

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JANUARY 11, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, January 11, 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	Nancy Saxton
Jill Remington Love	Eric Jergensen	Dave Buhler
Dale Lambert		

Mayor Ross C. "Rocky" Anderson; Gary Mumford, Executive Council Deputy Director; Edwin Rutan, City Attorney; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Lambert presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Mayor Ross C. "Rocky" Anderson presented the annual **State of the City report**. See File M 05-1 for report.

#3. Councilmember Jergensen moved and Councilmember Turner seconded to approve the **minutes** of the Salt Lake City Council meetings held **December 14, 2004** and **January 4, 2005**, which motion carried, all members voted aye, except Councilmember Saxton who was absent for the vote.

(M 04-3) (M 05-3)

UNFINISHED BUSINESS

#1. **RE:** Adopting an ordinance amending Salt Lake City Code to require that **parking lots be located behind buildings**, rather than on street frontage, in all **community-oriented commercial** and **mixed-use zones** pursuant to Petition 400-00-52.

Councilmember Buhler moved and Councilmember Christensen seconded to **defer action on the**

proposed ordinance change until another public hearing was scheduled and provide notice to all affected property and/or business owners and that the notice include a clear explanation of the proposed changes and how the changes may potentially affect property and/or business owners.

Councilmember Buhler said new ordinance language was presented to the Council last Friday. He said property owners had not been given adequate notice about specific changes. He said he was concerned that the Planning Director thought the Planning Commission (PC) would not recognize the current document being considered by the Council.

Councilmember Buhler said repeated requests for the specific number of property owners which would be impacted by the ordinance had never been answered. He said during the Work Session the number was narrowed to between 100 and 10,000. He said significant

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changes were being made which could affect the value of people's property and their desire to maintain the sustainability of small locally owned businesses in Salt Lake. He said he felt Planning had not addressed all the issues identified in a letter from the Vest Pocket Coalition.

Councilmember Buhler said the Council prided itself on giving adequate public notice before taking action. He said he felt people had the right to know how proposed actions would impact their property and have an opportunity to provide input. He said **David Dobbins**, Community Development Director, said the City could identify property owners who would be affected and notify them about proposed changes.

Councilmember Love asked if the motion included a specific date or timeline. Councilmember Buhler said no because he did not know how long it would take Planning to provide the notices. He said when that information was available, the Council could set the hearing date. He said he hoped the process would not take too long.

Councilmember Love said she supported the ordinance and wanted to see it move forward. She said she was prepared to vote until she heard the ordinance had been changed to a point it was no longer recognizable. She said she felt it would be fair to hold another hearing but wanted the process expedited.

Councilmember Christensen

said he did not want to prolong the process and asked how long Planning thought it would take. Mr. Dobbins said the County needed to be contacted to determine the number of properties involved and how quickly notices could be sent. He said he would let the Council know when he had the information. Councilmember Christensen asked if Tuesday, January 18, 2005 was a reasonable timeframe. Mr. Dobbins said yes.

Councilmember Christensen said the proposal had been called walkable communities but he was not comfortable with that because he felt there were more levels involved. He said the ordinance contained valid elements and felt Planning had done a commendable job in responding to changes requested by the Council. He said he wanted to encourage Planning to ask the PC to review the changes and get their feedback prior to the public hearing.

Councilmember Christensen said it was difficult and expensive to notify property owners but it prevented future actions from owners who claimed they were not notified about potential changes. He said he was concerned about affecting someone in a substantive way without giving them an opportunity to provide input.

Councilmember Jergensen said he understood the reasons for holding another hearing but he was concerned the Council would get into a cyclical situation of receiving input and making changes which would require

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further input and changes. He said a lot of work had gone into adjusting the proposal over the past four years including recommendations from an outside consultant. He said he would support another hearing but he did not think a perfect ordinance would be created. He said he was prepared to vote in favor of the proposal with the expectation that over time the ordinance would evolve and improve.

Councilmember Lambert said a good walkable communities ordinance addressed issues like sidewalks and bus stops and encouraged pedestrian traffic. He said Sugar House was a good example. He said he raised concerns about areas where he felt the ordinance did not work but was satisfied there were methods the City could use to address those issues. He said the question was whether to delay the issue.

Councilmember Lambert said the proposal had been around for the past four and a half years and the Council was assured the development and business community was generally aware of the issues even though specific property owners had not been contacted. He said he felt the new language requested by the Council improved the proposal but was being used as a reason to further delay the issue.

Councilmember Lambert said he would vote in favor of the proposed ordinance because the ordinance could be changed through amendments.

Councilmember Turner said

initially he was critical of the walkable community concept because of potential impacts to small businesses. He said businesses throughout the City needed to be treated fairly and he felt the ordinance should be applied/evaluated on a property-to-property basis. He said the City wanted to help small business owners and the proposed ordinance would promote better businesses, neighborhoods, and streetscapes. He said he was prepared to vote in favor of the ordinance.

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

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Ordinance 3 of 2005.**

Councilmember Buhler said he opposed the motion. He said he was concerned the Council was about to change an ordinance which would affect small businesses Citywide. He said these were the organizations the City said they supported and wanted to help. He said the proposal would not impact large stores but would affect the ability of small businesses to improve. He said the Council was told if businesses had problems the Planning Director could waive certain requirements or they could go to the PC if necessary.

Councilmember Buhler said

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even though they had more latitude, he was concerned about forcing business owners to rely on the mercy of the PC. He said the Vest Pocket Coalition raised a number of issues which had not been addressed. He said one issue dealt with increasing the parking setback by five feet. He said that would take property away from business owners which could be used for something productive.

Councilmember Buhler said variances or waivers could be contested which would require business owners to go through a PC hearing. He said the decision of the PC could also be appealed to the Land Use Appeals Board. He said these actions could tie property owners up for a long time. He said he hoped his concerns were unfounded and problems would not occur from this action.

Councilmember Christensen said he felt this was a good ordinance but would vote against the motion. He said he was concerned about the final process and also hoped problems would not arise.

Councilmember Saxton asked if the latest ordinance revision included a change regarding vertical wall screening. **Janice Jardine**, Land Use Policy Analyst, said the ordinance included language which allowed property owners to explore landscaping options with the Planning Director. **Brent Wilde**, Deputy Planning Director, said the provision reduced setbacks and provided vertical landscaping

rather than horizontal landscaping based on criteria in the ordinance.

Councilmember Saxton said she was in favor of the ordinance and supported the emphasis on pedestrian friendly orientation and walkability of communities. She said her main concern dealt with the notification issue. She said it was important for the public to be informed about issues and the City needed to see if there were better ways to provide consistent notification.

Councilmember Lambert called for the question, which motion carried, all members voted aye, except Council Members Buhler and Christensen, who voted nay.

CONSENT AGENDA

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

#1. RE: Setting the date of **February 1, 2005 at 7:00 p.m.** to accept public comment and consider a resolution approving the expenditure of up to **\$10,000** per fiscal year from the City's **Water Enterprise Fund** to fund shortfalls in the Project Water Assist Program operated by the **American Red Cross.**
(R 05-2)

#2. RE: Approving the appointment of **Michael J. Bodell** to the **Airport Board** for a term extending through **January 19, 2009.**

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(I 05-2)

#3. RE: Approving the reappointment of **John Bogart** to the **Land Use Appeals Board** for a term extending through **December 31, 2007**.

(I 05-3)

#4. RE: Approving the reappointment of **LaVone Liddle Gamonal** to the **Mosquito Abatement** for a term extending through **December 31, 2007**.

(I 05-4)

#5. RE: Approving the reappointment of **Heidi Hadley** to the **Mosquito Abatement** for a term extending through **December 31, 2008**.

(I 05-4)

#6. RE: Approving the reappointment of **William Dalton** to the **Housing Trust Fund Advisory Board** for a term extending through **December 31, 2007**.

(I 05-5)

The meeting adjourned at 8:34 p.m.

Council Chair

Chief Deputy City Recorder

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