

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, February 10,
2016
7:00 p.m.

CITY OFFICES 220 East Morris Avenue
South Salt Lake, Utah 84115

PRESIDING Council Chair Debbie Snow

CONDUCTING: Council Member Kevin Rapp

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Ben Pender

SERGEANT AT ARMS Bill Hogan

COUNCIL MEMBERS PRESENT:
Sharla Beverly, Mark Kindred, Portia Mila, Ben Pender,
Kevin Rapp, Shane Siwik and Debbie Snow

COUNCIL MEMBERS EXCUSED:

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Hannah Vickery, Deputy City Attorney
Randy Sant, Economic Development Consultant
Mont Roosendaal, Public Assets Director
Mike Florence, Community and Economic Development Director
Frank Lilly, Deputy Community & Economic Development Director
Alexandra White, City Planner
Craig D. Burton, City Recorder
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:
See attached list.

The meeting was scheduled for 7:00 p.m. but started at 7:05 p.m.

Council Member Mila participated electronically via telephone.

APPROVAL OF MINUTES

January 27, 2015 Work Meeting. Council Chair Snow moved to approve these minutes.

MOTION	Debbie Snow
SECOND	Ben Pender
<u>Voice Vote:</u>	
Beverly	Aye
Kindred	Aye
Mila	Aye
Pender	Aye
Rapp	Aye
Siwik	Aye
Snow	Aye

NO ACTION COMMENTS

1. **SCHEDULING.** The Deputy City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Ann Thompson, 357 Garden Circle.** She is opposed to Walmart at the Granite High property. She is also concerned about the increasing traffic on 3300 South and 500 East.

Lizzy Anderson, 602 East 3665 South. She urged the Council to reconsider the placement of a Walmart on the Granite High property. Ms. Anderson is also concerned with traffic on 3300 South and 500 East. She pleaded with the Council to be the voice for the citizens they represent who are telling them they do not want a Walmart.

Isaac Higham, 2556 South 300 East. He said the citizens have been asking for park and open space to be protected in the Granite area. This is what an RDA and tax increment should be used for. They are the tools for the City to provide citizens the amenities they want without increasing the strain on budget.

Kimmery Overall, 3165 S 500 E. She expressed her appreciation for City and presented her three concerns. One, she requested the City Council to try and acquire perhaps a quarter of an acre at the corner of 3300 South and 500 East to put a symbolic and beauty spot for the City; two, she does not support Walmart in the area and asked for City to work with developers and the School District to come up with more of a win-win agreement; three, Walmart is not a viable solution. She thanked the Council members for their service and asked them to listen to the people, look at City's Master Plan and do the right thing.

Helen Rathke, 3607 South 610 East. She loves to live in South Salt Lake but a Walmart is not something she wants. She is concerned with carbon monoxide, cars idling and more crime. She asked the Council to think about the kids, fumes, air quality and reminded them the City needs green space. "Please, no Walmart!"

Council Member Beverly arrived at 7:26 p.m.

Jerold McPhee, 535 East 3195 South. He expressed his distress with a television report where one of the Council members was concerned and had already made up their mind to vote to change the zoning, citing a 1.5 million dollar budget deficit and the only way this could possibly be made up was to change the zoning to allow a big box, whether it is a Walmart or whatever. The budget deficit is going to be made up with a large food store that is going to go in at Central Point that will be finished by November. The sales tax revenue will roll from that place. The Budget deficit will be taken care of in due course. The Granite High property does not need to be sacrificed in pursuit of tax revenue for the City. Other concerns he expressed, were increased crime, a need for larger police force and more traffic on 500 East and 3300 South. It would be irresponsible to make a decision tonight without further study. Perhaps Granite School District wants way too much for the property.

Tony Tran, 3951 South Red Hawk Road, West Valley City – Appeared in behalf of **Phillip Meitner, 3332 South 440 East**, currently in Texas, getting ready to be deployed overseas. He felt strongly about this and decided to send someone about this initiative. Mr. Tran stated he also has an emotional connection to Granite High because he is a graduate of Granite High School, class of 2003. Mr. Tran expressed his and Mr. Meitner's opposition to the Walmart.

Robert Norbutt, 3638 South 500 East. He expressed his strong opposition to a Walmart going into the Granite High property. He is a 12 or 13 year resident and considers Granite as an anchor for the community with the Freedom Fest every year and everyone coming together. He questioned the benefits a Walmart will bring besides to the developers wallet and some in the City. Mr. Norbutt is also concerned with impact to small business in the area, including Reams.

Steven Malecki, 655 East Riviera Circle. He explained how the Granite High property is unappealing and is not an enjoyable place, right now. With this being a commercial zone, there are issues the community is going to have to deal with, such as more traffic, more pollution, more people and more smog. However, the two things that keep coming back is the green space which wouldn't take much to keep and the Walmart, which has been stated as a necessity but is not true. He is concerned with statements that suggest that a Walmart is the only profitable solution for the site.

David Hall, 473 East Scott Avenue. He emailed the Council with his and his wife's thoughts on how the development might go forward and thanked the two council members who replied. He expressed that a Walmart or big box, does not fit the character and nature of neighborhood and asked the City Council to defend them against a very bad development. He stated that Granite School District is frustrated at City's attempts to keep the property

and now is asking so much that developers need a high profit development to pay for it. Mr. Hall reminded Council that City Council's only leverage is to reject the plan, make them be reasonable and stand up for residents.

Martin Burr, 415 Scott Avenue. He used to be a developer and stated the numbers the developers are presenting don't add up. He is concerned with the size of the Walmart and the houses planned for the site. Mr. Burr feels the developers are "Staking them deep and selling them for maximum money." A Walmart is ridiculous and developers need to come up with a proposal that does not include any big box store whatsoever.

Dan Rozanas, 3265 South Water Lilly Drive. He is concerned regarding whether Council is still listening to residents. He saw a pro-Walmart article, as part of the agenda items tonight, on how a Walmart can increase property values. Although the article is a decent study, to put in such an article when residents are coming in to ask not to put in a Walmart is ridiculous. Mr. Rozanas brought his own study as a counter argument. A copy is attached to these minutes and incorporated by this reference. Mr. Rozanas asked the City Council to make the right decision, not to settle, to use their leverage; to consider an historical residence which allows for 25% State and Federal tax credits for every single development they do and it carries over year-to-year. Mr. Rozanas asked the Council to look at all the different options and reminded them that they have the leverage to do this right and consider how the City will look in 25 years.

Reshohnah Salazar, 3151 South Park Court. She is an eighteen year resident with a young family and stated that a Walmart is ridiculous and the last thing the community needs. She would like to see a recreation center for kids to play. She would like the Council to figure something out to keep green space and is upset that the Freedom Fest is no longer in place. Ms. Salazar asked for anything but a Walmart.

Benjamin Davidson, 3786 New Crest Drive. He spoke of the two contrasting views: one, a Walmart would not be a good use of space; two, the area is in need of green space. There is a Walmart on 900 East and this proposed store is not a need. There is a shortage of green space in the area. He concluded that a Walmart does not fill a need in the community, does not fit the community lifestyle and does not contribute to the general happiness of the community. Green space would be a positive contribution to the area.

Sheila Hutcheson, 3491 South Citrus Circle. Ms. Hutcheson expressed concern with the criminal statistics of Walmart stated at a prior meeting. It will be a strain on police force. Winco is coming. They are bringing revenue. And the real estate prices are coming back to make residential development more prosperous.

Connie Anderson, 602 East 3665 South. Ms. Anderson mentioned about the closing of Truman and Burton for a car dealership, and how some residents

are still very upset about that and concerned that the City Council did not listen to the people. She hopes that concern is for her neighborhood too. The people that reside around Granite High School do not want a development that includes a Walmart. She expressed concern with any vote being made until an appropriate plan is presented. She is also concerned for the Reams store, whose employees have worked there for decades; they contribute to the City, and have become a staple in the community.

Aaron Jenne, 3450 South 500 East. He, his wife and their three children oppose to the Walmart. Mr. Jenne referred to articles headlines, such as: “Walmart destroys local businesses in downtown areas”, “Walmart receives subsidies and adds to tax burden of its community”, “Walmart provides no health insurance for the majority of its workers”, “Walmart provides environmentally unfriendly operations”, “Walmart is known for having substandard wages”. Mr. Jenne stated that they do not a Walmart or any of the mentioned issues in the area and asked the Council to review some of the studies and vote “No” to having a Walmart there.

James Smith, 3774 South 645 East. Mr. Smith resides next the Woodbury development on the corner of 700 East and 3900 South and explained how the experience with such develop has not been a pleasant one. He reminded the Council that the City has a master plan that needs to be adhered to; that is the only tool the City has to avoid the unpleasantness that is happening in that corner of the city.

Cheryl Lewis, 3451 South 335 East. She is a forty-four year resident. She is concerned about the Walmart going in at the Granite High property and noted the close proximity of the Walmart on 900 East, the criminal activity in that area, in-store security, theft, and drug trafficking in parking lot. Ms. Lewis stated that the community does not need that, the area is beautiful and suggested a sports mall such as the miniature Gold’s Gym, on Brickyard.

Steve Norr, 3162 South Park Court. Mr. Norr reiterated that the current developer’s proposal for the Granite High property will not work with a big box store. The City either moves forward with the plans to allow for a big box store or they have to withdraw their offer. The community does not want this for their neighborhood and City should not be rezoning residential property for a big box store. He pled with the Council to respect that and allow for the plan to go back to the drawing board.

Scott Williams, 4738 Mile high Drive. He is a youth in the community and represents Boy Scout Troop 502. The Granite High property is wonderful with a lot of space. He quoted another speaker’s statement on the crime issues that come with a Walmart and mentioned how it is not a good idea to put a Walmart in the middle of this community. He is concerned about the big shipment trucks coming into the neighborhood and the noise. This project will turn the green space into cement.

Travis Massey, 3537 South 500 East. Mr. Massey thanked the Council for their work. This is a plan the community obviously does not support and the developers can't proceed without the Walmart. He reminded the Council of the Master Plan. It is specifically in place for situations such as this, to make sure City does not do anything to compromise its leverage for a quick fix. He asked Council to use their leverage wisely and reminded them that South Salt Lake deserves better.

Nancy Aruscavage, 3478 South 500 East. Ms. Aruscavage stated that she does not want a Walmart but a plan that it is acceptable and beneficial to all parties; the community, the developers and the City. But that has not happened and this plan should not pass.

3. **MAYOR COMMENTS.** Mayor Wood said she has been contacted numerous times throughout the last couple of days by people concerned about the Council vote tonight. Rosemary Lasco asked that the Mayor communicate to the Council that she doesn't want a Walmart and also Paula Hairford requested the same, no Walmart.
4. **CITY ATTORNEY COMMENTS.** City Attorney, Lyn Creswell, asked that the Council send their council rules recommendations to him within the next week.

He handed out a copy of the State law concerning ethics to the Council. A copy is attached and incorporated by this reference. They will talk about it in a future meeting.

Mr. Creswell also advised the Council to watch the YouTube video by David Church of the Utah League of Cities and Towns regarding the Open Meetings law. They will have a discussion regarding closed meetings at a later date.

5. **CITY COUNCIL COMMENTS.** Council Member Pender thanked everyone for coming out and voicing their concerns.

Council Chair Snow thanked everyone for coming tonight. She appreciated Council Member Pender's moment of reflection. It was a real demonstration of what community is; that we step up for each other and watch out for each other.

Council Member Beverly thanked everyone for coming. She has been reading their emails and listening to their phone messages. She wants them to know she is listening.

Council Member Mila said she has also read a lot of emails and listened to a lot of messages today. She thanked everyone for coming out and for their participation.

Council Member Rapp also thanked everyone for coming out and expressing their opinion. He feels having citizen involvement is really important in making decisions in the City.

6. INFORMATION

Victim Advocate report – VOCA and VAWA grant update. Victim's Advocate, Brooke St. John, reported that they served three elderly women this last quarter who have been victimized. The Police Department wanted to make a difference and they went out to visit the three ladies for Thanksgiving and again for Christmas. At Christmas they took a few gifts for them. Her quarterly reports are attached and incorporated by this reference.

Council Member Pender thanked Ms. St. John for her service.

ACTION ITEMS

UNFINISHED COUNCIL BUSINESS

1. **Amendments to the General Plan Future Use Map designation of the former Granite High School site, located at approximately 3305 South 500 East, from New Historical and Schools/Open Space to Master Plan. Application is made by Garbett Homes and Wasatch Commercial Management.** Council Member Siwik asked staff to give a quick overview of the process they are working through.

Deputy Community and Economic Development Director, Frank Lilly, explained that tonight the developer is petitioning to change the General Plan designation of the Granite High School site from Historic/School and Open Space to Master Plan. What the Master Plan designation means, for the purpose of the General Plan, is that the developer will then have to come back, assuming that the designation is approved by the Council, and present to the Council a master plan identifying the exact relationship between the proposed uses. The proposed uses discussed so far are some sort of commercial component in front, open space, and housing in the back. That would necessitate a whole new public process. The developer would ultimately present to the Council a master plan document that would be adopted by the City Council and function as the zoning ordinance for that twenty-seven acre parcel in its entirety. That document would spell out where open space exists, how big the store is going to be, the arrangement of different uses on the site, how many homes there will be, the width of the streets, and what sort of amenities would be in place in the project.

Council Member Siwik confirmed this is done through the zone change process.

Mr. Lilly agreed. This will be done in the zone change process subsequent to this.

Council Member Siwik asked if the developer cannot perform after he gets the zone change, would a new developer have to start all over again.

Mr. Lilly advised that if the new developer makes any changes to building forms, the arrangement of land uses, the size of the park, etc., they would have to come back through a new public process and amend that master plan and therefore amend the zone.

Council Member Siwik asked if they would have to come back to this process they are doing tonight or just to a rezone.

Mr. Lilly said it depends on how dramatic the differences would be. If a developer came back and said they wanted to do a single use on the entire twenty-seven acres they would have to come back and change the general plan again because the master plan designation does assume a mix of uses in some integrated fashion. If they had a single use operator coming in it would necessitate another general plan amendment.

Council Member Siwik surmised that to some extent what they are doing tonight is particular to this developer.

Mr. Lilly agreed.

Council Member Beverly asked if they have any relationship or guarantee of tax increment with Granite School Districts or other agencies.

Community and Economic Development Director, Mike Florence, said not at this point. They have not gone out and had those conversations yet.

Council Member Beverly surmised that all of the work meeting information is based on something that they don't know can even happen.

Mr. Florence agreed. He explained that Economic Development Consultant, Randy Sant, went through examples of the taxes a Walmart generates in another community and he also ran what he assumes the property taxes would be and gave the Council those numbers.

Council Member Rapp clarified that the Council is not voting on a Walmart tonight.

Mr. Florence agreed. If they decide to vote tonight, they would be voting on an amendment to the General Plan.

Adam Lankford, of the Wasatch Group, reiterated that this is a land use amendment. It is not changing density or vested rights with the zoning. It is just the first of four steps that they have to get through. What it does show is a good faith effort by them, as the developer, the City Council and the District that they have a group that is looking to move the project forward. They have

been working on this for over a year. A lot of different ideas have been kicked around. It has evolved into the development they have now. Moving it forward with a yes vote doesn't change density but it does show a good faith effort that they are all moving forward in the process. Mr. Sant talked about different options that the City has for the financing. They know there is still some research and study that needs to be done for that and there is a lot of time to do that. They would be happy to help anyway they can. There is still time in this process to work through those issues.

Council Member Kindred asked what Wasatch's timeline is with the District and what have they done traffic study wise.

Mr. Lankford said in order to generate an accurate traffic study they have to have a specific site plan with specific access points onto 500 East and 3300 South, so they don't have a specific traffic study yet. They have engaged Horrocks Engineering. John Dorney of Horrocks is here tonight and can give an overview of his observations so far regarding traffic and implications with the site.

Mr. Jacob Ballstaedt, with Garbett Homes, advised that their deadline to close with the School District is the end of March. For that to happen it is contingent upon a successful zone change and implementation of the Master Plan Mixed Use. The School District has been willing to work with them on the time frame but they have extended once without really any progress in the City. Their willingness to extend is really contingent upon making progress. If they see that there is a willingness to move forward, then they will work with them. At least that is what they have said. He hopes they maintain that.

Council Member Rapp asked if the entrance on 3300 South has been looked at or if it is possible.

Mr. Lankford said it has been looked at but as far as where it actually sits on 3300 South, whether it is a full movement or a right-in right-out, those specifics won't be nailed down until they get the actual site plan.

John Dorney, of Horrocks Engineers, advised they were brought in last week and were given a site plan, knowing that it is very rough. They did some preliminary looks at what could possibly go there, based on what they were given. Traffic is directly tied to land use so it is hard to talk about traffic without discussing land use. What he saw on the site plan he was given was neighborhood based. Not a regional attracter, such as a normal Walmart, which is four to five times the size of this one. This is a neighborhood grocery store. A lot of the uses on the site plan he saw are passerby capture uses, meaning people passing by on 3300 South will conveniently use those uses.

They looked at the Granite High when it was a full high school of about 1,250 students. They compared the traffic to what the high school was and what the site plan is now that he was given. With the passerby reduction there will be

about a fourteen percent decrease in traffic in morning peak times. They see a slight increase of about six percent in the evening peak hour. Those numbers will change based on the final sizes of square footage.

3300 South is a UDOT road and they will have to go through the UDOT process which will be long and hard. The changes in traffic they've stated included the entire site with the single family homes, not just the grocery store.

Council Member Siwik asked if Walmart was mentioned in the community meeting held awhile back.

Mr. Lankford said it was. He feels they have been open that that is the tenant they have been looking at for the grocery store.

Council Member Siwik asked if there were other possible anchors other than Walmart.

Mr. Lankford said there are mid-boxes in the market. It is a tough market for mid-boxes right now. They have looked for other tenants but they haven't had any success.

Council Member Kindred asked Mr. Lankford to define mid-box.

Mr. Lankford said a mid-box would be stores between 40,000 to 60,000 square feet in size.

Council Member Siwik asked if there has been any dialogue with Reams to see if they would like to move over to Granite.

Mr. Lankford said he has not but they are open to reaching out to Reams to see what their long-term plan is. He doesn't know what their situation is but they will definitely reach out to them.

Council Member Pender moved to place this item on Unfinished Business.

Council Member Siwik suggested for the sake of the developer and residents that the Council says why and what they want to do in the next two weeks.

Council Member Kindred suggested maybe it is not just the next two weeks. He feels there are so many questions and pieces that aren't yet in place. There is a lot of leverage they have as a City with this site. This is a prime site in the middle of the Salt Lake valley. He suggested the Council figures out what works best for the City, the surrounding residents, and for all stake holders. He doesn't think they are there yet and suggested they continue the conversation. He doesn't know why they are considering kind of "ramming this through" tonight. He doesn't think that needs to happen. He thinks they need to continue the discussion.

Council Member Siwik said they do recognize the developer's deadline but at the same time he doesn't know of anything else in the City this size that needs to be developed. Several people commented that they get one shot at this and that is the reality. Personally he is comfortable with what he has seen but is there better? They really don't know. He doesn't want to push it out so far that the developers default on their contract. He doesn't want to push it off to unfinished business without a plan. They owe it to everybody to say here's what they want to see come back within a certain deadline.

Council Member Beverly said one thing she has learned since being on the Council is that they have to compromise. In her opinion there is not enough compromise yet from Granite School District to make this an RDA so they can have tax increment. One thing she has heard from citizens is that they want the green space. They all know the General Plan has to change. It is no longer a school and they've had two bonds fail. They have to move forward but they have to make sure it is the right development for the City and they have to see compromise from all parties and they haven't seen that yet. She feels comfortable with the motion.

Council Member Rapp said the problem with Granite School District doing an RDA is they already own the property. It doesn't do them any good to buy their own property. It just puts off whatever amount they get. That amount is set by law. He really doesn't see an RDA coming from the School District. It doesn't make much sense for them to do that.

Council Member Pender said he agrees with Council Member Siwik that the developer has been in this for a year and it is not fair to them so they need to move forward with something. He believes they don't have to have a deadline but it needs to be reasonable not only for the citizens but also for the developer. He is interested in going out and looking at one of the Walmart stores and talk to a couple of cities that have them and ask them what they think of it. He was told just tonight that it will only be groceries. He thinks it is the other things with a Walmart that generally bring in some of the comments that were made tonight but he has never been to one of these stores to see, nor has he talked to the cities or residents to find out what their take is. That is one thing he would like to do in the next couple of weeks. Concerning the traffic study, one concern brought to him was Millcreek Way. People tend to use that to avoid 700 East and 3300 South. He is concerned if people are using that because they can't turn into whatever store is there on 3300 South, how much extra traffic ends up being pushed over to Millcreek Way.

Council Member Mila agrees with the things Council Member Beverly said. She also lives on Millcreek Way so she knows what is going to happen to that street. It is a scary street to have little children living on. She still feels this is not the right thing for her area. She is not comfortable moving forward with it right now.

Council Chair Snow said she is willing to go out to one the stores as well. She has never seen a neighborhood Walmart. She has an internal struggle as she hears so many of her fellow neighbors saying they don't want the Walmart. From the minute she moved into South Salt Lake and started getting involved what she was always told was many places in South Salt Lake are designated as a food desert. That is a designation from the Federal Department of Agriculture. It is based on the fact that if you don't live within a half mile of a grocery store and if they have lower income residents, then you are doing a disservice to these people because they may not have the ability to get to the grocery store. From the minute she moved in what she understood was that as administration, as a city council, even prior to her term, she understood that they were actively recruiting and pursuing grocery stores in the City. That is part of why they actively pursued Winco because there is a food desert issue. When you don't have a mid-size grocer, or larger, you do have other things fill in like 7/11's or little shops that don't provide fresh fruit and produce. If you don't have walkable access to good groceries you literally contribute to obesity problems and diabetes and those kinds of things you see particularly in lower income areas. That was absolutely part of the motivation behind recruiting Winco. Over in Waverly Station the constant refrain is how far they have to drive to get to a grocery store. She is struggling because it has suddenly turned on its face. They are now fighting a grocery which actually provides these essential things to our citizens within walking distance. She is listening. She hears the concerns about traffic and crime and the impact to their neighborhoods. But she has to put it out there that there is a different perspective and she knows the administration and City, as a whole, has actively worked to recruit grocers up until now. There is actually an active bidding war out there for Walmart and other grocers to come and locate in cities all over the valley. Every major city in the valley has a Walmart. But she is willing to go out and look at these locations and "kick the tires" more and talk this through.

Council Member Pender amended his motion to add that it be placed on Unfinished Business for the next Council meeting on February 24. He thinks two weeks is fair.

MOTION Ben Pender
SECOND Debbie Snow

Roll Call Vote:

Beverly	Aye
Kindred	Aye
Mila	Aye
Pender	Aye
Rapp	Aye
Siwik	Aye
Snow	Aye

The Council then took a five minute recess and reconvened at 8:55 p.m.

2. **Final plat approval and adoption of a PUD Overlay Zone for a 32-lot planned unit development townhome project located at 2255 South 400 East. Application is made by JF Capital Properties.** City Planner, Alexandra White, reviewed the project with the Council.

Council Member Pender asked if there has, or will be, a traffic study for this project.

Community Development Director, Mike Florence, said they did a parking study but not a traffic study. The City did a traffic study when they were adopting their design study and master plan for the area.

Council Member Pender asked how the distance of the alley way off of 400 East was going to look with the complex.

Ms. White said it was thirty-eight feet from the property line of the alley back into the South Parc project to the nearest building. It is about twenty-five feet from the property line of the lane.

Council Member Pender expressed concern that this will make it a true alley way and what measures will be taken as far as lighting goes for it. He asked if it is something the City is considering.

Ms. White explained the applicant does not own that piece of property. They are looking at a photometric study as part of their building permit and staff has discussed lighting with them. But, with it not being their property they have no right to develop it.

Council Member Pender asked if there have been any neighborhood meetings in relation to this project.

Ms. White said there has not. Staff has sent out public notices for all the public hearings for both the Planning Commission and City Council.

Council Chair Snow moved to deny the plat approval.

Council Member Kindred declared a conflict of interest with this applicant and he is going to abstain from voting.

Mr. Florence suggested the Council talk to the applicant and ask if they are willing to make any changes before they make a motion for denial or even continue it for another two weeks to see if they will make those changes and come back. If it is denied they can't come back before one year.

Council Chair Snow withdrew her motion saying she is willing to have a discussion with the developers. There are concerns about the rental and parking aspects of the project. She asked if they are likely to see any improvements.

Christian Traeden, of J.F. Capital, believes the request the Council made for more information has been provided. The project has exceeded every one of the City's ordinances in parking ratios. It is hard to come before the Council and get denied when you have met the requirements. They have done their own parking study and they exceed every other project that staff provided the Council in parking ratios. Staff has done their own parking study to create the ordinances and they have met or exceeded all of those. The City's studies also allow reductions in those parking ratios and they could qualify for some of those reductions but they are willing to leave their parking as high as it is. They could pick up two more stalls on site if it meets the other building requirements. They are willing to try to do some things to accommodate the Council's request, but they are exceeding everything that is in their ordinances. He hopes they will take that into consideration. Their plans also include lights in the back to make sure there is not a dark scary alley corner. He asked the reason for denial if they are meeting the ordinances.

Council Member Pender said currently there is a problem with a lot of drugs going on in the alleyway at night. At least if it is open people can drive by and identify if there is a problem there. His worry is the project encloses the area and the problem may get worse. He is also concerned with it being more rentals. He would like to see them purchase rather being a rental.

Mr. Traeden said the market to sell these is not currently there with the cost of the land. They feel they provide a really nice product and they are excited to be along the S-line and improve that corridor.

Council Member Pender asked if there would be property management on site.

Mr. Traeden said they do not have management on site the whole time. They do manage the property very efficiently. They can't govern what goes on in the alleyway or other property.

Mr. Siwik said he still has some concerns over interior parking. He suggested perhaps the Council needs to look at their ordinances and address guest parking separate from total parking. He has three hundred townhomes next to him and if someone is watching the Super Bowl his entire street and West Temple are a mess.

Mr. Traeden said they are open to working with anything, but they would like it added as a condition of approval so they can work through those things with staff.

Council Member Siwik asked if they were volunteering to do that.

Mr. Traeden answered yes. It's an easy thing for them to do, to limit two cars per unit, if they have a two car garage, so that all the guest stalls remain as guest stalls.

Council Chair Snow said they have a policy on the books that they are not allowing rental developments under fifty units into the City period. There is a distinction trying to be drawn because the City has individually plated these so they could sell them at some point without having to come back and get permission. To her it is a distinction without a difference. That makes no obligation that they ever sell them. To her it is a backdoor approach of letting in more rentals despite policy to the contrary.

Mr. Traeden said that was discussed with staff in the beginning. They have been open about it, that right now, that is not in the cards for them. But they could say, "Yes they are all for sale," and then rent them. That is an issue that nobody can control other than they would be lying to them.

Council Member Siwik asked if the Good Landlord Program has any teeth in this situation since they are individual units.

Mr. Florence advised that the City requires the landlord get a rental license with the City. It would not matter if it is one owner or thirty-two owners, they would all have to have a license. If they want a reduction in their licensing fee then they can take the Good Landlord Program. As long as they are the only owner they just need one license but once they start selling them off and that person were to rent it then that person would need a license.

Council Member Siwik said he is not happy and all that supportive, but it meets the ordinances and that could be the City's problem.

Council Chair Snow doesn't feel it meets the ordinances. It has rendered the rule meaningless. If they can get around the fifty unit rule by just plating it, potentially for the future, she could throw up her duplex on any corner and plat it and say maybe she will sell it. But everyone knows she is renting it and she has no obligation to ever sell it. Anyone can subvert that rule by just plating it.

Mr. Traeden said you can do that on a single family home as well, so every single one of the Garbett homes could be for rent.

Council Member Pender asked if this project is against the ordinance.

Mr. Florence advised that for this approval they are also giving a zone change because for a PUD you have to go through the zone change process. That was something the former Council wanted to keep control of. Regarding parking, under Title 15 in the Municipal Code, it requires two parking stalls, which they meet. It also says the additional parking stalls, guest or RV parking, may be required by the City based on review of the site amenities, access conditions, and other factors appropriate to the project. So, while they do meet the parking standards, they could require more if they feel it is appropriate for the development.

Council Member Pender still feels the development is against the ordinance and they are picking and choosing. He feels they have to be fair across the board. If they do it for them they have to do it for everybody. That's what they need to keep in mind. If there is a policy in place that says it has to be fifty or more units he doesn't know why the discussion is going on. He asked if this is an ordinance or a policy.

Mr. Florence explained that in the East Street Car Form Base Code it says if they do rental it has to be fifty units or more. Staff brought that to the applicant's attention from the beginning.

Council Chair Snow says they have tried to find a work around.

Ms. White explained it is not for rent technically. When it is plotted as individual properties, individual owners could own each lot the same as if you took a residential street and someone was to buy each home on the street. They could each be owner occupied or they could each be rental but they are platted and that's how this application went. They could have one owner, thirty-two, or anywhere in between. That's for the developer to decide.

Council Member Pender asked if an apartment complex could do the same thing.

Ms. White said no because they are not platted as individual units and they are not condominiums unless they are platted as that.

Council Member Pender asked how they change them.

Mr. Florence advised that they have to go through a subdivision process. They go in and survey all the heights and widths of the rooms and they draw up a subdivision plat for each individual room and they go to the City for subdivision approval.

Council Member Siwik asked if it is permissible to deny an application based on how it is going to be recorded. You can't deny it based on tenancy.

Mr. Creswell advised that if the property was already zoned this way they would have a problem but the reality is the Council holds the final responsibility of the zoning. Until they have changed the zoning he doesn't think there is a liability. He would like to speak to Jody Burnett, an outside attorney who specializes in this area and have him come back next meeting and advise the Council.

Council Member Siwik moved to place this item on Unfinished Business on the February 24, 2016 Council meeting.

MOTION Shane Siwik
SECOND Sharla Beverly

Voice Vote:

Beverly	Aye
Kindred	Aye
Mila	Aye
Pender	Aye
Rapp	Aye
Siwik	Aye
Snow	Aye

3. **A resolution approving amendments to the Consolidated Fee Schedule regarding rental of City facilities.** City Attorney, Lyn Creswell, advised the Council that he added the two recommendations he received from them. One was to provide two rent reductions. Currently there is a forty percent rental rate reduction for ten hours or more prepaid in a month. He added a twenty percent rental fee reduction for five to nine hours prepaid in any one month. He also drafted a conference, or large event fee structure. So if someone wants to reserve a block of rooms or multiple facilities they will get a forty percent overall rent reduction.

Mr. Creswell also reviewed in kind issues with the Council. Under Utah law you can receive in kind in replacement for cash but it is incumbent on them to have a definition of what that is. He has listed the City's definition of in kind compensation on the last page of the Consolidated Fee Schedule. It must be a service supporting a City need. It must measurably decrease the burden on the tax payer providing the supported service. The facility, or property, being used cannot be used for organizational fund raisers or revenue generation. Mr. Creswell was asked by the Mayor and City Council to be the gatekeeper. He meets with the applicant to determine whether any, or all, of their services meets the legal framework and then makes a recommendation to the Mayor for a rent reduction. That is the process currently.

Council Member Siwik asked if there was a limit to the amount the Mayor could waive fees based on Mr. Creswell's recommendation before it comes to the Council.

Mr. Creswell said there is no limit. The Mayor is only looking at short-term things. If there was a property lease or a long-term substantial lease, etc. that would be a Council thing, it wouldn't come to the Mayor. She is only dealing with day to day operational things.

Council Member Siwik asked what has been the largest decrease in rental fees they have allowed.

Mr. Creswell said the Rotary is the only one that pays zero currently. The reduction they are getting is \$210 per month.

Council Member Siwik asked if the Council could get those memos from Mr. Creswell after the Mayor has signed them.

Mr. Creswell agreed.

Council Member Pender asked if they would ever limit the in kind program. He's concerned if they get ten organizations and the rooms are always occupied they wouldn't get the cash revenue coming in.

Mr. Creswell said there's not a problem now but if it became one he may come back to the Council to rethink it.

Council Member Beverly moved to approve this resolution.

MOTION Sharla Beverly

SECOND Debbie Snow

Roll Call Vote:

Beverly Aye

Kindred Aye

Mila Aye

Pender Aye

Rapp Aye

Siwik Aye

Snow Aye

NEW COUNCIL BUSINESS

- 1. Amendment of the South Salt Lake Zoning Map from Commercial Corridor, North District, Commercial General, Light Industrial, and Transit Oriented Development Overlay to Downtown and adoption of the Downtown South Salt Lake Land Use Ordinance and Design Standards. The zoning encompasses the area from 2100 South to I-80 and from State Street to I-15. Deputy Community and Economic Development Director, Frank Lilly reviewed a Downtown South Salt Lake, Zoning Ordinance and Design Standards presentation with the Council. A copy is attached and incorporated by this reference.**

Council Chair Snow moved to place this item on Unfinished Business on the February 24, 2016 Council meeting.

MOTION Debbie Snow

SECOND Mark Kindred

Voice Vote:

Beverly Aye

Kindred Aye

Mila Aye

Pender Aye

Rapp Aye

Siwik Aye

Snow Aye

Council Member Beverly moved to adjourn.

MOTION Sharla Beverly

SECOND Ben Pender

Voice Vote:

Beverly Aye

Kindred Aye

Mila Aye

Pender Aye

Rapp Aye

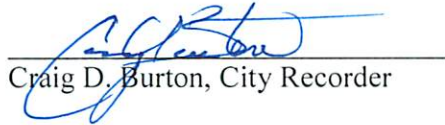
Siwik Aye

Snow Aye

The meeting adjourned at 10:01 p.m.



Deborah A. Snow, Council Chair



Craig D. Burton, City Recorder

February 10, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Charee Peck	220 E Morris Ave	Mayor's staff
Hannah Vickery	270 E. Moms Ave.	Atty's Office
ADAM LANKFORD	299 S. MAIN ST. #2400	THE WASATCH GROUP
Jacob Ballstaedt	10288 Eagle Cliff Way	Garbett Homes
Brooke St. John	RD	Victim Services
Ann C. Thomson	357 Garden Circle	Self
Lizzy Anderson	602 E. 3665 S.	self
JAMES Smith	3774 So. 645 E.	self
AARON JENNE	3450 S. 500 E.	Self
Isaac Higham	2556 S 300 E	self
Mariah Noble	West Jordan	SL Tribune
Cheryl K. Lewis	3451 So. 335 E.	Self
George F Lewis	3451 So 335 East	Self
Lauri B. ish	3249 So 500 Ea	self
Douglas Fleenor	3249 So 500 Ea.	self
BIL ANDERSON	602 E 3665 S	self
CONNIE ANDERSON	"	Self
Helen Conington	576 E. 3635 So	self.
Helen Rathke	3607 So 610 E	self
David Skorney	3444 S. 500 E.	self
TRAVIS MASSEY	3537 S 500 E	SELF
CODIE MASSEY	3537 S 500 E	SELF
Amy Putahl	391 F. Penney Ave.	self

February 10, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Steven Malecki	655 e. Riviera Cir.	Self and Family
Christian Traeden	1148 W. Legacy Crossing Blvd. #400 Centerville, UT 84504	J.F. Capital.
Sheila Hutchison	3491 So. Citrus Cir	Self
R. Saut	—	Consistent
Matt Jones	4641 Hunters Ridge Cir	Troop 502
Dan Binford	4040 Gary Road	Troop 502
Scott Williams	4738 Mile high drive	Troop 502
Isaac C patey	3815 E Thousand Oaks Dr	Troop 502
Joshua D ay	3906 Brockbank dr	Troop 502
Chase Hansen	3813 East Evelyn Dr.	troop 502
Jack Cannon	4582 Jupiter dr.	Troop 502
William Kendall	4000 parkview dr	troop 502
Chris Emigh		troop 502
Joe Aruscavage	3478 S. 500 E.	Self
Peggie Burr	415 Scott Ave	Self
Ronald Burr	415 Scott Ave	wife
Lola Bickley	Scott Ave	friend
Martin Burr	415 Scott Ave.	Self.
Dan Davis	3786 Viewcrest	Troop 502
Austin Metcalf	4275 e. Whiteway	Troop 502
Steve Wilson	3811 E Ruth Dr	Troop 502
Bridger Wilson	3811 E Ruth Dr	Troop 502
Hunter Bowden	4529 Westview Dr	Troop 502

