there are other significant changes in the amended site plan that are not necessarily covered by the Development Agreement, but were approved when the preliminary site plan was approved prior to the submittal of Phase I. He outlined those changes as follows:

- **Buildings.** While the character of the buildings inside and out remains the same as in Phase I, the density increases with 4 out of 11 buildings shown as three stories. Also, the buildings are 360 feet long due to the attachment of 3 to 4 building. The courtyards in each building complex, which is a concept staff and Council appreciated since the plan allows for more window walls, have been eliminated.
- **Roads.** Roads have been eliminated and realigned primarily to the south to create space for parking perpendicular to the circulation routes.
- **Pool Relocation.** The pool in Phase II has been relocated from the north end of the site to the south end.

Mr. Larkin stated that from the very beginning, staff has had a desire to minimize the use of the circulation routes within the project for parking cars as significant conflict will arise in the development, particularly during morning and evening rush hours. In addition, during the snow months, the snow plowing activity is severely hampered by parked cars perpendicular to the streets. The developer has significantly changed the

image of the development to a lesser quality than that which was approved initially. Further, the need for the additional parking space perpendicular to the streets is due to the elimination of 170 parking spaces that were previously part of the building footprint. The developer is proposing 154 carports, which, in staff's opinion, are unacceptable. They never were proposed and should not be allowed now.

Mr. Larkin stated that the developer justifies the proposed changes as follows:

1. A desire to down size units slightly to compete with other class A developments and the decrease of the luxury apartment market because of Micron's decision not to continue with it's project and the anticipated spin-off of higher economic level employees.
2. A desire to widen the road adjacent to the railroad to move the buildings farther from the railroad right-of-way, which lessens the negative impact from the railroad.

Mr. Larkin stated that, after reviewing the proposed changes, staff's recommendations are as follows:

- Staff questions the marketing strategy that justifies the development of 874 multi-residential units on the success or demise of 1 industry, namely Micron. Staff does, however, understand the luxury status of apartments adjacent to a railroad track, which accommodates approximately 30 trains a day. That reason alone may be justification for down sizing the apartments, but why was this not an issue when the site plan was being reviewed in the early stages of development. It was raised by staff, but was not a concern to the developer at the time.
- The allocation of 1 garage for every unit with 60% of the garages attached was, and still is a good requirement. The developer proposes eliminating this requirement. The garages provide security and convenience. Staff's concern for the elimination of that important concept is downgrading the development by locating the garages on the circulation roads, and the introduction of carports. No matter how the carport is designed, it is still a carport. A luxury apartment without a garage is not a luxury apartment.
- Staff has no concern with the minor down sizing of the units. The original plan called for 17 buildings with 12 units each or 204 units. The proposed current plan calls for 255 units in 9 buildings. This does not present a problem in terms of density since the overall density cannot exceed 16.3 units per acre.

Mr. Larkin summarized staff's recommendations. He stated that staff recommends approval of down sizing units and increasing density for this phase, while holding firm with garage requirements. Staff would consider garage space in close proximity to the units they serve to accommodate the 60% requirement. Staff is opposed to carports. Therefore, the "one garage per unit" requirement should be met with additional garages. Mr. Larkin stated that staff recommends that the additional 3 story buildings in Phase II should be considered to open up space to accommodate more cars parked off the traffic circulation routes. Also, the developer should reconsider underground parking once again to remove parked cars perpendicular to the roadway.

Chairman Romph asked the applicant to address some of the issues.

Billy Reed, Pegasus Development stated that Dennis had covered everything pretty well. He stated that they felt they were complying with the major points in the development agreement. The big issue is the garages. Mr. Reed stated that even with only 40% garages, they will be the highest priced apartment complex in the valley. The problem with the site plan as it now stands is that everyone feels it is worth the money, but no one can afford the rent.

Mr. Reed stated that he had butted heads with Mr. Larkin on many of the design issues and had caved in on far too many. He stated that the carports they are proposing are not the typical aluminum carports. They are much nicer. Mr. Reed stated that they have constructed 300 luxury apartments. His company is not going to construct something that will be a detriment to what has already been constructed.

Chairman Romph thanked Mr. Reed and told him the Commission may have some questions for him later. Chairman Romph opened the public hearing and stated that he had speaker cards for this item and asked everyone that wished to speak to this item to come forward to the microphone and give their name and address for the public record.

Rex McMillan, 11287 South 445 West stated that it appears that the developer is proposing to increase the density in the area adjacent to residential. This is a major impact on the existing residents. Mr. McMillan stated that in all the meetings, the developer promised there would be no carports. Every unit would have a garage. He stated that he also was concerned about the fence. They were promised the fence would go in with phase 2. Mr. McMillan stated that when Gerald Anderson first came to them, they were promised an elite development with a 10' to 12' solid wall as a buffer. Now, it is a 6' fence. He stated that this does not seem like much of a buffer against 1 acre and larger lots with farm animals.

Mr. McMillan stated that he was concerned about the proposed changes. It doesn't seem like the developers are maintaining their integrity. He asked the Planning Commission to help the citizens maintain the quality that was promised them.

Michael Lyman, 11279 South 445 West read a letter into the record. (See attached).

Marvin Miller, 11234 South 445 West thanked the Commission members for their time and the opportunity to speak to this item. He stated that he lived adjacent to the south boundary of phase 2 of Sterling Village. Mr. Miller stated that he is completely opposed to phase 2. He opposes the change from garages to carports, and the 3 story buildings along the south boundary when they were assured there would be 2 story. Mr. Miller stated that the railroad was there when this project began and the developers assured everyone that it would not be a problem. He asked that either construct phase 2 as it was originally presented or not have phase 2 at all.

Roy Gunnell, 11321 South 445 West expressed the amendment to phase 2. He asked that the developer be required to construct phase 2 as previously approved.

Chairman Romph asked if there was anyone else that wished to speak to the issues? Seeing none, he asked if Mr. Reed would like to address some of the concerns raised?

Mr. Reed stated that other than the garage issue, 3 other issues have been raised. He stated that in is unaware of any promises made by Gerald Anderson. The development agreement calls for a 6' wall along the south boundary and this is still what will be constructed. He discussed the proposed 3 story buildings and showed the area they were proposing to construct them in.

Mr. Reed stated that the only major change they are requesting is to replace garages with carports.

Chairman Romph asked for any further public comment. Seeing none, he closed the public hearing and called for discussion among the Planning Commission.

Ralph Jackson stated that it appeared the new proposed plan shows a great deal more perpendicular parking along the roadway. Mr. Larkin stated that this was correct. This is due to not having the attached garages that were previously approved. Mr. Jackson stated that he is troubled not only by the issue of less garages and the addition of carports, but the change to the character of the roadway with this much parking.

Mr. Reed stated that the road system has not changed. There is just more parking on the road.

Lynn Chase stated that he was not on the Planning Commission when this was originally approved. He stated that he is not in favor of amendments to approved development agreements, especially those that took a great deal of thought and time to develop.

Mr. Chase stated that he did not understand a developer banking a development of this size on one business such as Micron. He stated that he did not feel that carports should be installed in place of garages.

Brent Arnold stated that he did not feel that the developer should not be able to come in and amend part of the development agreement. If this is their desire, the entire agreement should be opened to allow both sides the opportunity to amend parts.

Bradley G. Marlor stated that he concurs with the other Commissioners remarks. He stated that development agreements are written in insure the integrity of the development. To revise it at this stage of the game does not make much sense.

Mr. Romph expressed agreement with the other Commissioners. If you begin to open up development agreements at the developer's request, where does it end? This

development was a long hard fought process. He stated that economics is a big factor, but something that should have been considered in the beginning.

Chairman Romph clarified that the request is to amend the development agreement? Mr. Reed stated that the main issue is to allow a reduction in the percentage of garages. Currently, the Development Agreement calls for 100% garages, with 60% of them attached. The request is to allow for 40% of the development to have unattached garages and to include carports for the remainder. This would provide a more marketable project. Mr. Reed stated this would allow a larger market which would then provide a larger retail base for the City.

Mr. Romph stated that when the public hearings were being held, the railroad issue came up and the developer felt that they could mitigate the railroad. There wasn't any concern about 100% garages. It was full speed ahead. Mr. Reed stated that they have always said that they would address the railroad when they get to it. Nothing that is being proposed is railroad driven. He stated that part of the garage issue is Micron not being developed. It has limited the ability of the market to pay to top rents.

Brent Arnold stated that it was a rent issue.

Lynn Chase asked if they was indeed that much dependent upon Micron coming in? Did the developers not consider that Micron may not develop? Mr. Reed stated that they do feel that phase 1 can be rented, but without the Micron development, phase 2 may take longer at the top rents. If they were allowed to develop with the carports in place of garages, the rent could then be less and would be more palatable to renters.

Brent Arnold asked if phase 1 had garages? Mr. Reed stated that phase 1 was 100% garages.

Bradley Marlor asked if the Commission could pick and choose among the requests, or is it all or none? Mr. Larkin stated that they could pick and choose. He asked that they keep in mind that the requests are only for phase 2. It will not affect the overall development.

Ralph Jackson asked if there will be 2 or 3 story units at the south end, and how these amendments will affect that? Mr. Larkin stated that the proposed 3 story buildings are further north. He stated that the developer is now proposing a road along the south end that wasn't there previously and the buildings are set further north than originally approved.

Chairman Romph called for any further discussion or questions? Seeing none, he called for a motion.

MOTION: BRENT ARNOLD - APPROVE THE AMENDMENT TO THE STERLING VILLAGE SITE PLAN TO BE CONSISTENT WITH THE DEVELOPMENT AGREEMENT, DENYING ANY

AMENDMENTS WHICH WOULD ALTER THE GARAGE STANDARD IN THE DEVELOPMENT AGREEMENT AND ALLOWING NO CARPORTS.

SECOND: RALPH JACKSON.

VOTE: 4 IN FAVOR WITH LYNN CHASE VOTING IN OPPOSITION TO THE MOTION. MR. CHASE STATED THAT HE WANTED THE GARAGES ATTACHED AS ORIGINALLY PROPOSED.

Planning Technician Hansen was excused from the meeting at this time.

C. *Site Plan, South Pointe Business Park, 850 West South Jordan Parkway (Approximate), 3.45 Acres, Community-Commercial (C-C) Zone District, Professional Staff Management/Layton Construction (Applicants).*

Long Range Planner Ketelsen reviewed the application. She explained that the project will be two buildings located at approximately 850 West South Jordan Parkway. Ms. Ketelsen showed the area on the map, explaining that this site will replace the old meat packing site.

Ms. Ketelsen stated that due to the slope of the hill, staff agrees with UDOT requiring only a right in and right out access to South Jordan Parkway. The applicants have also agreed to connect to a future road stub to the south of the property facilitating improved access. Ms. Ketelsen stated that the Beckstead ditch is also a concern. The applicants have agreed to pipe the ditch with concrete pipe. This will help prevent the leaking and erosion occurring along the ditch.

Ms. Ketelsen stated that, if the Planning Commission approves the site plan, staff would like to insure that a notarized agreement with the south property owner is obtained. The reason for the agreement is that a structure located in the south corner of the property overlaps the surveyed parcel for this project. The agreement would provide for the removal of the structure when it becomes necessary. Staff would ask that the agreement be part of the approval.

Ms. Ketelsen explained that Layton Construction has worked diligently to resolve all of staff's concerns including providing more shade than is normally required by commercial zoning.

Chairman Romph declared the public hearing open. He stated that he did have one speaker card. He asked Brett Partridge to come forward.

Brett Partridge, Representative of Layton Construction introduced his team. Michael Miller, owner of the project; Steve McIntyre, a major tenant of the project; Richard Judkins, architect on the project; Dave Wallobe, design, and Jack Airmet, real estate consultant. James Webster is not present. He will be doing the landscape plans.