

POTENTIAL LEGISLATIVE INTENTS AND MOTIONS

It should be noted that City Council staff comments appear in *italics* within (parentheses).

Potential Legislative Intents

(The listed intents do not appear to be mutually exclusive.)

1. The City Council urges the Planning Commission that in its evaluation of the term “department store” that the Commission examine the terms “fashion retail,” “large-scale fashion retail,” “value retail,” and other terms used in the retail industry as possible sub-categories of the term “department store.”
2. The City Council urges the Planning Commission that in its review of zoning regulations relating to the location of department stores to examine the enactment of specific zones for fashion retail stores based upon criteria such as a store’s square-foot capacity, merchandise, and retail type, and a location’s compatibility with City policies and master plans.
3. It is the City Council’s intent that the Downtown, Gateway, and Central City master plans be reviewed and updated to insure that the master plans are in harmony with each other so they may provide clear guidelines for land use and economic development throughout a greater downtown.
4. It is the City Council’s intent that the City facilitate collaboration among downtown stakeholders, organizations representing downtown businesses, property owners and residents, and City officials to develop a downtown action plan with timelines and definition of roles and responsibilities to guide future economic development, including retail, in the downtown defined in the January 2003 *City Council Policy Statement on the Future Economic Development of Downtown*.
5. The City Council considers Gateway’s success to be important to the success of the overall downtown. The Council urges the Redevelopment Agency and City Administrative staffs to continue to review ways to provide more flexibility for Gateway, such as evaluating the language in the Zoning Ordinance’s text of the Gateway Mixed-Use District relating the current regulation requiring 50 percent residential use in all buildings along 500 West Street and weighing that regulation against requiring mixed uses among buildings rather than mixed uses within buildings.
6. The Council wishes to make clear that it has no intention to adopt a zoning change that would allow stores such as Nordstrom to relocate to the Gateway Mixed-Use District. However, the Council expresses its gratitude to Nordstrom for the contributions it has made to Salt Lake City and, again, urges Nordstrom to seriously consider remaining in the City – but within the Main Street area.
7. It is the City Council’s intent that the Administration evaluate opportunities to work with the Utah Transit Authority and other entities to foster mass transit connections between the Gateway area and the Main Street corridor and that the Redevelopment Agency examine ways to help fund the mass transit connection. The connection may be a

precursor to a finished light-rail loop addressed in environmental impact statements for the intermodal hub at 600 West 200 South and the Airport to University light rail line.

Potential Motions – City Council

Would Allow Department Stores in Gateway Mixed-Use District

I. I move that the City Council approve petition No. 400-03-20 to allow department stores in the Gateway Mixed-Use District as a permitted use with the understanding that the Redevelopment Agency Board will adopt Option No. 4 Resolution 572.01 which would rescind the Third Amendment to the *Participation and Reimbursement Agreement* between the Agency and Gateway Associates, based on RDA staff's recommendation.

II. (*Administration Proposal*) I move that the City Council approve petition No. 400-03-20 to allow department stores in the Gateway Mixed-Use District as a conditional use with the following recommendations:

1. Review the *Gateway Development Master Plan* to determine appropriate specific amendments to ensure consistency between the master plan and the proposed text amendment.
2. Review the *Salt Lake City Council Policy Statement on the Future Economic Development of Downtown* to ensure consistency between the *Policy Statement* and the proposed text amendment.
3. Review the Salt Lake City Redevelopment Agency agreement with Gateway Associates (The Boyer Company) that imposes a limit on the maximum size of retail spaces at the Gateway Mall to eliminate a potential conflict with the proposed text amendment to allow department stores in the Gateway Mixed-Use District.

III. I move that the City Council approve petition No. 400-03-20 on the conditions that the Redevelopment Agency Board will work to restrict the total amount of retail square footage in the Gateway project, and the Redevelopment Agency will renegotiate the *Participation and Reimbursement Agreement* with Gateway Associates to define what kinds of retail stores are allowed at Gateway. (*Would require renegotiation of agreement between RDA and Gateway Associates.*)

IV. I move that the City Council approve petition No. 400-03-20 with the understanding that the 45,000 square-foot limit in the *Participation and Reimbursement Agreement* between the Salt Lake City Redevelopment Agency and Gateway Associates will be removed, but that the Redevelopment Agency will renegotiate the *Participation and Reimbursement Agreement* with Gateway Associates to end the tax-increment reimbursement to Gateway Associates outlined in the Agreement. (*Would require renegotiation of agreement between RDA and Gateway Associates. It also should be noted that Gateway Associates paid for half the public improvements in some areas of the Gateway project and three-fourths of the improvements to the Union Pacific depot. According to RDA staff, the tax increment reimbursement – at least in part – was designed to defray some of that expense.*)

Would Allow Certain Categories of Department Stores in Gateway Mixed-Use District – But Not Allow Large-Scale High-Fashion Retail Department Stores

(The following motion is designed to leave Petition No. 400-03-20 open until the Planning Commission adopts recommendations pertaining to the definition of “department store.”)

V. I move that the City Council specify that it will not amend the text of the *Zoning Ordinance* to allow for large-scale high-fashion retail uses of over 100,000 square feet -- such as Nordstrom, Meier and Frank, Dillards or Saks – to locate in the Gateway Mixed- Use Zone, and that the Council table Petition 400-03-20 until it receives the Planning Commission’s recommendation regarding its petition relating to the department store definition(s).

I further move that we request that the Planning Commission, in its evaluation:

1. Recommend sub-categories to the department store definition to include terms used in the retail industry;
2. Express its recommendation regarding which sub-categories of department stores -- other than large-scale high-fashion retail uses of greater than 100,000 square feet -- would be appropriate for inclusion in the Gateway Mixed-Use Zone;
3. Recognize that refining the existing definition of department store to permit other large retail goods establishments which may constitute department stores under the existing zoning law to locate within the Gateway Mixed-Use District **is** desirable for the benefit of downtown and **is** consistent with the January 2003 *City Council Policy Statement on the Future Economic Development of Downtown*.

In addition, I move that the City Council adopt the following legislative intents:

1. After the City Council acts on the Planning Commission’s recommendations regarding the definition of “department stores” that the Redevelopment Agency Board of Directors adopt Option No. 4 Resolution 572.01 which would rescind the Third Amendment to the *Participation and Reimbursement Agreement* between the Agency and Gateway Associates, based on RDA staff’s recommendation.
2. The City Council urges the Planning Commission that in its evaluation of the term “department store” that the Commission examine the terms “fashion retail,” “large-scale fashion retail,” “value retail,” and other terms used in the retail industry as possible sub-categories of the term “department store.”
3. The City Council urges the Planning Commission that in its review of zoning regulations relating to the location of department stores to examine the enactment of specific zones for fashion retail stores based upon criteria such as a store’s square-foot capacity, merchandise, and retail type, and a location’s compatibility with City policies and master plans.
4. It is the City Council’s intent that the Downtown, Gateway, and Central City master plans be reviewed and updated to insure that the master plans are in harmony with each other so they may provide clear guidelines for land use and economic development throughout a greater downtown.

5. It is the City Council’s intent that the City facilitate collaboration among downtown stakeholders, organizations representing downtown businesses, property owners and residents, and City officials to develop a downtown action plan with timelines and definition of roles and responsibilities to guide future economic development, including retail, in the downtown defined in the January 2003 *City Council Policy Statement on the Future Economic Development of Downtown*.
6. The City Council considers Gateway’s success to be important to the success of the overall downtown. The Council urges the Redevelopment Agency and City Administrative staffs to continue to review ways to provide more flexibility for Gateway, such as evaluating the language in the Zoning Ordinance’s text of the Gateway Mixed-Use District relating the current regulation requiring 50 percent residential use in all buildings along 500 West Street and weighing that regulation against requiring mixed uses among buildings rather than mixed uses within buildings.
7. The Council wishes to make clear that it has no intention to adopt a zoning change that would allow stores such as Nordstrom to relocate to the Gateway Mixed-Use District. However, the Council expresses its gratitude to Nordstrom for the contributions it has made to Salt Lake City and, again, urges Nordstrom to seriously consider remaining in the City – but within the Main Street area.
8. It is the City Council’s intent that the Administration evaluate opportunities to work with the Utah Transit Authority and other entities to foster mass transit connections between the Gateway area and the Main Street corridor and that the Redevelopment Agency examine ways to help fund the mass transit connection. The connection may be a precursor to a finished light-rail loop addressed in environmental impact statements for the intermodal hub at 600 West 200 South and the Airport to University light rail line.

Would Not Allow Department Stores In Gateway Mixed-Use District

(The following potential motions would close Petition No. 400-03-20.)

- VI. I move that the City Council deny Petition No. 400-03-20.
- VII. I move that the City Council deny petition No. 400-03-20 with the understanding that the Redevelopment Agency Board will adopt Option No. 4 Resolution 572.01 which would rescind the Third Amendment to the *Participation and Reimbursement Agreement* between the Agency and Gateway Associates, based on RDA staff’s recommendation. I also move that the Council adopt the following legislative intents:
 1. The City Council urges the Planning Commission that in its evaluation of the term “department store” that the Commission examine the terms “fashion retail,” “large-scale fashion retail,” “value retail,” and other terms used in the retail industry as possible sub-categories of the term “department store.”
 2. The City Council urges the Planning Commission that in its review of zoning regulations relating to the location of department stores to examine the enactment of specific zones for fashion retail stores based upon criteria such as a store’s square-foot capacity, merchandise, and retail type, and a location’s compatibility with City policies and master plans.

3. It is the City Council's intent that the Downtown, Gateway, and Central City master plans be reviewed and updated to insure that the master plans are in harmony with each other so they may provide clear guide lines for land use and economic development throughout a greater downtown.
4. It is the City Council's intent that the City facilitate collaboration among downtown stakeholders, organizations representing downtown businesses, property owners and residents, and City officials to develop a downtown action plan with timelines and definition of roles and responsibilities to guide future economic development, including retail, in the downtown defined in the January 2003 *City Council Policy Statement on the Future Economic Development of Downtown*.
5. The City Council considers Gateway's success to be important to the success of the overall downtown. The Council urges the Redevelopment Agency and City Administrative staffs to continue to review ways to provide more flexibility for Gateway, such as evaluating the language in the Zoning Ordinance's text of the Gateway Mixed-Use District relating the current regulation requiring 50 percent residential use in all buildings along 500 West Street and weighing that regulation against requiring mixed uses among buildings rather than mixed uses within buildings.
6. The Council wishes to make clear that it has no intention to adopt a zoning change that would allow stores such as Nordstrom to relocate to the Gateway Mixed-Use District. However, the Council expresses its gratitude to Nordstrom for the contributions it has made to Salt Lake City and, again, urges Nordstrom to seriously consider remaining in the City – but within the Main Street area.
7. It is the City Council's intent that the Administration evaluate opportunities to work with the Utah Transit Authority and other entities to foster mass transit connections between the Gateway area and the Main Street corridor and that the Redevelopment Agency examine ways to help fund the mass transit connection. The connection may be a precursor to a finished light-rail loop addressed in environmental impact statements for the intermodal hub at 600 West 200 South and the Airport to University light rail line.

Potential Motions – Redevelopment Agency Board

(It should be noted that in its memorandum to the Redevelopment Agency Board of Directors, Agency staff recommended Option No. IV.)

- I. I move that the Board not adopt a resolution amending the *Participation and Reimbursement Agreement* with Gateway Associates.
- II. I move that the Board adopt Option No. 2 Resolution No. 572.01 approving the Sixth Amendment to the *Participation and Reimbursement Agreement* between the Redevelopment and Gateway Associates to state that:

- A Retail Facility may exceed 45,000 square feet with the approval of the Board and if Salt Lake City Corporation issues a general building permit for the construction of the building and/or tenant improvements.
- Exhibit “F” titled *Development Improvements* attached to the Fourth Amendment to the *Participation and Reimbursement Agreement* to permit the area designated for a hotel use to be used for any permitted use as determine by Salt Lake City Corporation.
- Amendments may also contain minor modifications to clarify terms of the *Agreement* as may be recommended by the Agency’s legal counsel.

III. I move that the Board adopt Option No. 3 Resolution No.572.01 approving the Sixth Amendment to the *Participation and Reimbursement Agreement* between the Redevelopment and Gateway Associates to state that:

- Paragraph 4.1(b) in the Third Amendment to the *Participation and Reimbursement Agreement* be eliminated thus allowing a Retail Facility to exceed 45,000 square feet.
- Exhibit “F” titled *Development Improvements* attached to the Fourth Amendment to the *Participation and Reimbursement Agreement* to permit the area designated for a hotel use to be used for any permitted use as determined by Salt Lake City Corporation.
- Amendments may also contain minor modifications to clarify terms of the *Agreement* as may be recommended by the Agency’s legal counsel.

IV. I move that the Board adopt Option No. 4 Resolution No. 572.01 approving the Sixth Amendment to the *Participation and Reimbursement Agreement* between the Redevelopment and Gateway Associates to state that:

- Paragraph 4.1(b) in the Third Amendment to the *Participation and Reimbursement Agreement* be eliminated thus allowing a Retail Facility to exceed 45,000 square feet.
- Paragraph 5.3(m)(ii) in the Third Amendment to the *Participation and Reimbursement Agreement* be eliminated thus rescinding an additional penalty for Relocated Retailers.
- Exhibit “F” titled *Development Improvements* attached to the Fourth Amendment to the *Participation and Reimbursement Agreement* to permit the area designated for a hotel use to be used for any permitted use as determined by Salt Lake City Corporation.
- Amendments may also contain minor modifications to clarify terms of the *Agreement* as may be recommended by the Agency’s legal counsel.

V. I move that the Board at a future meeting adopt a resolution directing staff to renegotiate the *Participation and Reimbursement Agreement* to restrict the total amount of retail square footage at the Gateway Associates’ project and to define contractually what kinds of retail stores are allowed at Gateway.

VI. I move that the Board a future meeting adopt a resolution directing staff to renegotiate the *Participation and Reimbursement Agreement* with Gateway Associates to end the tax increment reimbursement to Gateway Associates relating to the Gateway project.