

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, February 24,
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 Shane Siwik

SERGEANT AT ARMS Ryan Cram

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

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 7:02 p.m.

APPROVAL OF MINUTES

January 27, 2015 Regular Meeting. Council Member Beverly moved to approve these minutes.

MOTION Sharla Beverly
SECOND Debbie Snow

Voice Vote:

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

February 3, 2015 Work Meeting. Council Member Pender moved to approve these minutes with a correction.

MOTION	Ben Pender
SECOND	Portia Mila

Voice Vote:

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.** **Michaela Oktay.** Council Member Rapp read the comments from an email received from Michaela in support of the Master Plan change at 3300 South and 500 East. A copy is attached to these minutes and incorporated by this reference.

Robert Orme, 3583 Solaris Way. He spoke of how lovely Garbett homes are and how responsive they are to any concerns. His desire is to keep tax dollars in the City and he supports the proposed mix use.

Tammy Diaz, 292 Welby Avenue. She expressed her support for the new life, sales and property taxes Garbett Homes will bring to South Salt Lake. Walmart will not bring the criminal element previously stated. She also expressed her concern for the closure of Truman and Burton Avenues due to any medical emergency on those streets. She feels, medical response teams will not be able to respond appropriately due to the closures.

Dave Hall, 473 E. Scott Avenue. He spoke of the history between the City and Granite School District. The City’s appraisal came in at about 6 million and Granite District at 11 million. It is obvious there were fundamentally different assumptions in the appraisals. If this project is approved, the City is

telling Granite they were right and South Salt Lake was wrong, but if project is denied then the City tells Granite School District they are mistaken. He spoke of the neighbor's resistance to this project. This is a neighborhood breaking proposal.

Jeanette Potter, 133 E 2400 South. She has lived on same street for nineteen years and has gone through many changes with the freeway, Dodge dealership and others. She expressed concern with the lack of tax revenue in the City and it being full of dealerships and apartment complexes, which she feels contributes to the crime rate. It has been said that South Salt Lake has the highest tax rates in Utah for residents, which don't have the highest income rate. She is concerned about the City's tax deficit and the decision to give streets to car dealerships with no incentive for the City and then deciding to turn its back on revenue from income Garbett Homes and Walmart would generate. She asked the City to consider the Garbett project and hopefully generate some tax revenue.

Dawn Wagner, 3331 South 500 East. She expressed her support for the Downtown resolution. She supported the bonds for the park and is sad they didn't pass but does feel that the proposed option is the next best option with the single family homes from Garbett, which she feels is a well-established and reputable builder. She supports having a grocery store that can increase livability and walkability of the neighborhood and reduces pollution, since one would not have to drive.

Kimarie Overell, 3165 South 500 East. She thanked the Council for their service and for listening to citizen comments. She asked the Council to vote no on the proposal because she feels this is the last pristine property in the City and they can do better. A clear message needs to be sent to Granite School District that they love their community and are asking them to be more concerned with what happens.

George Merisch, 3165 South 500 East. He expressed his concerned about a big box store, lack of parking space and potential of fewer private homes. They Council does not need to negotiate because the City holds the cards and they need to send a message to Granite School District that the City will not budge. He asked Garbett to go back and renegotiate the price with Granite so residents can have more homes and open space. The city has enough grocery stores and commercial space. Please vote no.

Ginger Fairbanks Broadbent, 112 West Inverkeithing Drive. Her family has lived in City for the last ninety-one years and she feels very invested in the City. She is in favor of the proposal that would create a walkable residentially focused community where people live, play and shop. She is concerned about having to drive to other cities to shop and losing sales tax dollars to other cities, every single day. The market would be a physical barrier between busy 3300 South and the park and residential neighborhoods, to protect residents from the traffic and noise. Other communities with a

Walmart grocery market are family friendly and do not have any blight or dangers. She urged the Council to vote in favor of proposition.

Albert Cooper, 3698 South 610 East - Representing: Richard and Killie Gulla, 354 E Fenton Avenue. They disapprove of a Walmart in their community. The community has worked hard to develop the area. A Walmart is not of benefit with their crime, but something that will tear down the community.

Jerold McPhee, 535 E 3195 S. He stated that it is not about Walmart or Garbett Homes but about a big box store and zoning. Mr. McPhee stated that if zoning is changed and the profit level is not in keeping with what Garbett Homes or Walmart needs, they will come back and ask for another modification. The number of homes will get smaller and the store will get bigger. His concern is how much Granite School District re-accessed the property for and clarified that the Master Plan states this being an R1 zone and needs to work as R1 zoning. Garbett Homes needs to figure out a plan that works with R1 zoning, nothing more will work.

Robert Norbutt, 3638 S 500 E. He said a food desert has to do with mostly low income and urban areas or more than thirty-three percent of the people are below the poverty level. He doesn't feel this applies to South Salt Lake. The addition of a Walmart would bring added competition to other surrounding stores. He does not support a Walmart but would support light retail along 3300 south to support the neighborhood. He is also concerned about the numbers presented by Garbett and how dense this project is really going to be.

Natalie Graves, 3521 Croft Cove. Spoke of crime rate statistics related to Walmart and how those numbers applied to South Salt Lake would considerably increase crime for the area. She mentioned a previous council meeting where the Council chose not to add a new police position and how that decision of taking away an officer and increasing crime is negligent and reckless.

Martin Burr, 415 Scott Avenue. He expressed concern about the widening of roads and the possible taking of property from the residents side of the road; with green space and existing trees in the area; with the number of homes and how those could be turn into townhomes. He supports the hiring of more police officers since the City is the worst in crime in the State, for a city of our size.

Katelyn Lindstrom, Lehi, Utah. Her heart is heavily invested in the City due to her research on the refugee community in the area. It is one of the largest populated areas of refugees. She agreed with prior comments on Garbett Homes being great, the need for more grocery stores and the concept of a more walkable community. However, the zoning does not need to be changed. The area is designated as historical and an activity center. They could accomplish security and connectivity, as well as walkability, if zoning wasn't

changed and the City built a community center. Soccer is important to these cultural diverse communities and could be provided through this community center to promote inclusiveness and reduce crime.

Randall Harrington, Executive Director of the Just Don't Quit Foundation, South Jordan Parkway. He is in favor of keeping zoning as it is and use it for a sports training facility. Mr. Harrington works with wheel chaired sportsman and also amputee soccer. He supports the idea of turning the old high school into a recreation center.

Robert Mahoney, 3487 Citrus Circle. He is concerned about increased traffic, the need to widen streets, street improvement costs, the increased water usage, and sewer system sustainability of 400 people.

Kim Angely, 630 E Garden Avenue. She is opposed to a Walmart in her community and the crime that is associated with it. The City only has one chance to get this right and the wrong decision will be lasting in the community and character of the City. She would support local businesses in the 3300 south corridor with residential units, but no big box store or Walmart.

Sean Selin, 630 E Garden Avenue. He understands change but doesn't believe Walmart is the right statement for South Salt Lake. This is an opportunity to creating something great like Sugar House. He supports local first and stated he would not shop at the Walmart. He asked the Council to do something better.

Cheryl Richardson, 3545 South 500 East. Although Walmart may look good in some communities when located in appropriate commercial areas, it wouldn't look good in South Salt Lake in a residential area, infringing on the community. She expressed concern with widening 500 East and the subsequent gutting out of the community and the depreciation of property.

Zelda Emerson, 666 East 3390 South. She requested to see the contract with Walmart.

Council Member Rapp replied that there is not a Walmart contract.

Ms. Emerson questioned why Walmart would put a store in this community when they just closed 250 small stores worldwide. This is just bait to get the Council to change the zoning.

Robert Lemone, 3148 S Park Court. He supports the current plan. Garbett Homes will bring increased property value. The four acre park is a nice size park and the grocery store is not the evil empire, but a place to meet people. He has been informed of a new senior community being built on the east side of the Granite property that would benefit from a walkable grocery store and

pharmacy. He asked the Council to vote yes for his neighborhood and the City.

Claudia Lamone, 3148 S Park Court. She is a twenty-five year resident who is here to support her husband and Garbett Homes. She believes it will be good for the community.

Torance Bohan, 480 E 3400 South. He bought his house because of the nice, quiet and clean area and now fears a Walmart will move right in front of his house and he will have to see it, and all the chaos that will come with it. He is opposed to the project.

Allison Gosch, 591 E Scott Avenue. She expressed concern over what will happen to the Granite property. If there is a Walmart in the area, she will not want to raise her family there anymore. She is concerned with the crime Walmart will bring to the community. Her desire is for a recreation center in South Salt Lake where people can exercise and have a healthy place for youth to gather.

Marilyn Mahoney, 3487 Citrus Circle. If the City has a master plan and repeatedly told the developer no, why do they continue to entertain them? Money is being exchanged somewhere and none of it is going into the pockets of the South Salt Lake citizens. She begged the Council to vote no.

Bill Anderson, 602 E 3665 S. Mr. Anderson stated that the project is being driven by the 10.6 million dollars the District feels the property is worth. It is only worth that if it has all that commercial development on it. Once again, this is a demonstration of the relationship the District has with the community. Mr. Anderson provided those present with a brief history of Granite School District and the City. The City was in extended negotiations with Lowes to purchase the former FHP Hospital property and the District swooped in and bought the site for their offices. Next they closed our high school, Granite High. At the eleventh hour the City asked what it could do to partner with the District to help keep it open. The City was willing to put money into that decision. The City arranged a meeting of the City Council, citizens and the School District to talk about those plans. When the superintendent came in he said, "How much money are you going to give us?" The City said they needed to talk about how they could partner to do it. And the superintendent said, "Sorry, it is only about the money. That's all I'm interested in" and he got up and left. Then they closed the high school. In this project we've asked them to come to the table and try to find a way to make this more palatable for the community and they have said, "We're not in the business of building communities." That echoed the exact same sentiment when they closed the high school. They have punched us in the gut. They have pushed us down and now is not the time to let them kick sand in our face by up zoning this so they can get \$10.6 million dollars. The City needs to vote no and do a better job of making that project fit the neighborhood.

Connie Anderson, 602 E 3665 S. Ms. Anderson asked why the Developers, City Council and School District are not compromising.

Boyd Marshall, 238 E Cordelia Avenue. He is appalled that the Council is not more educated in what they are trying to do. The rumors are out that some Council Members are meeting individually with the developers to show their favors, which is breaking the council rules. The Council's number one priority is not to the developers but to the citizens in the City. You were elected by them and here to represent them. This is spot zoning and Walmart runs on the same sort of business model as a 7/11 "one on every corner" to drive everyone else out of business. He is concerned with Walmart getting their money and closing their doors, with Walmart business practices and Walmart workers' wages. Granite School District shut a school down when Olympus and Granger were ready to be closed. They built brand new schools for them. The kids in South Salt Lake ended up going to three different schools and got treated poorly. How much tax money has gone to the District from the people of South Salt Lake over the last one hundred years? Even though there are no schools left here they are still paying that tax money. He doesn't think the District has been a partner to help things in the City.

Julia Tibbets, 3456 S 500 E. She moved into her house two years ago knowing it was a revitalization zone and hoping to bring something to the City of South Salt Lake to make it a better place. Walmart is not a good choice for a walkable neighborhood, with problems like stealing grocery carts and leaving those on the streets. She is concerned there will be more graffiti, bums and crime because of the Walmart. Ms. Tibbets remarked that seniors will not be walking to Walmart to purchase groceries. They take taxis because seniors cannot carry their groceries. She hopes that South Salt Lake will get revitalized because she moved here under that pretense and doesn't want Walmart.

Sheila Hutchison, 3491 S Citrus Circle. Read from email sent to Mayor and City Council Members. A copy is attached to these minutes and incorporated by this reference.

Reid Pace, 639 E 3585 S. He has been in contacted with Walmart for over a month and their next project is in Coldwell, Idaho in August and a supermarket in Spanish Fork. There is nothing coming to South Salt Lake. The developer does not have an anchor store. He is concerned the developer's plans are for apartment complexes and that is why they need mixed use. He asked for a resounding "no".

Kevin Louder, 589 Garden Avenue. South Salt Lake wants a community and if that development goes into that space the City loses that opportunity. The City only has one chance to get it right. He asked the Council to make projects more appealing to citizens. Granite School District is sitting on a goldmine and they just want to throw it away, get money and hit the town and run, which is not fair to citizens. The 4th of July community celebration was a

great get together. What are they going to do now? They need to do things right. You can go to a store anywhere; you don't need to have a Walmart. That will completely destroy their identity.

Derk Pehrson, 597 E 3785 S. Mr. Pehrson asked for clarification on what was being voted on.

Council Member Rapp clarified that nothing was being decided but the land use map and that the Planning Commission did recommend the project and its members are hand-picked by the Mayor.

Mr. Pehrson clarified that the Planning Commission recommended this project and they are hand-picked by Mayor Wood.

Council Member Rapp confirmed.

Mr. Pehrson stated that traffic would not increase because everyone is already driving by it to go somewhere else. He expressed his desire to keep his money local and would like a store in South Salt Lake.

Shelly Norr, 3162 S. Park Court. She stated that a vote tonight is a vote for Walmart. The developer has said this will not work without a Walmart. In every City Council meeting she has been to, she has seen neighbor after neighbor asking the Council to say no to this project. Only tonight ten people of those who spoke are in favor of this project and if the Council votes for this change, then she is concerned that maybe they are going on their own agenda because she has heard the masses say no, and only a few say yes. She spoke of pushing back and having the developer to go back to the District and renegotiate for a lower price. She is concerned with traffic in the area. She believes Winco will make up for the shortage of revenue for the City and therefore there is no need for a Walmart. South Salt Lake deserves better.

Nancy Aruscavage, 3478 S 500 E. She asked for a no vote to send a message to School District. She is concerned with property being overpriced and pushing the developers to make money through apartments or a big box store that citizens do not want. Most of the residents are not opposed to commercial in the area as long as it fits the community, like small businesses. She is concerned with homes in the area and young families coming in will sell their homes or rent them and turn the community into a transient community. She asked the Council to vote no.

Albert Cooper, 3698 South 610 East – Representing William Van Os - 3701 S 610 E. A community is helping those around you and this is not about the developer or the store but about voicing their opinion to grow and see a community and stop negativity about South Salt Lake. He proposed a City Hall in that area so that community can come together and have a festival and have a fourth of July.

Steve Norr, 3162 S Park Court. South Salt Lake has the lowest level of land devoted to residential in the entire Salt Lake County, with only twenty-two percent being devoted to residential. The Council is deciding on the value of the property and they need to stand up for residents. He asked the Council to have the courage to stand up to this and have it go back to the Planning Commission. To rezone ten acres of property is irresponsible. He hopes the Council won't do it.

Scott Wood, 377 E Baird Circle. He is against the rezoning. New young families are moving in. He can see himself living here for the next 25 years, but if a big box comes in he will move somewhere else. His desire is to see something nice in that neighborhood.

Travis Massey, 3537 S 500 E. In five hours of research he came across several black and white studies that were done by reputable universities or organizations pointing out the increased crime that Walmart's bring to communities. A Harvard study showed obesity is directly linked to how close one is to a Walmart in the United States. If they want a healthy community they should go to community owned stores to buy food that is grown locally. His biggest concern is Walmart bringing in crime. He loves the community and diversity of the City and the big box store will not fit in this community. He pleaded for Council not to change the zoning.

3. **MAYOR COMMENTS.** Mayor Wood clarified that people submit their resume's to serve on the Planning Commission. She brings those forward to the City Council for advice and consent.
4. **CITY ATTORNEY COMMENTS.** City Attorney, Lyn Creswell, clarified that the appraised value he stated was from 2010. The City does not have a current appraisal; they have not gone out to seek a current appraisal. They do not have any negotiations right now with the District for the purchase of property. The six million dollar appraisal was an historical note not a current situation.

Mr. Creswell reminded Council members to turn in their suggestions for changes to their Council Rules.

He is also working on the tree question from the last Council meeting and they believe they have an approach forward which they will refine and bring back to the Council.

5. **CITY COUNCIL COMMENTS.** Council Member Pender thanked everyone for coming out to the meeting tonight.

Council Member Mila seconded Council Member Pender's thoughts. They need the community to be involved in what is going on in their neighborhoods.

Council Member Siwik thanked the Police for their quick work on the homicide.

Council Member Snow thanked the community for coming out as well. She appreciates the involvement. She is also glad that the homicide has been resolved.

Council Member Beverly thanked the Mayor and Chief Carruth for holding a Town Hall Meeting last night to address the homicide issues. They did a great job calming the residents.

Council Member Kindred thanked everyone for coming tonight. He also thanked Public Safety for all they do in the City.

Council Member Rapp thanked the citizens for coming tonight. He thanked Police for their handling of the homicide situation.

ACTION ITEMS

UNFINISHED COUNCIL BUSINESS

- 1. 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.** Mr. Creswell said the latest question on this project is if the Council is setting a precedent by allowing this development to come in initially as a rental instead of owner occupied units. The City has called in attorney, Jody Burnett, to help with this issue. Mr. Creswell and Mr. Burnett have met with the developer's attorney and they all agree the status of the law is that for any "for sale" property that is approved by the City, legally it could be rented. Under the law, just because it is approved as a "for sale" project, there is no legal restriction that they cannot be rented and only sold. If that is the case, what are the options? There can be development agreements in these kinds of situations where there is a commitment by the developer to, over time, both market and sell the property with some reporting back to the City Council.

Attorney, Jody Burnett, advised that zoning is regarded as being derogation of property rights so there are inherent restraints on what government can do. While owner occupancy is a very appropriate objective, it is more challenging than it may appear to really achieve, particularly in the context of any owner being able to rent their property. If someone owns a dwelling they can live in it, rent it and sell it. Renting is one of the fundamental rights they have with respect to that property so it is very difficult to limit that other than inherently by contract by virtue of the structure of the homeowner's association, or similar mechanism. The first element in this project is the fact that they are individual lots. He doesn't think, as a practical matter, that someone is going to structure a longtime rental project such that individual pads, or lots, that

are individually for sale, is how a project would be organized. If they combine with that the commitment to actively offer the units for sale as they come on line, and, in the meantime, they agree to onsite management on a twenty-four hour basis while there are rental units at play, he thinks they could work into a development agreement and annually report back to the Council, or Planning Commission, the progress of the project. The final piece of the puzzle that might help with that is if they entered into a development agreement and the owner agreed to limit the percentage of units that could be rented. That is not unusual to do. They could bring something back to the next meeting if the Council is comfortable with it.

Council Member Beverly asked if the developers are comfortable in entering into that kind of an agreement.

Community Development Director, Mike Florence, answered that they are.

Council Member Siwik asked what remedy the City has if the developer does not comply with the agreement. Will there be something in the agreement that gives the developer incentive to sell the units.

Mr. Burnett feels they would be obligated to actively market them right from the beginning. That's their goal. They don't want to be in the rental business. He thinks they are committed to making it an owner occupied project just with the constraints of how long it will take the market to absorb those units.

Adam Paul, with JF Capital, said they are very excited about this potential solution to the problem and they would like to come to terms with the Council if it works for them. It is their intent to sell the properties. They like this idea.

Council Member Pender felt the last time they were here these were going to be rental units and they were not going to sell them right away. Now it sounds like that has changed and they want to sell them.

Mr. Paul said they want to sell them at a timing and a pricing that makes sense as soon as possible. That is their intent. They believe that a lot of the units will be rented before they will be sold.

Council Member Pender said he asked about on site management and that was not going to be the case.

Mr. Paul said they can put a tenant in who would be a manager liaison that would be responsible for the property who would call the twenty-four hour management company that would come out to resolve anything. To have an onsite office would not be feasible.

Council Member Pender confirmed there is not an onsite manager but anyone could call the twenty-four hour management company.

Mr. Paul said they could designate someone who lives there to be the onsite manager.

Council Chair Snow asked what kind of a timeline they are looking at. Could they enter into a commitment that they would be sold within two years?

Mr. Paul said he would be hesitant to commit to a timeline because of market changes. They would want some options to extend the timeline if things don't occur like they are expected to.

Council Chair Snow feels there has to be a deadline or it is meaningless.

Mr. Paul said they could talk about those things but even two years from completion is tight. Three to five years from completion starts to get more reasonable.

Council Member Mila verified that if they could sell them at the market value they are looking immediately, they would.

Mr. Paul confirmed they would. Even when they build apartment projects they try to sell them. They like to build and sell.

Council Member Beverly asked what "actively trying to sell" looks like in a contract.

Mr. Burnett said some sort of commitment to an onsite presence in terms of sales opportunities. They would have to explore that.

Mr. Creswell said they need to get the Council's policy direction and bring something back that is responsive to them. He proposed that staff work on a draft, send it to the Council, and have individual thoughts back to staff, then bring it back to the next Council meeting and get final direction.

Council Member Kindred advised that he had a conflict of interest with this applicant at a previous meeting due to a potential business relationship between his employer and the applicant. That relationship has changed and there is no longer any conflict so he will be participating and voting on this matter. He asked if staff had ever done this kind of a development agreement with another project like this in the City.

Mr. Florence answered no, not in South Salt Lake but cities do these all the time so it is not something new to this type of development.

Mr. Creswell advised that the City entered into a development agreement with Head Start when selling them property and doing their development.

Council Chair Snow said she is willing to explore a development agreement that obligates the developer to make it into an owner occupied development.

She believes that is what keeps them in compliance with the Streetcar Zoning Ordinance. She appreciates this is a creative solution. She would like to see a draft of a development agreement.

Council Member Kindred moved to place this item on Unfinished Business for the March 9 Council Meeting and on the March 9 Work Meeting.

MOTION Mark Kindred

SECOND Ben Pender

Voice Vote:

Beverly Aye

Kindred Aye

Mila Aye

Pender Aye

Rapp Aye

Siwik Aye

Snow Aye

- 2. **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.** Mr. Florence advised that there has been a lot of public comment on this. The City Recorder went through all the comments and put together the top questions heard. They were sent to the Council and the Developer. A lot of those related to the developer regarding traffic, open space, commercial development, whether there are sufficient utilities such as water and sewer, how will the project help identify the City, and those types of things. These were given to the developer and they have prepared a presentation to help answer those questions.

Council Member Siwik advised that this is not a vote tonight for Walmart or a zone change. He wanted to clarify what this is they are discussion tonight.

Mr. Florence advised that this is a General Plan amendment proposal. Currently the General Plan calls it open space and historic designations. The developer has made an application to amend the future land use map to Master Plan so that his future project would be consistent. They try to make the Mater Plan consistent with what the developer wants to do if they come back for zoning. That is what they are proposing to do now.

Council Member Siwik stated that the zone change from R-1 cannot be done without this step happening first.

Mr. Florence agreed.

Council Member Siwik stated if there is going to be any commercial in this project this step still has to be done. However, this step is brought about by

this applicant. So it basically attaches to the applicant.

Mr. Florence agreed.

Council Member Siwik asked if the Council approves this step and denies the zone change, can another developer come in and attached what is changed now or would they have to start over again with another General Plan.

Mr. Florence advised that once the Council amends the General Plan the current developer could move forward or someone else could. This is just the first step.

Council Member Siwik said the fear at this point is the applicant will come back in and say instead of seventy-five homes, now it is mixed use and has a commercial component. An apartment building is considered a commercial development. How do they safeguard that it doesn't happen? If they zone any of 3300 South Commercial are they opening the door for an apartment complex?

Mr. Florence advised that the way the zoning is set up; if this developer were successful in amending the General Plan they would come back and petition for a zoning change. The zoning they would ask for is Master Plan-Mixed Use. With that zoning they have to present to the Council a Master Plan at the same time that accounts for different sub-districts. If they did a commercial sub-district the Master Plan has to show where all the buildings are going, the design standards, the number of parking stalls, the percentage of landscaping and that is set in stone, they cannot just change it themselves. If they want to amend the Master Plan they would have to come back before the Planning Commission and City Council.

Council Member Siwik asked if they are changing the entire plat, would the south acres stay R-1 or would it change to a residential zone that would then allow for higher density.

Mr. Florence said they would zone the entire property Master Plan-Mixed Use and set up the sub-districts. The current plan they have been seeing would be set up as commercial, open space and a residential sub-districts. The residential sub-district would have minimum lot sizes, minimum road widths and those types of things. They would also be presenting a plat to the Planning Commission to approve.

Council Member Siwik said all that has super tight controls on it.

Mr. Florence advised that is the way they set up the zoning to be is specific.

Mr. Kindred clarified that is step two. Tonight is step one.

Mr. Florence agreed but advised that most of the time, if they are changing the

General Plan, they have seen a site plan and that is kind of the direction they are leaning to in most cases.

Adam Lankford, of Wasatch Group, recounted that they started this process by submitting a land use application in the spring of 2015. Since that time they have had neighborhood meetings, Planning Commission meetings and the plan has changed quite a bit. The original plan had about 420 units, apartments and townhomes and some retail. As they have moved through the process over this last year the significant change is there are no multi-family units. That has all been removed. There is a neighborhood park and they are estimating seventy-five to eighty single family homes. All the residential is single family and they have about ten acres of retail and a 3 to 4 acre park. He reviewed a presentation with the Council. A copy is attached and incorporated by this reference.

John Dorny, Horrocks Engineers, advised that the traffic is directly tied to the land use, down to the square footage and units. They did a preliminary draft traffic study and met with UDOT yesterday. If they did not cooperate, or feel like it is a problem, they would tell them. They are proposing closing four accesses on 3300 South and five or six on 500 East. UDOT said there is no fatal flaw that stands out to deny this. The initial preliminary traffic study, which goes out five years, shows that a turn pocket is needed at 700 East and 3300 South. 500 East doesn't show things are needed.

John Gust, with Arbor Development, said whatever grocery store they are dealing with in this type of center, to make it really successful, they need to have those reoccurring trips to attract the Café Rio's or any of those small retailers. They need the reoccurring trips the grocery store provides. For this center to be viable they need to have reoccurring trips. Arbor and their partners are committed to the ten acres. They wouldn't be here if they didn't think it would work. Whether it is with Walmart or another retailer that has that capability of bringing the reoccurring trips to this site, they want to design a good product there and something people will be proud of.

Council Member Pender asked if the right turn pocket off of 500 East would come out of the developer's parcel of land.

Mr. Dorny said it would.

Council Member Pender asked if the ten acres of retail is negotiable. Would eight acres work? Why the ten acres?

Mr. Gust said it is an expensive piece of property. From where they know the numbers are the ten acres is what they need to be successful and make the numbers work.

Council Member Pender said he toured the Walmart in Magna last week. It only had groceries, medication and household supplies. He asked if that is

exactly the same one they are planning to put in this location.

Mr. Gust said his understanding from Walmart is it will be similar to Magna's but laid out differently and have a little more square footage than that store has. This one will have about 41,000 to 42,000 square feet. Magna's has about 39,000.

Council Member Pender verified that it would not be a twenty-four hour store.

Mr. Gust said that was his understanding, but they better get clarification from Walmart before he says yes or no.

Council Member Beverly asked how the three or four acres of green space are being paid for. She feels it is misleading to show the public these renderings when the City doesn't have a clear plan and they have no funds.

Mr. Lankford said they are required by ordinance to provide the .67 acres. There is a lot of flexibility and negotiation with the District and the City. They are happy to participate in that. It is a question that needs to be answered.

Council Member Kindred asked what the project will do to traffic use on the streets most impacted by it.

Mr. Dorny said the overall increase on 3300 South would be about fourteen percent in an entire day and about a six percent in the p.m. peak hour. He does not have those numbers for 500 East.

Mr. Florence advised the Council that staff has not been able to review the traffic report. They were told today they would have it but they have not received it. He has been asking for four months for the traffic study and they have not received it yet. Staff would like to review those numbers. They have not been included in any meetings with UDOT.

Council Member Rapp asked how many other pads the developer has for other developments.

Mr. Gust said there will be two buildings at 9,000 square feet and two buildings at 5,000 square feet. It ends up being 33,000 to 34,000 square feet in total. They have not included any space next to the grocery store. It is all on the perimeter of the development so you aren't looking at a sea of cars.

Council Member Siwik asked which homes would be most impacted by the retail development.

Mr. Florence pointed it out on the overhead screen.

Council Member Siwik surmised that homes running parallel to the track south will be abutting residential. If your home is parallel north of the tract

they will be abutting the retail site. He asked if there is any way to push the retail north an acre so there is no residential abutting the commercial.

Mr. Gust suggested it would be best to work with staff and come up with a good plan to buffer that area and see how the master plan worked to make it viable. The last thing they want to do is come in and make the commercial not work and fail but, on the other hand, they want to protect the residents as much as possible. That could be done in many ways.

Council Member Siwik asked if it is possible to move the anchor closer to 3300 South.

Mr. Gust said they could take a look at it and see how they could mitigate that as much as possible by shifting it up and see how the planning comes out. It will take a little planning and he would hate to say they could do it without really spending some time with the engineers and architects and get something back to the staff and Council.

Council Member Siwik asked how dead set they are on Walmart. Can they look at another anchor?

Mr. Gust explained that there is nothing finalized with Walmart, there are negotiations that have been going on. It is an expensive site and retailers have got to be willing to step up pay for what it is going to take to make it work financially. Walmart has shown the most interest at this point. They could explore other opportunities.

Council Member Siwik feels the eighty single-family homes are the anchor of the development. He hopes most people recognize that a commercial component has to exist in this development. He feels there are other grocery stores more palatable than Walmart. Walmart is probably something he will accept but he would like to see them go in a different direction.

Mr. Gust mentioned several stores and said none of them build the small store that is needed here. They aren't building any smaller stores right now. They will keep talking to everybody.

Council Member Rapp said they still retain the right to deny this but if they don't proceed with a vote tonight the Council will never know what they have to offer. If they have something they like and they can live with, they can go with it. If they don't, they can deny it. This is the first step. It is not binding them to do anything. They are not stuck. Unless they proceed they will never get a site plan that they can look at. When it comes to District 2 he has received a lot of comments saying that they want a commercial development here. Both bonds failed for this to be turned into a civic center and the City doesn't have the money to do that. The District is not going to cave. The price is set. There is no RDA possible with them either. The Superintendent and the Board are not going to cave.

Council Member Siwik said this is about the money to the District. They are not going to budge. If the Council denies this tonight and does nothing there will likely be another developer that will come, and if they deny that one, then what? The District will put a fence around the property, it will be boarded up and it will sit there. If everybody is concerned about a decrease in property values, what do you think fencing a boarded school will do to property values and marketability of homes?

Council Member Rapp added the increased crime of an empty building.

Council Member Beverly said she is here representing District 3 and she has served for two years and never had more emails or phone calls about any other issue than this one. Only two people that have contacted her were in favor of moving forward with this plan. It is a general plan amendment, however, they know it is under contract and they have heard the developer needs an anchor and the only anchor is Walmart. She is still sticking to the message that there is a lack of compromise right now. They keep projecting a picture for green space like they are throwing an olive branch out to the citizens but there is no money to pay for it. They need to have some kind of compromise from the other parties involved. If the Council does vote yes they are the only ones willing to compromise.

Council Member Kindred said when this project came to the Planning Commission one of the commissioners said they look at the site now and it makes them sad. He agrees with that. It is an eyesore. It has torn the community asunder over the better part of a decade. The City bonded for the site twice; once directly and once indirectly. Both bonds went down. They are not going to have this controlled by the City. It is not going to be a twenty-seven acre park or a community center. This site is going to change entirely. Hopefully they can preserve something that respects the history that was there before. The sports fields are all going away. What they need are single family homes in the City. One third of the City is owner occupied and two thirds is multi-family. It is a balance they need to bring closer together. This is such a unique site that they need to figure out some way to get some green space on it. The most disappointing part about the whole process is the fact that the District isn't coming here and participating. He has heard a lot of frustrations about that. He understands they are frustrated because it has been a long process for them. They serve this community. Two thirds of his property taxes go towards the District and they are not joining this conversation. That is really disappointing. Everyone agrees 3300 South is a commercial corridor and there will be commercial on this site along it. What they need to do now, as a community and Council, is figure out the best way to repurpose and reposition this site so it works for the City, whatever developer they have come with a plan and, most importantly, for the surrounding communities. He thanked the developer for all they have done and he hopes they get it over the goal line but they are not there yet on the commercial part. The houses are great. The commercial still needs work. He is not willing to give up their leverage until they have nailed that down and they aren't there yet. Once they

figure it out come back and the Council will make the change no problem.

Council Member Mila said she serves in District 4 and she is in one hundred percent agreement with the last two Council Members that spoke. She did go out and visit two neighborhood Walmart stores last week and they were really nice grocery stores but, as one of the residents said, if they see a dress they really like, you go and buy it and it doesn't fit the same way as it did on the other person. She doesn't think this is the same fit for the area she looked at. There is not a lot of residential around them. She agrees with Mark, they are headed in the right direction but they aren't there yet. She can't get behind it quite yet. She wanted it to be a park but unfortunately the City doesn't have the money to make it happen and they weren't able to get the bonds passed so they do have to come up with some compromises and she hopes they can make it happen. Right now they have one chance to make it right and she doesn't feel this is it yet.

Council Chair Debbie Snow said the homes are great, the park is great and 3300 South is a major commercial corridor and they are going to have commercial on it. What they are doing tonight is changing the General Plan to a mixed use proposal. That is all they are committing to. When they change the General Plan they are acknowledging that there will be mixed use, meaning some commercial, some green space and some single-family homes. They are not committing to a Walmart. They are not committing to ten acres of commercial. That will come in step two when the developer applies for a zoning change and bring them a specific site plan. That is the kind of thing Council Member Siwik was asking. Is there still flexibility where they can move the lines, buffer, and look at other tenants? That is nothing she is committed to tonight. She doesn't think any of the Council are committed tonight by voting to change the General Plan designation. She feels there is a little bit of misinformation. The underlying zone is R-1 but the General Plan designation is different. They are two different things. The General Plan designation is the small corner of Historical and then Open Space and School. Those are defunct. The school is never coming back and the open space bond was not successful so they aren't going to preserve twenty-seven acres, although they are very much interested in preserving a portion. They are not going to preserve the historical building because the first bond didn't pass. All she is committing to tonight is she thinks it is appropriate to say there will be a commercial component, park component and single-family home component. She wants to move forward with a mixed use master plan General Plan designation and they will have to come back with their specific site plan and they will talk zoning and specifics. She is still very interested in flexibility and negotiation and compromise but if they don't get this step down the road they won't ever have that conversation. They are stopping it before it occurs.

Council Member Pender found some of the comments interesting. As he thinks about it, they really want all this green space. If you use that same logic you can go to Sugarhouse or Liberty Park as well. It is going to be commercial over there. What it is they don't know for sure yet. The City has a lot of

refugees and diversity in it. A lot of those refugees work at Walmart. He doesn't want a larger Walmart there and he is a little bit skeptical about the neighborhood Walmart on 3300 South, however, they do have a diverse community here and they need to serve the community. He doesn't know if Walmart is the right answer. But some of the other stores brought up tonight would be great if you could afford it. A lot of people in this community cannot afford those things. They will have to go outside of this community to afford things. The City motto is "On the Move." He doesn't see the problem with moving on to at least the next step. They are not approving a Walmart. They are moving forward to see what comes forward. If they don't like it, they don't have to go with it. They can stop it at that point. They are not committing to a Walmart. He would not commit to a Walmart tonight but he will commit to single family homes because he thinks they have way too many apartment complexes in the City. They need more single-family homes. He feels the way to put more pressure on the District is to get the population up. If they can get it up they can bring the District in and ask them where our high school is. Let them figure out where the high school is going to be. He would like to see some of the facade of the school preserved and maybe incorporating some of that stuff into that area as well. He thinks it is very important.

Council Chair Snow moved to take a ten minute recess.

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

The Council recessed at 10:17 p.m. and reconvened at 10:28 p.m.

Council Member Kindred moved to deny the application for a change in the General Plan.

MOTION	Mark Kindred
SECOND	Sharla Beverly

Roll Call Vote:

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

The motion failed.

Council Chair Debbie Snow moved to approve the ordinance amending the future land use map designation in the General Plan from New Historical and Future Park to Master Plan for the Granite site.

MOTION	Debbie Snow
SECOND	Shane Siwik

Roll Call Vote:

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

The motion passed.

3. 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. Mr. Florence asked if the Council likes the direction staff is heading with the form based code.

Council Chair Snow suggested moving to the next Council meeting so they can give it the time it deserves.

Council Chair Snow moved to place this item on Unfinished Business on the next Council meeting.

MOTION	Debbie Snow
SECOND	Shane Siwik

Voice Vote:

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

NEW COUNCIL BUSINESS

- 1. A resolution approving and authorizing the execution of the interlocal cooperation agreement with Salt Lake County allowing for the use of County revenue to further regional development.** City Engineer, Dennis Pay, advised the Council that staff applied for some funding from the County to design an analysis of how best to run Parley’s Trail from State Street to 300 West. They have awarded the City \$25,000 to do the design work. They will go back for construction next year. The Salt Lake County Council has already approved it and it is signed. There is no local match. The County is giving the City \$25,000.

Mr. Creswell advised that they will have to amend the budget in the future to reflect new revenue but this allows the City to receive the money.

Council Member Beverly moved to suspend the rules.

MOTION	Sharla Beverly
SECOND	Debbie Snow

Voice Vote:

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

Council Member Beverly moved to approve this resolution.

MOTION	Sharla Beverly
SECOND	Portia Mila

Roll Call Vote:

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

2. **A resolution approving and authorizing the execution of the interlocal cooperation agreement with the Utah Department of Transportation allowing for the use of State revenue to construct new sidewalks on SR-171.** Mr. Pay explained that UDOT has a safe sidewalks project where they put funds aside to construct sidewalks or help municipalities construct sidewalks along State routes. This is along 3300 South on the south side of the street from West Temple to 300 West. There is some sidewalk there but they will be filling gaps, repairing damaged sidewalk and completing that two block area. There is a twenty-five percent local match associated with this. UDOT is awarding the City approximately \$33,000 and the City will be matching the balance to get to about \$45,000. It does help the City complete their sidewalks and have better pedestrian ways. This one does not require a budget amendment because they have the funding in Class C funds.

Council Member Beverly moved to suspend the rules.

MOTION	Sharla Beverly
SECOND	Portia Mila

Voice Vote:

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

Council Member Beverly moved to approve this resolution.

MOTION	Sharla Beverly
SECOND	Mark Kindred

Roll Call Vote:

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

Council Chair Snow moved to adjourn.

MOTION Debbie Snow
SECOND Sharla Beverly

Voice Vote:

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

The meeting adjourned at 10:41 p.m.


Deborah A. Snow, Council Chair


Craig D. Burton, City Recorder

February 24, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Jody Burnett	257 E 220 South #500 SLC	outside attorney for City
Hannah Vickerly	270 E. Morris Ave	City Atty
Tyler Snow	257 E. 200 S #1100 SLC	self
Janeen Newbert	3497 S. Park Meadows	self
Joffe Suzanne Delaplaine	3825 S. 610 W.	self
JENNIS Ransom	565 E. Bulrush Wy	self
Eric Peterson	335 E Parkbreak Lane	self
Reed Thomas	331 E Park Creek Lane	self
AARON JENNE	3450 S. 500 E	Self & my dear wife
Richard Menke	19 West Grassland Ave ⁸⁴¹¹⁵	HACSL
George F Lewis	3451 So 335 East	self
Cheryl K. Lewis	3451 So 335 East	Self
Paul Thatcher	349 E. Haven Ave	self
Barry Marshall	238 E CORDELIA	SELF
Ken Mears	3217 S. Water Lily Dr	—
Shelly Norr	3162 Park CT	SELF
Steve Norr	3162 Park CT	SELF
Susan Dickstein	2915 S. 500 E.	SELF
Kathy Ivic	286 New Century Lane	self + 60 Century Park East Homeowners
Ever R. Heddleston	2175 So 200 East	Self
Adam Paul	1148 Legacy Parkway Blvd, Carbonville UT.	IF Capital
Derek Peterson	597 E 3785 S	SELF
ROBERT LEMONE	3148 S PARK CT	SELF

February 24, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Claudia Lemon	3148 So Park Court	self
MARIA ALEXANDER	3134 So PARK CT.	SELF
COSTELO ALEXANDER	3134 S. Park Ct	self
John Owens	170 So Main St.	self
Taku Gust	8215 W 3645 S	Arbo
Kim Peacock	258 E. Cotton	Self
Kelly Gregersen	338 E. Fenton	Self
Sheila Hutchison	3491 So. Citrus Cir	self
Jeanette Potter	133 E 2400 S.	Self
Mike Murray	121 E 2400 S.	Self
Jack W. Christensen	411 E. Scott Ave Rear	Self
Cheryl Johnson	3396 So 500 East	Self
Julia Tibbitts	3456 S. 500 E	Self
Jacob Fullstreet	203 N. East Capitol St.	Garrett Homes
ADAM LANKEFORD	299 S. MAIN ST. SLC	WASATCH GROUP
John Dorny	2162 W. Grove Pkwy Pl, UT	Honolulu Ely
Johnny McConnell	3681 So. Lincoln Park	Self
Joe Aruscavage	3478 500 E	Self
Nancy Aruscavage	3478 S. 500 E.	Self
Walter Richardson	3545 S. 500 E	self
Cheryl Richardson	3545 S. 500 E.	self
ALLISON GOSCH	591 E SCOTT AVE.	SELF
Stefan Gosch	591 E Scott Ave	Self

February 24, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Claus Gosch	591 E Scott Ave	Self
Ryan Heaslip	429 E Wendell Way	Self
MISHA RADOSEVIC	3553 S. SOLARIS WAY	SELF
Susannah Park	429 Wendell Way	Self
Adrian Sellars	565 E 3665 S.	Self + wife.
Robert Orme	3583 Solaris Wg.	Self
Laura Vernon	361 Terra Sol Dr.	self
Kevind Dostie	3544 CROFT CV	SELF
JANE DOSTIE	3544 CROFT COVE	SELF
GEOFFREY WARREN	3564 S TERRA SOL DR	self
Alonso B. Williams	153 Winslow Ave	Self
Don Shelby	153 Winslow Ave	Self
Daniel Halbritter	3540 S Park PL	self & local business
Rachelle Garcia	3540 S Park Place	Self
Scott Wood	377 E Baird Circle	Self
Yngir Fairbanks Boardman	112 W. Inner Keithing	self
Selena Kontuly	3638 S. 500 E.	self
PHILIP KEARNS	563 E. 3185 S.	SELF
Jill Bennion	456 E 3360 S.	Self and neighbors
LISA TREVINO	140 E BURDEN AVE	SELF
SKip Whitman	3685 S. 580 E.	Self
Ryan MALAVOLTA	647 E. 3390 S.	SELF
Amra Ferhatbegovic	408 E. Scott Ave.	self

February 24, 2016

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Kevin Vander	589 Garden Ave	self
Connie Anderson	602 E, 3665 S.	self
Kim Kasey	167 E 2400 S #3	self
Charlie Carrillo	167 E 2400 S #2	self
Rob Norbott	3138 S 500 E	self
CAYSON KING	2740 S. 500 E.	SELF
Martin Burr	415 Scott Ave	self
Rieda Abrams-Miller	440 E Wendell Dr	self
Kevin M. Carr	440 E Wendell DR	Self
Helen Rathke	3607 So 610 E	self
Marshall Wilson	1257 Charlton Ave	self
Blake Henderson	1257 Charlton Ave.	Self
Peggie Burr	415 SCOTT Ave	Self
Ronald Burr	415 Scott Ave	wife
Ide Bickley	464 E. Scott Ave	self
Comalynne Kozlowski	439 E Scott Ave # A	self
Kimarie Overell	3165 S 500 E	Self
Georse Muerich	3165 S. 500 E	Self
James Smith	3771 So 615 E	self
Dave Hall	473 E Scott	self
Jillia Von Tach	118W 8410S Sandy UT	SSL Chamber
Terold McPhee	535 E 3195 S	SSL self
Terrell McPhee	535 E 3195 So	self.

