

---

## M E M O R A N D U M

---

**DATE:** August 1, 2003  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Questions Pertaining to Request for Zoning Ordinance Text Change  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Alison Weyher,  
Louis Zunguze, Gary Mumford, Joel Paterson, Janice Jardine

---

### ISSUE

A company has filed an application with the Salt Lake City Planning Division to change the text of Section 21A.31.020 to include “Department Stores” as a permitted use in the Gateway Mixed-Use District. The Planning Commission is scheduled to consider the application August 27. If the Planning Commission adopts a motion to recommend the text change the City Council may wish to include questions and items listed below in its consideration of the application. The questions and items listed are broken down into four categories: Zoning Ordinance, Gateway Master Plan and Other Plans, Economic Effects, and Policy. They may be considered subsets of one overarching question: *What better serves the public interest – to amend the Zoning Ordinance to allow “Department Stores” in the Gateway Mixed-Use District or to leave the Zoning Ordinance as is?*

A copy of the application is attached to this memorandum.

### ZONING ORDINANCE

The application appears to request that the text change allow department stores as a permitted use in the Gateway Mixed Use Zoning District. If the text change is adopted, what effect, if any, would it have on the following sections of 21A.31.020:

**21A.31.020.A Purpose Statement:** The G-MU Mixed-Use District is intended to implement the objectives of the adopted Gateway Development Master Plan and encourage the mixture of residential, commercial and industrial assembly uses within an urban neighborhood atmosphere. The 200 South corridor is intended to encourage neighborhood commercial and the 500 West corridor is intended to be a primary residential corridor from North Temple to 400 South.

**21A.31.020.C Planned Development Review:** All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the G-MU Mixed-Use District may be approved only as a planned development in conformance with the provisions of Section 21A.54.150 of this Title.

**21A.31.020.D.2 Residential Units, 500 West:** Buildings fronting on 500 West shall be required to have residential units occupying a minimum of fifty percent (50%) of the structure's gross square footage.

The Zoning Ordinance allows department stores in the following zoning districts: Community Shopping (CS), Central Business District (D-1), Downtown Support District (D-2), and Sugar House Business District (CSHBD).

The Zoning Ordinance Section 21A.50.050 titled *Standards for General Amendments*, says:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;
- C. The extent to which the proposed amendment will adversely affect adjacent properties;
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

## **GATEWAY MASTER PLAN AND OTHER PLANS**

Council staff has attached a summary of master plans originally prepared for the City Council's discussions during the development of its *Salt Lake City Council Policy Statement on The Future Economic Development of Downtown*. The summary contains elements of the Gateway Specific Plan that pertain to the current discussion.

## **ECONOMIC EFFECTS**

- What effect would the proposed Zoning Ordinance text amendment have on the traditional Central Business District?
- If the text amendment were not adopted, what would be the effect to Gateway area businesses?
- What effect might the proposed text amendment have on the Wal-Mart project on 1300 South and 300 West streets?
- Would the contemplated department store include a grocery store?
- Would traffic generated by the contemplated department store require the reconfiguration of public streets or transportation systems?
- If an anchor retail department store moves from the Central Business District to the Gateway Mixed-Use District what would be the economic effect of the move?
- If an anchor retail department store left the City completely, how certain is it that another tenant could replace it and how soon could the City expect that tenant to locate in the vacant space?

In an earlier study pertaining to the City Council's consideration a department store's relocation, Rick Giardina & Associates performed an economic study. Due to time limitations, questions the company did not answer in the study were:

- Given the experience of other cities, what is the likelihood that another major retail store would move in to replace a departing anchor retail store?
- How many tenants in one of the downtown malls have tied their leases to the continued presence of the anchor retail store? What is the potential economic impact of that? Given the experience in other communities, what is the likelihood that other mall tenants would leave and go to the Gateway District if the anchor retail tenant left?
- If an anchor retail tenant moved to Gateway, what would be the economic impact on the Gateway retail area? Is it essential for the Gateway retail area to have an anchor retailer to succeed?

Would the City Council wish to have Giardina & Associates or another firm answer those questions before making a decision?

### **Policy Questions**

- Would amending the Zoning Ordinance permit department stores throughout the 650-acre Gateway area, or could it be limited to a single area contained within the Gateway Master Plan?
- Would amending the Zoning Ordinance allow an anchor retail department store to relocate from the Central Business District to the Gateway Mixed-Use District?
- What has happened to warrant amending the Zoning Ordinance?
- How significant a change could be created if the Zoning Ordinance is amended?
- How would amending the Zoning Ordinance relate to the *Salt Lake City Council Policy Statement on The Future Economic Development of Downtown* which says in part: "The City Council recognizes that Main Street is the core of our downtown commercial, tourist, and convention activity. To encourage the relocation of retail or other commercial businesses or other key "anchors" away from Main Street will undermine these activities to the long-term detriment of downtown, including the Gateway and other developments. The continued vitality of Main Street is essential to the economic and cultural health of our great city."
- Is the proposed amendment consistent with adopted master plans?
- Can the amendment be viewed as "economic planning" done within the context of existing master plans?
- Can the amendment be viewed as permitting a land use at cross-purposes with existing master plans?
- According to the *Gateway Master Plan* and *Gateway Specific Plan*, the Gateway District is intended to complement the Central Business District. If the Zoning Ordinance is amended, should those plans and the *Downtown Master Plan* be reviewed and revised to identify goals and land uses in the Central Business District and Gateway Mixed Use District that combine the three plans into a larger whole?
- Are there other zoning districts in the City where department stores are not a permitted use now where they could be permitted in the future?

- Can the City's utilities and transportation infrastructure absorb new buildings and traffic created by amending the Zoning Ordinance, or will there be a public cost to bear?
- Is there a fiduciary responsibility to Salt Lake City residents and businesses to amend the Zoning Ordinance?
- Is there a fiduciary responsibility to Salt Lake City residents and businesses not to amend the Zoning Ordinance?

## **PROCESS**

City Council Members Eric Jergensen and Nancy Saxton have raised individually ideas regarding the approach the City Council could take to review the issue. Their ideas, and ideas mentioned by others, include but are not limited to:

- Review the City's redevelopment efforts to identify the most effective use of funds. Consider options to mitigate downtown construction impacts.
- Encourage property owners and developers to meet to establish an approach that maximizes the likelihood that both Main Street and Gateway succeed.
- Establish a process with the public and stakeholders to establish an approach that maximizes the likelihood that both Main Street and Gateway succeed.
- Obtain additional data regarding economic opportunities including retail, office and residential absorption rates.
- Reopen the *Downtown Master Plan*.
- Focus on the City Council's *Policy Statement on The Future Economic Development of Downtown* as a context within which to review this issue.