

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 9, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, August 9, 2005 at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Jill Remington Love
Eric Jergensen	Dave Buhler	Nancy Saxton
Dale Lambert		

Cindy Gust-Jenson, Executive Council Director; Mayor Ross C. "Rocky" Anderson; Edwin Rutan, City Attorney; and Beverly Jones, Deputy City Recorder, were present.

Councilmember Lambert presided at and Councilmember Buhler conducted the meeting.

#1. The Council led the Pledge of Allegiance

#2. The Mayor presented the **Utah Humanities Award** to Nancy Tessman.

#3. Councilmember Turner moved and Councilmember Christensen seconded to approve the **minutes of the Salt Lake City Council meetings held on July 7, 12, and 14, 2005**, which motion carried, all members voted aye.

PUBLIC HEARING

#1. **RE:** Accept public comment and consider adopting an ordinance **rezoning properties generally located at 850, 854 and 858 South Edison Street** from Special Development Pattern Residential (SR-3) to Downtown Support (D-2), and amending the Central Community Development Plan pursuant to Petition No. 400-04-37. (Victor Kimball).

R. Jones, Manager of Autonomy, Inc., spoke against the rezoning.

David Kimball, Petitioner, spoke in support of the rezoning.

Councilmember Saxton moved and Councilmember Jergensen seconded to **close the public hearing**, which motion carried, all members voted aye.

Councilmember Saxton moved and Councilmember Love seconded to **deny the ordinance rezoning the rear portion of the properties located at 850, 854, and 858 Edison Street from Special Development Pattern (SR-3) to Downtown Support District (D-2)**.

Councilmember Saxton said she looked to see what benefits there were to a specific neighborhood and to the community at large when considering

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a rezoning. She said she had yet to see an encroachment of commercial onto residential that stabilized a neighborhood. She said she did not understand how encroachment into residential would eliminate existing elements. She said the properties problems could have been eliminated by the same people that owned it for years.

Councilmember Saxton said Community Development had budgeted money into the neighborhood to redo the streets. She said if they allowed commercial to continue to encroach, housing stock and residential flavor would be lost. She said this was not an isolated problem and it would set a dangerous precedence for the City and its neighborhoods.

Councilmember Christensen made a substitute motion.

Councilmember Christensen moved and Councilmember Turner seconded to adopt Ordinance 46 of 2005 to rezone the rear portions of the properties located at 850, 854 and 858 South Edison Street from Special Development Pattern Residential (SR-3) to Downtown Support (D-2) with the following conditions: 1) the area to be rezoned be reduced from the rear 69 feet, to the rear 54 feet of the property at 840 South Edison Street, and the rear 38 feet of the properties at 854 and 858 South Edison Street; 2) a wall separating the residential uses from the commercial uses in a style acceptable to the Salt Lake City Planning Director; 3) a 5-foot setback from the adjacent residential lots (along the east and north of the proposed building site), to be filled with appropriate landscaping and buffering as determined by the Salt Lake City Planning Director; 4) the rezoning be contingent upon issuance of a building permit to build the proposed Family Dollar as determined by the Salt Lake City Planning Director; and 5) the City Recorder not publish or record the ordinance until the conditions identified above have been met and certified by the Salt Lake City Planning Director.

Elizabeth Giraud, Senior Planner, Preservation and Urban Design, encouraged Councilmember Christensen to revise his motion on Condition No. 4. She said the rezoning should be contingent upon issuance of a building permit rather than tying the rezoning specifically to a Family Dollar Store. She said if the Family Dollar Store went out of business for some reason then only another Family Dollar Store could go onto that site.

Councilmember Christensen said residential in the area was preserved. He said the 20-foot that was allowed in an SR-3 was not a sufficient distance to create backyards that would preserve the character of the homes. He said an additional 15-feet would make a more suitable backyard.

Councilmember Christensen said the close proximity of commercial to residential the area needed appropriate buffering. He said there was

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concern about parking but the recently built Family Dollar Store in his area had 23 parking stalls including handicapped accessible stalls. He said there should be a workable solution for the number of parking stalls.

Councilmember Christensen said he found the proposed use compatible with the residential property. He said if that use went away he was not sure he wanted all D-2 zone uses to encroach upon the residential nature of the property. He said once the zoning was achieved and the store built, the use of the store could change. He said the City had the opportunity to regulate that change if it was tied to a specific store. He said if the Family Dollar Store chose not to come then the petitioners could still develop the existing D-2 land.

Councilmember Lambert said the proposed ordinance addressed some problems on State Street and would assist businesses there. He said the lots being infringed upon were owned by the petitioner. He said Councilmember Christensen's suggestion allowed some development on State Street and provided an additional buffer for the residential street. He said he supported the substitute motion.

Councilmember Love said she would vote against the substitute motion because she agreed with Councilmember Saxton. She said she encouraged a compromise. She said the community councils supported a store not the use.

Councilmember Jergensen asked how many feet the intrusion was into the residential area under the proposed amendment. Ms. Giraud said the total was 7,677 square feet for all three properties. She said 850 and 854 South would stay the same and 858 South would go from east to west so there would be a larger backyard.

Jennifer Bruno, Council Policy Analyst, said it would shift the line of the commercial property from the east to the west by 15 feet. She said the final encroachment was 54 feet on the northern most property and 38 feet on the two southern properties. She said that left approximately a 35 foot backyard from the rear of the structures to the new property line.

Councilmember Jergensen said they needed to keep the residential housing stock and zoning in place and not allow for continual commercial encroachment. He said there were areas in the City where commercial abutted residential. He said there was continual contention between those commercial and residential zones by property owners who wanted to increase their property value. Councilmember Christensen said he did not see the residential leaving and some effort was needed to maintain the residential.

Councilmember Saxton said if the store was moved up to the property

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line, it would allow for approximately 31 parking stalls. She said that did not take into consideration parking on the other side. She asked if Edison was such a viable neighborhood for residential why the City would allow commercial encroachment. She said these were the kind of neighborhoods they would be looking for in the future for high density because there was not much land left in the City.

Mr. Paterson said he wanted to clarify Condition No. 4 that the rezone be contingent upon the issuance of a building permit. He said under the proposed condition if any store other than a Family Dollar Store wanted to locate there, they would be required to go to the community council and through a public hearing process with both the Planning Commission and the City Council because it would be a zoning change.

Councilmember Buhler said the zoning change would only apply to the residential portion. He said the petitioner could still build whatever was allowed in a D-2 zone. He asked Councilmember Christensen if that was his intent. Councilmember Christensen said if a Family Dollar Store was unable to locate there, the owners obviously had the right to develop the D-2 portion any way it was currently allowed. He said the back half of the residential lots would not be rezoned.

Councilmember Buhler called for the question on the substitute motion, which motion carried, Council Members Christensen, Turner, Jergensen, Lambert and Buhler voted aye and Council Members Saxton and Love voted nay.

(P 05-15)

COMMENTS TO THE CITY COUNCIL

The following people spoke about the proposed Ground Transportation ordinance: **Ami Adabkhah; Vern Fitzgerald; Mark Hatch; Jim Curtis; Trent Woolston; Abdul Afridi; Ron Carey; Bill Sessions; Saleen Afridi; Marlin Baer; Don Winder; David Davis; Pamela Cook; Ryan Petty; and Mike Moghimi.**

The following people submitted cards but did not wish to speak about the proposed Ground Transportation ordinance: **David Christiansen; Don Barren; and Ken Olsen.**

UNFINISHED BUSINESS

#1. RE: Adopting an ordinance amending Section 16.60.090, Salt Lake City Code, entitled "Definitions for Article II," pertaining to definitions regarding **ground transportation businesses at the airport;** amending Section 16.60.097, Salt Lake City Code, pertaining to **ground transportation destinations;** amending Section 5.71.010, Salt Lake City Code, pertaining to definitions for **ground transportation requirements;**

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amending Section 5.71.028, Salt Lake City Code, pertaining to **ground transportation destinations**; amending Article VII of Title 5.71, Salt Lake City Code, pertaining to **manifests for prearranged service**; amending Section 5.72.100, Salt Lake City Code, pertaining to **"Definition of Taxicabs;"** amending Section 5.72.130, Salt Lake City Code, relating to **requirements for operation of taxicabs**; and enacting Section 5.72.142, Salt Lake City Code, pertaining to **mandatory accessible vehicle**.

Councilmember Saxton asked if the proposed ordinance allowed an entity to contract with a provider for "on demand" services. **Larry Spendlove**, Senior City Attorney, said the way the proposal was drafted, the only provision for contracts that made any difference was the hotel vehicle. He said other ground transportation providers were not affected.

Councilmember Saxton moved and Councilmember Christensen seconded to adopt **Ordinance 45 of 2005 entitled Commercial Ground Transportation**.

Councilmember Saxton said this was an interim policy. She said as part of the subcommittee she had learned more about the benefits of the taxicab service in Salt Lake City. She said one comment was that the City should let free enterprise take its toll. She said the reality was that there would not be service late at night when there was not a lot of demand. She said that was part of the impetus for the City to have regulation so all of the citizenry could be serviced 24 hours a day and for a reasonable amount of money.

Councilmember Christensen said some issues still needed to be remedied. He said one issue was how the City should award "on demand" service to particular companies. He said another concern was how the City would enforce the proposal. He said he hoped companies would act in good faith. He said it would be nearly impossible to regulate in a comprehensive way.

Councilmember Christensen said he was hopeful that the Council could create an atmosphere in a responsible way expecting certain levels of services so the regulatory market could exist in a more fruitful way.

Councilmember Buhler said limousines, car service, tipping or bribing of bellmen and dispatchers needed to be addressed. He said by contracting with a shuttle company, if there were three or more guests that needed transportation, they were "on demand". He said the current ordinance did not allow a shuttle service to be "on demand". He said they were opening up opportunities for shuttles that were currently not allowed.

Councilmember Buhler said there were enforcement issues. He said he was not satisfied that the City was providing taxicab services at the level of services that should be provided. He said he was looking

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forward to the day when the City had a new way to provide "on demand" service with taxicabs. He said he saw the City going to a different regulatory mechanism than what the City currently had. He said that would increase the level of service and help make everyone prosper and be more profitable and provide better service.

Councilmember Buhler called for the question, which motion carried, all members voted aye.

(O 04-24)

CONSENT AGENDA

Councilmember Jergensen moved and Councilmember Turner seconded to **approve the Consent Agenda**, which motion carried, all members voted aye.

#1. RE: Requesting that the Administration **not** hold a hearing at 5:00 p.m. on August 23, 2005 regarding a request for a **subsurface easement for a private sewer line across the 2300 North right-of-way at approximately 1100 West**. The 30-foot wide easement will connect a private sewer line to a private sewer lift station and will enable development of the site. Compensation will be tendered.

(W 05-4)

#2. RE: Approving the appointment of **George B. Smith** to the **Board of Appeals and Examiners** for a term extending through March 1, 2010.

(I 05-15)

#3. RE: Approving the appointment of **Eric Waters** to the **Capital Improvement Program Board** for a term extending through June 2, 2008.

(I 05-18)

#4. RE: Approving the reappointment of **Rosemary A. Holt** to the **Sister Cities Board** for a term extending through July 7, 2008.

(I 05-11)

#5. RE: Approving the reappointment of **Helen Frances Rollins** to the **Library Board** for a term extending through June 30, 2008.

(I 05-19)

#6. RE: Approving the reappointment of **Derek Payne** to the **Arts Council** for a term extending through July 1, 2008.

(I 05-21)

#7. RE: Approving the reappointment of **JoAnn Wong** to the **Arts Council** for a term extending through July 1, 2008.

(I 05-21)

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The meeting adjourned at 8:32 p.m.

Council Chair

Chief Deputy City Recorder

bj