

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 10, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, October 10, 2006 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
Søren Simonsen		

Cindy Gust-Jenson, Executive Council Director; Acting Mayor Rocky Fluhart; Edwin Rutan, City Attorney; and Beverly Jones, Deputy City Recorder, were present.

Councilmember Buhler presided at and Councilmember Saxton conducted the meeting.

#1. 7:05:04 PM The Council led the Pledge of Allegiance.

#2. 7:05:34 PM Councilmember Jergensen moved and Councilmember Simonsen seconded to **approve the minutes** of the Salt Lake City Council meeting held **October 3, 2006**, which motion carried, all members voted aye.

(M 06-3)

PUBLIC HEARINGS

7:05:52 PM #1. **RE:** Accept public comment and consider adopting an ordinance **rezoning property generally located at 713 East Harrison Avenue (1375 South)** from Single-Family Residential (R-1/5000) to Moderate Density Multi-Family Residential (RMF-35) and amending the Central Community Master Plan Future Land Use Map pursuant to Petition No. 400-05-24. (Robert Strasters, Harrison Apartments, LLC)

The following people spoke concerning the rezoning: **Judi Short** and **Cindy Cromar**.

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

Councilmember Love asked if setbacks applied. **Kevin LoPiccolo**, Zoning Administrator, said setbacks did not apply to multi-family district zoning. He said by changing the zoning, the development pattern was lost. **Robert Strasters**, Harrison Apartments, said if he pursued the planned development process he could ask to decrease the setback from 20-feet to 15-feet. He said that would allow them to pull the front of the building in line with the rest of the homes. **Janice**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 10, 2006

Jardine, Land Use Policy Analyst, said front yard setback in an RMF-35 zone was 20-feet.

Councilmember Simonsen asked if they could apply the 15-foot setback to an RMF zone if it was an overlay zone. Ms. Jardine said it was her understanding it was not an overlay zone. She said the Council asked earlier this year that Planning address compatibility in multi-family zones. She said Planning was working to address that issue. Councilmember Simonsen said an overlay would be a minimum setback but nothing prohibited the developer from going farther back. Mr. LoPiccolo said staff would request the developer to maintain an average setback.

Councilmember Jergensen said someone had made the comment not to apply the zoning until a building permit was taken out. Ms. Jardine said in the past the City had tied zoning to building permits being issued. She said as she understood the comment, Ms. Short wanted the development built before zoning took affect. She said the City could not allow development to take place without zoning because it would violate existing zoning standards.

Councilmember Christensen asked if a development agreement would be created once the zoning was established. Mr. LoPiccolo said there was some discussion during the Planning Commission meeting but the Commission elected not to create a development agreement. He asked if the Council wanted the development 5-feet closer to the street or if they were looking at whether the project was compatible. Council Members said it was all of that. Mr. LoPiccolo said the developer would need to go through the planned development process. He said a public hearing before the Planning Commission would need to be scheduled.

Councilmember Saxton asked about front porches. Mr. Strasters said front porch additions would not require moving the building closer to the street. He said they still had adequate space because an additional 7-feet in the rear would be utilized. He said that would still comply with the 20-foot front yard setback.

The decision was deferred until after Item 2, the second public hearing.

Councilmember Love moved and Councilmember Jergensen seconded to adopt **Ordinance 73 of 2006**.

Councilmember Love said she had explored the possibility of doing a development agreement to address the issue of setbacks. She said the only option to address that and other compatibility issues was to send the developer back through the plan development process. She said she did not want to require the developer to go through that. She said she

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 10, 2006

agreed with the comments she had heard tonight. She said the petition had been problematic from the outset. She said it was a great project for the neighborhood.

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

(O 06-30)

7:27:24 PM #2. RE: Accept public comment and consider adopting an ordinance rezoning property generally located at 644 West North Temple from Commercial Corridor (CC) and Special Development Pattern Residential (SR-3) to Moderate/High Density Multi-Family Residential (RMF-45) and amend the Capitol Hill Community Master Plan Future Land Use Map pursuant to Petition No. 400-06-06. View Attachments

The following person spoke concerning the rezoning: **Jon Robinson.**

Councilmember Turner moved and Councilmember Buhler seconded to **close the public hearing**, which motion carried, all members voted aye except Councilmember Love who was absent for the vote.

Councilmember Christensen asked if a development agreement had been worked out. He asked what assurance the City had that what had been portrayed to the community would be built. **Everett Joyce**, Senior Planner, said a condition in the ordinance would not take effect until a building permit had been submitted. He said the building permit would reflect that the building was to be located on the freeway side. Councilmember Christensen said if a building was not built then the zoning would stay in affect. Mr. Joyce said without a building permit being issued the zone would not change. Councilmember Christensen asked what would happen if a building was never built. Mr. Joyce said it would be an inactive permit. He said they would have to protect that option and rezone the property.

Councilmember Jergensen moved and Councilmember Turner seconded to adopt **Ordinance 72 of 2006.**

Councilmember Simonsen said he had some concerns and wanted to make a substitute motion.

Councilmember Simonsen moved that the rezone be deferred to study some of the recent publications on health risks of major residential densities located along transportation corridors especially in light of the conversation earlier this evening about health risks related to tobacco smoke and second hand smoke because this was a major concern to him given the second hand emission considerations for people that would be living in the area in close proximity to Interstate 15. The motion failed due to lack of a second.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 10, 2006

Councilmember Saxton called for the question, which motion carried, all members voted aye except Councilmember Simonsen who voted nay.

(O 06-31)

7:40:07 PM COMMENTS TO THE CITY COUNCIL

The following people spoke in opposition to the Sugar House Legislative Action Item by Councilmember Simonsen: **Russ Callister; Barbara Green; Craig Mecham; Bob Evans; Jim Johnson and David Johnson.**

The following person spoke in support of the Sugar House Legislative Action Item by Councilmember Simonsen: **Kirk Huffaker.**

UNFINISHED BUSINESS

#1. 7:56:13 PM RE: Adopting a resolution authorizing Salt Lake City Corporation to accept the **Utah Clean Cities Grant.** View Attachments

Councilmember Jergensen moved and Councilmember Simonsen seconded to adopt **Resolution 70 of 2006**, which motion carried, all members voted aye.

(R 06-23)

#2. 7:56:46 PM RE: Adopting a resolution declaring the intention of the Salt Lake City Council to create **Salt Lake City Central Business Improvement District No. DA-CBID-06** to continue to promote business activity and economic development in an area of central downtown Salt Lake City by assessing benefited properties within the District for the costs of such economic promotion activities for a period of three years; to negotiate a contract with the Downtown Alliance to manage the District; and to fix a time and place for protests against the District and its assessment, and related matters.

Councilmember Christensen moved and Councilmember Buhler seconded to adopt **Resolution 71 of 2006.**

Councilmember Saxton said there had been no requests by property owners on the block wanting to be included in the reconsideration.

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

(Q 06-10)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 10, 2006

7:59:06 PM CONSENT AGENDA

Councilmember Simonsen moved and Councilmember Christensen seconded to approve the Consent Agenda, which motion carried, all members voted aye.

#1. RE: Approving the appointment of Gary M. Jones to the Board of Adjustment for a term extending through December 31, 2010.
(I 06-16)

#2. RE: Approving the appointment of Michael P. Terry to the Civil Service Commission for a term extending through June 30, 2012.
(I 06-17)

The meeting adjourned at 7:59 p.m.

Council Chair

Chief Deputy City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held October 10, 2006.

bj