

PLANNING COMMISSION STAFF REPORT

Proposed Parleys Way Wal-Mart

Petition #400-07-15, a request for an amendment to the *East Bench Master Plan*, and Petition #400-07-16, a request for a zoning map amendment, by CLC Associates, Inc. at 2705 East Parleys Way
September 10, 2008



Planning and Zoning Division
Department of Community
Development

Applicant: CLC Associates, Inc.

Staff: Nick Britton at 535-6107 or nick.britton@slcgov.com

Tax ID: 16-23-152-004-0000

Current Zone: CB (Community Business)

Master Plan Designation: The *East Bench Master Plan* recommends CB intensity for the subject parcel.

Council District: District 7, represented by Søren Simonsen

Acreage: 10.5 ± acres

Current Use: Superstore

Applicable Land Use Regulations:

- 21A.26.030 – CB Community Business District
- 21A.26.040 – CS Community Shopping District
- 21A.38.090C(2) – Destruction of noncomplying structure with nonconforming use
- 21A.50.050 – Standards for general amendments

Attached Exhibits:

- A. Proposed Site Plans
- B. Proposed Elevations
- C. Outline of Proposed Development Agreement
- D. City Comments
- E. Community Council Comments
- F. Public Comments
- G. Minutes from Issues Only Hearing (June 25, 2008)
- H. Conditional Use Survey
- I. Ordinance No. 26 of 1995
- J. Newspaper Notice
- K. Applicable Master Plan Information
- L. Foothill Drive Land Use Maps
- M. Site Photographs
- N. Other Resources

REQUEST:

CLC Associates, Inc., on behalf of Wal-Mart, is requesting an amendment to both the zoning map at 2705 E. Parleys Way and the *East Bench Master Plan's* future land use map, which recommends a land use of "neighborhood business" for the subject parcel. The current zoning designation of the property is Community Business (CB). The applicant seeks a change to both the master plan and the zoning designation to identify this property as Community Shopping (CS) so that Wal-Mart can raze the existing building on the site and build a new Wal-Mart Supercenter. Master plan amendments and zoning map amendments require a Planning Commission recommendation that will be forwarded to the City Council for final decision.

Please note that while landscape plans and architectural renderings have been submitted and are included in this report, the design of the building is not part of this analysis, nor should it be a consideration in the decision. If the property is rezoned to CS as requested, the Planning Commission will have the opportunity to review, comment on, and make a decision on the final site and building plans as part of the Planned Development process.

PUBLIC NOTICE:

On August 26, 2008, a notice for the Planning Commission public hearing was sent to owners of property within a radius of 450 feet as well as to community council chairs and other interested parties meeting the 14-day noticing requirement. In addition, notice was sent to all individuals on the Planning Division's listserv. On August 29, 2008, staff posted notice signs on the property on Stringham Avenue and Parleys Way. Finally, the agenda was posted on the Planning Division's website. On August 27, 2008, a notice of the public hearing was advertised in the *Salt Lake Tribune* and *Deseret Morning News* newspapers.

STAFF RECOMMENDATIONS:

Petition #400-07-15: East Bench Master Plan Amendment

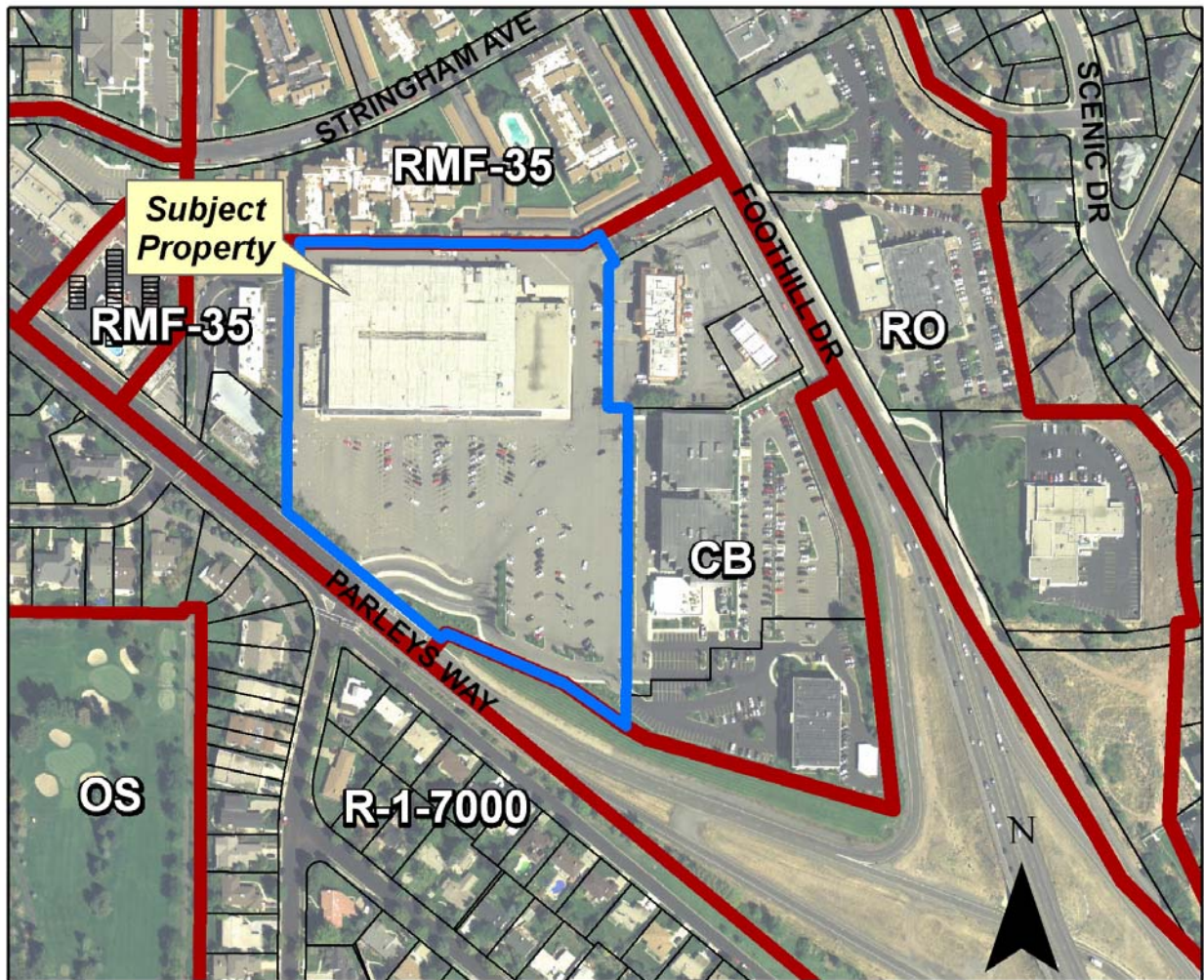
Staff recommends that the Planning Commission forward a positive recommendation to the Salt Lake City Council regarding the proposed amendment to the *East Bench Master Plan*, a request to amend the future land use designation of 2705 E. Parleys Way from "community business" intensity to "community shopping" intensity.

Petition #400-07-16: Zoning Map Amendment

Staff recommends that the Planning Commission forward a positive recommendation to the Salt Lake City Council regarding the rezoning of 2705 E. Parleys Way from Community Business (CB) to Community Shopping (CS). Staff recommends the following conditions be placed on the approval:

1. The applicant must enter into a development agreement with Salt Lake City that includes language limiting the square footage and height of any new buildings on this lot and these limits must run with the land. The agreement should also contain language setting conditions on site elements including, but not limited to, signage, parking lot lighting, and landscaping.
2. No recreational vehicle parks, or other types of overnight camping, are allowed on this site, as per Section 21A.26.080, "Table of Permitted and Conditional Uses for Commercial Districts."

VICINITY MAP:



PROJECT INFORMATION:

Request

The applicant is requesting that Salt Lake City amend the *East Bench Master Plan's* future land use map, which identifies a future land use for the subject parcel of "community business." This change would facilitate a zoning map amendment, also requested by the applicant, which would change the zoning designation of the property from CB to CS. The current use is a "superstore or hypermarket store," and that use can continue as a legal nonconforming use. Wal-Mart wishes to raze the existing Kmart building and build a new one that would house a Wal-Mart Supercenter. If the building is completely razed, the use would not be able to continue as long unless the property was rezoned from CB to a zoning district that allows superstores.

Wal-Mart is not requesting site design approval at this time, but they have submitted a landscape plan and architectural renderings to demonstrate how a zoning change may improve the aesthetics of this property. If the City Council rezones the property to CS, the applicant will be required to obtain approval for any new principal buildings through the Planned Development process. This process requires community council review and the Planning Commission, as the final decision-maker, has the authority to place conditions on an approval. If the subject property

is not rezoned, Wal-Mart can reoccupy the entire existing structure and continue the “superstore and hypermarket store” use with only standard business licensing and building code review.

Background Information

The following is a summary of key facts relevant to the analysis and discussion of the parcel and existing structure at 2705 E. Parleys Way:

- The property is 10.56 acres, according to Salt Lake County records.
- The structure was built in 1968 as a *permitted use*.
- Wal-Mart has owned the property since January 2005.
- The building is approximately 113,227 square feet in size and is divided into two sections: the Kmart is 93,027 square feet and what was once Kmart Foods is 20,200 square feet (the section east of the portion of the building currently occupied by Kmart). There is a 6,940 square foot garden center attached to the west side of structure, which brings the total retail area to approximately 120,553 square feet.
- There are three ingress/egress points at the site:
 - A signalized intersection off Parleys Way at Wilshire Drive that leads to the southeast portion of the property;
 - An entrance to the northeast portion of the property from Stringham Avenue, a stub which connects with Foothill Drive at a non-signalized, “Stop Sign” controlled intersection; and
 - A privately-owned access road off of Parleys Way across from Maywood Drive, which leads to the rear of the site.
- The parcel was rezoned CB in 1995 as part of the zoning rewrite project. At that time, the existing building became a *noncomplying structure* because it no longer met the lot and bulk regulations of the zone.
- New retail definitions were adopted by City Council on January 13, 2004, but these were only applied to the Downtown zoning districts and the Gateway Mixed Use (G-MU) District.
- These new retail definitions were applied to the remaining zoning districts on November 1, 2005. At that time, the Kmart became a *nonconforming use* because it no longer met the land use regulations of the zone.

The *noncomplying structure* and *nonconforming use* statuses are important considerations and are discussed in depth in the “Use and Structure Status” subsection on page 5 of this report.

The subject property was originally part of Salt Lake County and was annexed by the city in the mid-1960s. At that time, the property was given a zoning designation of Business (B-3) and on April 29, 1968, building permits were issued to construct a Kmart at the site. The B-3 district allowed “shops for retail business” as a permitted use. Other than building permit review and issuance, no process was required for the Kmart. In 1973, the Board of Adjustment approved a 6,940 square foot addition to the structure that became a garden center. Board of Adjustment approval was required because this addition was not completely enclosed.

As part of the 1995 city-wide zoning ordinance rewrite, the subject property was rezoned to CB. At that time, the building became a *noncomplying structure* because it did not meet the zone’s maximum building size requirement (15,000 gross square feet of floor area for the first floor or 20,000 square feet total). However, the use was still permitted: In the CB zone, a “retail goods

establishment” was a permitted use. Furthermore, the *East Bench Master Plan* was amended in 1995 as part of this same city-wide zoning ordinance rewrite. This is discussed in depth in the “Master Plan Information” subsection below.

On January 13, 2004, the City Council adopted an ordinance that divided retail uses into specific types (e.g., conventional department store, mass merchandising store, superstore and hypermarket store). The ordinance originated from the question about what types of retail should or should not be allowed on Main Street. The ordinance only affected the Downtown and the G-MU zoning districts. At that time, the Kmart continued as a permitted use. In January 2005, Wal-Mart purchased the property with a leaseback arrangement with Kmart. On November 1, 2005, the City Council expanded the new retail land use classifications to the rest of the city’s zoning districts, including the CB zone. In the CB zone, only “retail goods establishments” and “retail services establishments” are permitted; the Kmart, as a “superstore and hypermarket store,” was no longer permitted in the zone. At that time, the Kmart became a *nonconforming use*.

On June 25, 2007, after a pre-submittal meeting with Planning Division management, CLC Associates, Inc., on behalf of Wal-Mart, submitted two petitions: one to amend the *East Bench Master Plan* and one to amend the city’s zoning map. On December 12, 2007, at the request of Wal-Mart’s attorneys, the city issued an administrative interpretation defining the existing Kmart as a “superstore and hypermarket store.” There has since been discussion over whether this Kmart is truly a “superstore and hypermarket store” or if it is a “mass merchandising store.” Neither of those uses is permitted in the CB zoning district, so the Kmart is a *nonconforming use* regardless of its retail use. Further, the distinction is not germane for the purposes of Wal-Mart’s remodeling option (discussed in the “Options” section on page 25). Both the “superstore and hypermarket store” and “mass merchandising store” are nonconforming uses in the CB zoning district. One nonconforming use can replace another nonconforming use, provided the new use does not require additional hard-surface parking spaces in addition to what is currently provided on the site, as per Section 21A.38.080D.

The applicant held two open houses and presented the proposal at two community council meetings. During this process, they altered their plans to reduce the height of the proposed building and they changed the design of the building (which was presented at the Planning Commission issues only hearing) in response to public comments. During this process, Wal-Mart also agreed that they would place limitations on the size of the building through a development agreement that would be a condition of the approval they seek. An outline of the proposed development agreement is found attached as Exhibit C.

Master Plan Information

The subject property falls within the *East Bench Master Plan* area. This document was adopted in 1987 and later amended in 1995 with Ordinance No. 26 (see Exhibit I). The amendment in 1995 was part of the city-wide zoning rewrite and it amended “the land use and zoning policies of all previously adopted master plans of the City.” Further, the ordinance stated that “all existing master plans should be construed and interpreted to conform to the new Zoning Ordinance and Zoning Maps.” Salt Lake City has interpreted this to mean that the current zoning map is in effect the *East Bench Master Plan* future land use map and that a change in land use intensity through a rezoning would require a master plan amendment.

The *East Bench Master Plan*, adopted in 1987, is one of the oldest master plan documents in the city (see Exhibit K for the relevant pages from the master plan). Since its adoption, there have

not been considerable, wide-scale land use changes to the neighborhood. As indicated in 1987, the East Bench area was “completely developed” and major zoning changes were neither expected nor encouraged. The document noted that additional services are desired, and it anticipated that new business development would require site redevelopment or a change of zoning for residential properties. However, it cautioned against removing housing for new commercial development, and suggested that redevelopment was the most desirable approach to meeting future needs. Furthermore, the *East Bench Master Plan* set forth specific evaluation criteria for zoning changes.

Evaluation of the proposed zoning map amendment with the guidelines set forth in the *East Bench Master Plan* is found in the “Analysis” section on page 11.

Use and Structure Status

As previously stated, the existing Kmart is both a legal *nonconforming use* and a legal *noncomplying structure*. This means both the use and the building itself can continue to exist even though they do not meet the requirements of the underlying zoning district. *Nonconforming use* status is lost only when the use is changed to a permitted use within the zoning district or when the use is presumed abandoned for at least one year and the presumption of abandonment is not challenged by the owner.

According to Utah State Code, a *noncomplying structure* can be replaced if it is “involuntarily destroyed in whole or in part due to a fire or other calamity unless the structure or use has been abandoned.” Salt Lake City’s Zoning Ordinance allows for the voluntary demolition and reconstruction of a *noncomplying structure* up to 50 percent with only standard business licensing and building code review and approval. That 50 percent threshold is determined through the following steps:

1. Determine how much it would cost to build the structure today. The cost estimate is based on current “Building Standards” published by the International Conference of Building Officials.
2. Determine the cost of replacing the portion of the building to be demolished and replaced.
3. If the replacement cost is 50 percent or less of the total building cost determined in step #1, the replacement is permitted.

The estimate does not include costs associated with interior or exterior remodeling, site upgrades, or amenities. Furthermore, this process does not allow for any expansion of the building’s area or increased intensity of the use.

Under Salt Lake City’s Zoning Ordinance, as reviewed above, Wal-Mart can voluntarily raze a portion of the Kmart building not to exceed 50 percent of its value, occupy the entire structure, and continue the “superstore and hypermarket store” use without any approvals other than business licensing and building code review. No planning process would be required. Wal-Mart has indicated in their application materials that using the existing Kmart building is their second option if the master plan amendment and zoning map amendment petitions are denied.

Foothill Drive Corridor Study

The subject property was identified in the land use portion of the *Foothill Drive Corridor Study Baseline Report*, published on January 15, 2008, as a potential site for “land use (re)development or modification opportunity(ies).” An early draft of the study identified different scenarios for development of the subject property. The minimum development scenario for the property involved continuation of the Kmart store within the existing CB zone. The moderate development scenario was the applicant’s proposal: a new superstore and garden center with an approximate total area of 122,000 square feet in the CS zone. Finally, the maximum development scenario consisted of a transit-oriented development with either residential and commercial mixed-use and green space, or business and commercial mixed-use with a park-and-ride location, a hotel, and green space.

A final land use and transportation study was then published in July 2008 for the Foothill Drive corridor, prepared by consultants for the Wasatch Front Regional Council in partnership with the University of Utah, Salt Lake City, Utah Department of Transportation (UDOT), and Utah Transit Authority (UTA). The purpose of the study was to identify issues relating to traffic circulation and land use on Foothill Drive, to review alternatives, and to propose recommendations. Some of the issues identified included the need to minimize vehicle traffic growth through the addition of other modes, especially high-occupancy modes, the desire to improve the condition and aesthetics of the corridor, and the need to connect major destinations along Foothill Drive with multiple origins within the Salt Lake Valley.

The final report recommended a number of short-term and long-term strategies for additional transit services, improved roadway design, and pedestrian and bicycle amenities. It stated that Foothill Drive south of Sunnyside Avenue operated at a “relatively good...level of service (LOS A to C).” It also noted that the analysis results indicated that the projections for the subject property, along with other identified sites, “will not greatly increase existing or future transportation demand in the corridor. Rather, the greatest impact on future travel demand in the corridor will result from additional growth in and around the University of Utah Research Park and overall increased regional growth.”

Planning Commission Issues Only Hearing

On June 25, 2008, the Planning Commission held an issues only hearing to take public comment on the petitions. All comments from Planning Commission hearing are summarized in the “Comments” section on page 7 of this report.

COMMENTS:

Department / Division Comments

The application materials were routed to applicable City departments and divisions on July 6, 2007. In addition, the submitted traffic impact study was reviewed by the Transportation Division in December of 2007. The comments received from pertinent City Departments and Divisions are summarized below and are attached to this report (see Exhibit D). No comments were received from the Engineering Division or the Police Department.

- **Building Services Division (Larry Butcher):** Mr. Butcher noted that if the subject property was rezoned to CS, planned development approval would be required for new construction and that the development would have to comply with all current zoning standards.
- **Fire Department (Ted Itchon):** Mr. Itchon had no comments on this proposal.
- **Public Utilities Department (Jason Brown):** Mr. Brown noted that the Public Utilities Department had no objection to either request and forwarded a list of general development requirements that need to be addressed before any future development occurs.
- **Transportation Division (Barry Walsh, Kevin Young):** Mr. Walsh noted that the Transportation Division recommends approval of the petitions subject to verification of an access easement along the access road off of Parleys Way across from Maywood Drive. This is the private road that delivery trucks use to access the back of the subject property.

Mr. Young reviewed the traffic impact study submitted by Wal-Mart and found that the report followed industry standards. He noted that the study assumed that the Wal-Mart would generate three times the number of vehicle trips that the existing Kmart generates and that all traffic would use the signalized intersection at Parleys Way and Wilshire Drive for ingress and egress. The memo from Mr. Young included the Level of Service (LOS) projections from the traffic impact study and noted the ongoing Foothill Drive Land Use and Transportation Study.

Community Council Comments

The subject property is in the East Bench Community Council area but within 600 feet of the Sugar House Community Council boundary, which would normally necessitate an open house. Because of the scope of this project and its potential impacts, community council chairs and land use subcommittee members from a number of East Bench area community councils (the Emigration District Coalition) decided to schedule a joint meeting on February 20, 2008. The Sugar House Community Council, however, opted to have the issue presented to them at a separate meeting, which was scheduled for February 19, 2008. At both meetings, Troy Herold from CLC Associates, Inc. presented the Wal-Mart proposal. A member of the public, Jan Brittain, representing a group called "Foothill Development Watch," presented an opposing viewpoint. Finally, Mr. Herold fielded questions from community council members and the public. At the meeting on February 20, the following community councils were represented: East Bench, Foothill/Sunnyside, Bonneville Hills, Sunnyside East, Wasatch Hollow, Yalecrest, Greater Avenues, and Sugar House.

On April 3, 2008, The Foothill/Sunnyside Community Council asked for a project update from the Planning Division. A representative from Wal-Mart also attended the meeting. Both Wal-Mart representatives and Planning staff answered questions about the project and the process through which the project is being handled, respectively.

A majority of the comments made at the community council meetings, by community council members and by citizens, were in opposition to both the master plan amendment and the zoning map amendment. Many questioned the need for another Wal-Mart in Salt Lake City with the stores at 300 West and 1300 South and at approximately 900 East and 4500 South in Murray. Other comments focused on the potential impacts to the Wilshire neighborhood across Parleys Way to the southwest of the subject property. There was considerable discussion about the impact of the increased traffic on both Parleys Way and Foothill Drive. A number of citizens expressed the opinion that there is no need for a Wal-Mart at this location because all of the area's shopping needs are already met and that this proposed Wal-Mart would attract shoppers only from outside of the city. There were comments in support of the petition, as well, and two people wanted to know why this use was permitted until Wal-Mart purchased the property.

The Foothill Development Watch group's presentation expressed their desire to see this site developed into a walkable, mixed use shopping center with several smaller buildings instead of one large, single-user retail store. Staff discusses this counterproposal in more depth in the "Options" section on page 25 of this staff report.

Staff received responses from seven community councils and those responses are summarized below. Six community councils oppose the requests and one supports the requests. Full written comments received from the community councils can be found in Exhibit E.

- **Bonneville Hills Community Council (Ellen Reddick):** At its November 2007 meeting, the Bonneville Hills Community Council voted in opposition to the zoning map amendment because the proposal is not consistent with the *East Bench Master Plan*.
- **East Bench Community Council (Bruce Cohne):** The East Bench Community Council (EBCC) opposed the requested amendments because Wal-Mart has the ability to remodel and use the entire facility under the current zoning. Further, it is stated that Wal-Mart could have objected to the zoning ordinance changes from 2006 that impacted its ability to re-use the site as they wish, but did not do so.
- **Foothill Sunnyside Community Council (Michael Akerlow):** The Foothill Sunnyside Community Council voted to support the master plan amendment and zoning map amendment requests. The council noted that there is opposition to having a Wal-Mart in the neighborhood. However, given the fact that Wal-Mart can occupy the existing Kmart building without any input from the community, the residents in the area believed it would be beneficial for the community to have involvement in the design and use of space. Further, the Foothill Sunnyside Community Council requested the ability to participate in the process in the future (including the planned development process).
- **Greater Avenues Community Council (Wayne Green):** At its March 5, 2008 meeting, the Greater Avenues Community Council (GACC) voted to oppose both the master plan amendment and the zoning map amendment and noted that such approval would set a bad

precedent because it ignored the interests of local communities and their master plans. However, the GACC would support the remodeling of the existing building in a manner that would improve the building's infrastructure, landscaping, and traffic flow to the site.

- **Sugar House Community Council (Grace Sperry, Derek Payne, Judi Short):** The Sugar House Community Council voted in November 2007 to oppose the zoning map amendment and the master plan amendment at 2705 E. Parleys Way because the change was not supported by the *East Bench Master Plan*. On February 19, 2008, the original motion was reaffirmed. The Foothill Development Committee stated that it did not find that the requests met the standards for a zoning map amendment and referenced sections of the master plan, including Appendix I, which introduces standards for zone changes for new business uses.
- **Wasatch Hollow Community Council (Gregg Morrow):** The Wasatch Hollow Community Council voted and does not support the master plan amendment or the zoning map amendment.
- **Yalecrest Community Council (Jon Dewey):** The Yalecrest Community Council voted in December 2007 to oppose the zoning map amendment.

Public Comments

Wal-Mart representatives held two open houses, on January 21 and January 22, 2008 as a public outreach tool. Members of the public were encouraged at all of the meetings, and through word of mouth, to send Planning staff written comments so that their opinions could be made part of the public record and provided to the decision-makers. All of these comments are found attached to this report in Exhibit F.

As of September 3, 2008, staff had received 86 letters (either via e-mail or traditional mail) from 84 citizens. Of these residents, 48 were in opposition to the proposal and 35 were in support of the proposal. For the most part, the comments are either entirely opposed or entirely in favor of the project. Two of the letters that have been counted as “support” can be considered conditional, as they indicated support for the rezoning as a means to ensure the city and the surrounding neighborhoods have input into the final product. It is important to note that some of the letters are either for or against having a Wal-Mart at all and are not specifically focused on the requested master plan amendment or the zoning map amendment.

Staff also received phone calls from citizens who wanted information about the petitions before submitting their written responses. While not everyone with whom this issue was discussed may have ultimately sent their comments to staff, their general questions and concerns are echoed in the letters that staff did receive and thus included in the summaries below.

Many of the letters of opposition express concerns about the impact increased traffic will have on Parleys Way and on Foothill Drive. Many questioned the need for a Wal-Mart at this location due to the presence of other nearby shopping options. There is concern about the anticipated hours of the store and the impact new parking lot lights will have on nighttime views. The size of the store, and the belief that the rezone would allow Wal-Mart to build a bigger and taller store was also a major concern. Finally, others stated that the *East Bench Master Plan* does not support the requested zoning change and if the City Council changes the master plan for one development, it would set a precedent for the East Bench area in the future.

The letters of support focused on the need for additional shopping options in the area and the fact that the East Bench area is underserved by larger retailers, especially lower-cost retail options. They also noted the city would benefit from the increased tax revenue and that the subject property is ideal for a store such as Wal-Mart. Some residents in support of the petitions also noted that having convenient shopping is important given higher gas prices and environmental concerns. Finally, some believed that the opposition to the request is based on who the applicant is and not on planning or land use issues.

Additional comments were received at an issues only hearing held by the Planning Commission on June 25, 2008 (see Exhibit G). A number of residents, including community council chairpersons, commented on the petition. Wal-Mart's representatives presented information on the site and building conditions, the proposal, the proposed architecture, and the traffic impact study. Ms. Brittain presented the results of a workshop held by Foothill Development Watch, which proposed a mixed use community center, with places for the community to gather, pedestrian connections, and smaller retail shops. Excepting community council chairs, 18 individuals spoke. Six people supported the petitions, eleven opposed the petitions, and one had a zoning question and did not make her position known. Generally, people in support of the petition were interested in seeing the Kmart building torn down and replaced with a more aesthetically-pleasing building and in having more shopping options. Residents in opposition to the petitions did not believe that this proposal was compatible with the neighborhood, that the Kmart development at this site was a mistake to begin with, and that this proposal would increase traffic.

At least two commissioners expressed concern that the representatives from Wal-Mart present at the meeting could not answer all of the questions posed to them and it was suggested that they should be more attuned to the community and its concerns. Commissioner Prescott Muir noted that the Foothill Development Watch's wish list, as presented by Ms. Brittain, may not be supported by the market because of the dynamics of the site. He also requested more information from Planning staff regarding the necessary residential component needed for such a mixed use development. Discussion about mixed use development is found in the "Options" section on page 25. Additionally, Chair Matthew Wirthlin requested additional information regarding differences in compatibility with the neighborhood between CB and CS. This is discussed in the "Analysis" section on page 11. Commissioner McHugh stated that she would like to see the conditional use survey that Ms. Brittain referenced in her presentation. This is attached to the staff report as Exhibit H.

ANALYSIS:

Standards of Review

The Planning Commission will need to review the request to amend the *East Bench Master Plan*'s future land use map and the zoning map amendment for 2705 E. Parleys Way. There are no specific standards for master plan amendments in either the Salt Lake City Zoning Ordinance or Utah State Code. In their review of the zoning map amendment, the Planning Commission should consider the standards found in Section 21A.50.050 of the Salt Lake City Zoning Ordinance.

Master Plan Amendment

Wal-Mart has requested that Salt Lake City amend the *East Bench Master Plan* so that their zoning map amendment request would conform to the master plan's future land use map, as encouraged in Standard "A" of Section 21A.50.050 of the Zoning Ordinance. The proposed amendment is to change the designation of 2705 E. Parleys Way on the Future Land Use Map from "community business" (CB) to "community shopping" (CS). Neither Salt Lake City nor the State of Utah has specific evaluation criteria relating to the amendment of master plans. There are, however, specific noticing requirements. State Code Section 10-9a-204, "Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications," outlines those criteria. A notice for this master plan amendment was published in the *Salt Lake Tribune* and the *Deseret News* on August 27, 2008 (see Exhibit J). Notice of this hearing was mailed to all property owners and interested parties, meeting Utah's noticing requirements for master plan amendments.

It should be noted again that the *East Bench Master Plan* is one of the older master plan documents still in use. Because of this, its discussion of commercial and business uses lacks some of the precision that has been integrated into the current Zoning Ordinance. For example, the original future land use map considers only "neighborhood commercial" in its land use classifications. Furthermore, the section on non-residential land uses notes that B-3, the original zone, was the only zone in the East Bench area that allowed commercial uses. Since 1995, at least three commercial zones—Neighborhood Commercial (CN), CB and CS—are found in the same area and since 2005, there has been additional detail added to the Zoning Ordinance in regard to commercial uses.

Using the "Business/Commercial Uses" subsection on page 6 of the master plan document, the requested master plan amendment can be weighed against other relevant strategies and goals:

- "Wholesale, warehouse and other general commercial uses are not permitted." The only commercial uses the plan specifies as not permitted at the time the plan was adopted are "wholesale, warehouse and general commercial uses." Those uses include specifically "warehouse club store" and "value retail/membership wholesale" (not defined by the ordinance) and general commercial uses allowed in the General Commercial (CG) zoning district. Uses that could classify as "general commercial" include mini-warehouses, warehouses, wholesale distributors, and automobile sales and rental. These uses are not permitted in the requested CS zoning district and they are only found in higher intensity zoning districts such as CG and Corridor Commercial (CC). There is nothing in the *East Bench Master Plan* that indicates the Kmart or commercial buildings with a retail area of 100,000 square feet or more are incompatible with the community.

- “Many residents desire additional services in their community.” The proposed Wal-Mart would be the same use as the existing Kmart and generally provide the same retail goods and services. The nearest use that could be classified as a “superstore or hypermarket store” is the Smith’s Marketplace at 3300 South and I-215. That store is within two miles of the subject property but is outside of Salt Lake City. There is a Wal-Mart Supercenter at 300 West and 1300 South and plans for a Super Target in the same area. Additionally, there is a Smith’s Marketplace at 400 South and 600 East, a Wal-Mart Supercenter at 900 East and 4500 South and a Super Target at Fort Union Boulevard and 1300 East. The two closest grocery stores in Salt Lake City are Dan’s at Foothill Village (approximately two miles away) and Albertson’s at 2300 East and Parleys Way (approximately one mile way). The closest “superstore” within the city is the Smith’s Marketplace on 400 South which is approximately six miles via Foothill Drive or eight miles via I-80 and 700 East. One of the goals of the *Salt Lake City Vision and Strategic Plan* is to increase retail within the city and one of the quantitative measures of that goal is the amount of tax dollars generated.

- “Redevelopment or at least renovation of some business properties... is quite likely and is considered the most desirable approach to meeting future business needs...” Wal-Mart’s request is to redevelop the existing commercial property and no housing will be demolished for commercial use. They do have the option of renovating the property without a zoning change.

- “Major zoning changes... are neither anticipated nor encouraged. Changes involving expansion of existing business sites in response to documented needs should be reviewed cautiously and approved sparingly.” The context for the term “major” appears to reference either the physical expansion of an existing business or the conversion of residential uses to non-residential uses. The proposed zoning map amendment can be considered an expansion of an existing business use even though the property itself and the new building would remain the same size. The expansion would occur in the increased number of uses allowed in the CS zoning district as compared to the CB zoning district, even though the proposed use is the same as the existing use in this case.

Furthermore, it should be noted that at the time of the master plan’s adoption, the existing and proposed use on the subject property was permitted and thus did not require a zoning change. The zoning change only became necessary for Wal-Mart’s proposal (i.e., building a new structure) in 2004. After the 1995 zoning map modifications, a new building larger than 15,000 square feet required conditional use approval but the type of use was still allowed. The prior existence of the Kmart at the site and the master plan’s encouragement of commercial redevelopment in lieu of new commercial lands may be an indication that the requested master plan amendment and zoning map amendment are not necessarily incompatible with the *Easter Bench Master Plan*.

- “The city should not approve any zoning change that will result in the removal of homes. The community is so completely developed that a change of zoning in most areas would negatively impact surrounding residential properties.” No homes would be removed as a result of this master plan amendment or zoning map amendment. The rezoning would facilitate the redevelopment of a marginally used commercial property. Citizens have raised concerns about the impact of the new development on the surrounding neighborhoods. Although the zoning change could allow a new use on the site, the

applicant's proposal is to have the current use continue in a new building. Therefore, the use is still the same. Over the years, the patronage of the Kmart at this site has declined and it is anticipated that the Wal-Mart will attract more customers. The change in zoning would not change the character of the site, but it may increase traffic to the site.

- “More efficient use of existing business properties is the preferred approach to meet future business needs.” A mixed use development on this site would be a more efficient use of the land than a single-building, single-tenant retailer. However, changing the future land use map land use designation for the subject property does not prevent this site from being developed more efficiently in the future. One could contend that the CS provides more flexibility for efficient land use as new construction in this zone requires planned development approval, which gives the Planning Commission flexibility in applying city goals and conditioning project approvals. The CB zoning district limits buildings to 15,000 square feet on one floor and 20,000 feet total. On a 10.56 acre site, it may require a major redevelopment with sufficient tie-ins to public transit improvements and roadway improvements to develop this site efficiently and in accordance with the purpose statement of the CB zone. See the “Options” section on page 25 for more discussion of the two zoning districts, their allowances for mixed use development, and the site’s potential for a walkable mixed use development.
- “Expansion of nonconforming businesses is a related concern. The nonconforming use ordinance states that expansion of nonconforming uses is not permitted. The Board of Adjustment should reinforce this ordinance by carefully scrutinizing requests for expansion. In most cases, such expansion would be undesirable to surrounding property owners.” This language contradicts the current Zoning Ordinance, which allows expansion of a nonconforming use based on certain criteria. However, the master plan and zoning amendments which have been requested would make this concern irrelevant because the existing and proposed use would be permitted under the CS zone. Alternately, if the property was not rezoned, the nonconforming use could potentially be continued and expanded as explained in the “Use and Structure Status” subsection on page 5, which would not be in keeping with this language in the *East Bench Master Plan*.

There is an additional goal found in the master plan on page 13 that relates to the subject property:

- “A gateway center should be located near the entrance to the city...” An information center and rest stop for visitors to Salt Lake City would be a valuable service and an asset to the city. However, as the master plan indicates, the views of the valley from this location are not as good as the other two potential sites for gateway centers and there are some concerns with access. The master plan notes that this is the least attractive option of the three provided and that it would require some land acquisition on the part of the city. Specifically, it stated that “the Parleys Way site should be considered only if the other sites prove unworkable.”

It is staff’s opinion that the proposed master plan amendment does not substantially contradict any of the other policies, goals or strategies of the *East Bench Master Plan* and that modifying the master plan would not substantially impact the integrity of either the community or the master plan.

Zoning Map Amendment

A zoning map amendment is subject to Section 21A.50.050, “Standards for General Amendments.”

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.

Discussion: The following policy documents were considered in evaluating this request: the East Bench Zoning Map (2008), the *Salt Lake City Vision and Strategic Plan* (1993), the *Salt Lake City Transportation Master Plan* (1996), and the *East Bench Master Plan* (1987).

East Bench Zoning Map

The subject property is zoned CB and the applicant is requesting that the city change it to CS. The property is surrounded by commercial zoning to the east and west, multi-family residential zoning to the north, and single family zoning (in the *Sugar House Master Plan* area) to the south. There are only three parcels in the East Bench area zoned CS and all of them are part of the Foothill Village shopping center. Other commercial uses, some open space, and single family residential uses border these parcels.

Salt Lake City Transportation Master Plan

The *Salt Lake City Transportation Master Plan*, adopted in 1996, defines arterial routes as streets provided “for through traffic movement over long distances... with some access to abutting property.” Furthermore, “these streets are typically the widest and have the highest speed limits of all the streets within the city.” Foothill Drive is listed as an example in the master plan. Parleys Way is an arterial as well. One of the directions listed in the plan for arterials is “to encourage commuter traffic to use arterial streets rather than local and collector streets” by maintaining the arterials’ carrying capacity.

Salt Lake City Vision and Strategic Plan

The *Salt Lake City Vision and Strategic Plan*, adopted in 1993, states a goal of facilitating “development of complimentary retail shopping opportunities in city neighborhoods and commercial areas of the city.” This goal’s action step is to “work with developers to ensure additional retail shopping opportunities within the City,” and the progress indicators are the “amount of new retail space annually” and the “new tax dollars generated annually.”

East Bench Master Plan

The requested zoning map amendment is not consistent with the *East Bench Master Plan*, adopted in 1987, which is the applicable master plan document for the subject property. However, the applicant has requested a master plan amendment in addition to the zoning map amendment which would allow the rezoning to comply with the master plan. Planning staff has recommended approval of the master plan amendment because there is no evidence that the modification will substantially contradict any of the other policies,

goals or strategies found in its “Non-residential Land Use” section. The *East Bench Master Plan*, however, has specific criteria in Appendix I for zoning changes. The applicant’s request should be evaluated against these guidelines:

- *Proponents must demonstrate that any zoning change is clearly justified by the substantive provisions of this master plan.* The zoning change requested does not introduce a new use to the neighborhood, as the Kmart has been there for 40 years. Further, the subject property, as a single parcel of land, can be redeveloped into a more efficient use more easily under the CS zoning designation because of the property’s size and location. Staff has found that the zoning change meets the general goals of the “Business/Commercial Uses” subsection of the master plan.
- *There must be a demonstrated need for the new... business proposal and documented community support. Property owners must address the issue of... business need in the whole city perspective and why the proposed site is the best location with regard to the best interest of the community and city.* There has been a difference of opinion regarding the need of a supercenter in this location. On one hand, some residents believe that all of their shopping needs can be handled by the existing shops in the East Bench neighborhood. Others believe that there are enough Wal-Mart stores (and other similar uses) within a convenient distance that preclude the need here. On the other hand, a few citizens mentioned that this location is convenient and would provide more choices for retail in the neighborhood. The limited success of the Kmart at this location could be an indicator that this type of use is not needed in the area, but given Wal-Mart’s nationwide success as compared to Kmart, it may not be possible to limit it to one factor alone.

The nearest Wal-Mart stores are on 300 West at 1300 South and on 900 East at 4500 South. Both stores are approximately six miles away and the latter store is outside of Salt Lake City. Wal-Mart’s biggest competitor, Target, has a superstore at Fort Union Boulevard, also outside of the city, and 1300 East and is planning a store in the city on 300 West near the existing Wal-Mart. There is also a Smith’s Marketplace at 400 South and 600 East and one in the county at 3300 East and I-215. The subject property is on the border between Salt Lake City and Salt Lake County. Of these existing stores, only two are within the city limits.

The population of Salt Lake City actually decreased by 1.6 percent from the 2000 Decennial Census to the 2006 estimates, from 181,743 to 178,858. However, Salt Lake County increased by nearly nine percent over the same time period (898,387 to 978,701) and Utah as whole increased by 14.2 percent (2.23 million to 2.55 million). The Wasatch Front Regional Council (WFRC) estimates that, by 2015, Salt Lake City will have 192,986 residents, a 6.2 percent increase from the Census’s 2006 estimate. The WFRC also projects that the East Bench area will decrease in population by eight percent from 2005 to 2015 and that the Sugar House neighborhood population will decrease by approximately seven percent. These numbers are based on transportation analysis zone. Staff is of the opinion that the draw to this Wal-Mart will be for the existing populations in the two neighborhoods that currently patronize superstores farther west in Salt Lake City

or farther south in other jurisdictions. Other customers could potentially include commuters and university students who utilize I-215 or I-80 and Foothill Drive.

Missing from this proposal is significant documented community support. Of the written comments received by staff, 35 of the 84 respondents (42 percent) supported the proposal. Of the community councils who provided comments to staff, only one supported the requested amendments. Finally, at the issues only public hearing, only a third of the citizens who spoke were in support of the requests. It should be stated that a small number of people have opposed the amendments simply because of Wal-Mart's business practices. It is not clear what constitutes "documented community support" in this context and whether or not it needs to be significant, but staff is of the opinion that there is not overwhelming community support for the requested zoning map amendment.

The applicant has indicated that this site was chosen because of the size of the parcel and the fact that they believe the East Bench is underserved by larger commercial retailers. They stated that its location at the junction of I-215, I-15, Foothill Drive and Parleys Way provides easy access from communities adjacent to the East Bench. Foothill Drive and Parleys also provide convenient access from Salt Lake City neighborhoods north and west of the property. Furthermore, they noted that the site was surrounded mainly by office and commercial uses. In the context of the city as a whole, the applicant believes that providing an attractive store will actually reduce the need for local customers to make longer vehicle trips to other parts of the city or other parts of the county. They state in their application that this location will be a convenience for customers wanting services they offer that are not found in other East Bench stores or customers who do not want to shop in smaller, specialty boutiques.

- *Property must be on a street that can handle the additional traffic.* The subject property can be accessed by both Parleys Way and Foothill Drive, both classified as arterial streets. Wal-Mart submitted a traffic impact study prepared by A-Trans Engineering and the report was reviewed by the Salt Lake City Transportation Division. While the number of vehicle trips generated by the Kmart and the Wal-Mart should be the same under conventional traffic study procedures given that they would be the same type and size of land use, A-Trans projected that the Wal-Mart would be more successful and thus generate three times as many vehicle trips as the Kmart now generates. This translates to an additional 149 trips during the a.m. peak hour and an additional 312 trips during the p.m. peak hour.

The consultant used Level of Service (LOS) to measure the congestion at analyzed intersections. Ratings are on a scale from LOS A to LOS F. An LOS A indicates free flowing traffic at or above the posted speed while an LOS F indicates a "forced or breakdown flow." The impact study used only the signalized access point on Parleys Way at Wilshire Drive as an ingress/egress point, which the Transportation Division considered a "worst case scenario" at this intersection. This intersection is projected to operate at LOS B in the a.m. peak and LOS C in the p.m. peak in the year 2030. The Foothill Drive/Stringham Avenue intersection is projected to operate at LOS C in the a.m. peak and LOS E in the p.m. peak in the year 2013. By 2030, both intersections are projected to be

at LOS F. The conclusion was that Parleys Way and Foothill Drive have sufficient capacity to accommodate the projected increase in traffic and that the development would have “virtually no impact on the access and signal along Foothill as current congestion allows little capacity for traffic to utilize Foothill.”

In terms of mass transit, there is one local bus with 30 minute headways along Foothill Drive with a bus stop at the corner of Stringham Avenue and Foothill Drive. This route currently travels between downtown Salt Lake City and Cottonwood Mall in Holladay. Additionally, there are three “fast bus” routes that bypass this site. It is unlikely that a Wal-Mart at this site will be accessed via mass transit at this time, and there are no current plans for adding additional bus service on Foothill Drive. There are no mass transit routes along Parleys Way.

It can be noted that the *Foothill Drive Corridor Study* final report stated that future transportation demand along the Foothill Drive corridor will come from growth of the University of Utah Research Park and overall regional growth, and not from redevelopment of this site.

- *The site must be large enough for adequate open space and parking without overcrowding the lot.* The subject property is 10.56 acres and is large enough to accommodate more green space and parking that exceeds regulations for a retail store of 120,000 square feet. The proposed parking stalls exceed what would normally be required for a retail use of this size. The existing site has virtually no green space and the parking lot is in poor shape. If the property is rezoned as requested, the parking lot landscaping requirements must be met for new development and the Planning Commission will have the opportunity to require additional green space as part of the planned development process if they so choose.
- *Business projects must be of a density, scale and design that will not negatively impact neighboring residential properties.* There will be virtually no change in the density or scale of the development with the current proposal. Wal-Mart plans to construct a building with the same approximate area and building location as the existing Kmart. The site is contiguous with one residential development, the Foothill Place Apartments to the north. Additionally, there are lower-density neighborhoods across both Foothill Drive and Parleys Way. There will likely be some negative impact from the expected additional traffic and the additional operating hours of the Wal-Mart on these residential properties.

Neighbors have expressed concern for the parking lot lights being on all night. As part of the development agreement proposal, Wal-Mart has proposed a light pole height limit of 30 feet and shielding for the lights. Staff recommends that the Planning Commission consider requiring more language in the development agreement to ensure that the parking lot lights are explicitly governed to minimize the impact of the lights on adjacent properties. The CB zoning district allows pole signs up to a height of 25 feet. In the CS zoning district, only free-standing buildings within shopping centers are allowed pole signs. This proposal would not qualify as a shopping center, which is defined by the Zoning Ordinance as a “concentration of related commercial establishments with one or more major

anchor tenants, shared parking, and unified architectural and site design.” So it does not appear that Wal-Mart would be able to erect a pole sign in the CS zoning district.

The design has been presented to the Planning Commission and its scale and architecture are in keeping with other large commercial developments along Foothill Drive and Parleys Way. Again, if the rezoning is approved, the new building will require planned development approval, at which time the architecture, circulation and landscaping will be part of the analysis.

- Multiple-family units should not develop in areas with strong low density character... There is no residential component to this request. This standard does not apply.
- Zoning should not be changed to accommodate new business unless it is adjacent to an existing business. The property in question is already commercial and is bordered by other commercial properties and businesses to the east and northwest.
- “Spot or strip” zoning to accommodate new businesses is strongly discouraged. There have been comments from the public that this zoning map amendment is a case of spot zoning. Salt Lake City’s Zoning Ordinance defines spot zoning as “the process of singling out a small parcel of land for a use classification materially different and inconsistent with the surrounding area and the adopted city master plan, for the sole benefit of the owner of that property and to the detriment of the rights of other property owners.” In this case, the subject property already has a commercial designation and is bordered by commercial and office properties to the east and northwest. The CB and CS districts are both commercial districts. The CB zoning district’s purpose is to integrate moderately-sized retail uses with neighboring residential while the CS zoning district is intended to service community commercial needs. Staff is of the opinion that the CB and CS zoning districts, while having different purposes and regulations, are not materially different in that they are not designed to serve materially different uses. Both allow retail uses and both prohibit general commercial uses or manufacturing uses. Furthermore, there is no clear zoning pattern on a larger scale with which the CS designation would be inconsistent. Within a quarter-mile of the subject property, there are properties zoned for commercial, institutional, multi-family residential, single family residential, residential office, and open space uses. Accordingly, one mile north on Foothill Drive, there is a similarly-sized property zoned CS (Foothill Village) surrounded by the same pattern of zoning designations. See Exhibit L for maps comparing the surrounding zoning designations around both the subject property and Foothill Village.
- New businesses should be designed to be a logical extension of adjacent businesses, maintaining complimentary building design and landscaping motifs. The property as it is currently developed is not a logical extension of any of the surrounding properties. The building is a typical 1960s commercial structure and there is no landscaping. It is important to note that these problems can be remedied without a zoning map amendment, as there is nothing in the Zoning Ordinance prohibiting Wal-Mart from improving the site upon occupation. That

being said, there is nothing that requires or encourages them to do so either. There are limits to how much of the existing building they can tear down based on regulations for noncomplying uses and that may impact what they can do to improve the building's overall design. The proposal Wal-Mart has submitted includes, along with a new building, landscaping and architecture that would reduce the visual impact of the structure and will be compatible with the neighboring office buildings. There are some smaller commercial uses nearby on Foothill Drive (e.g., restaurants, a gas station), but nothing to the scale of the existing or proposed building. It will be the biggest building in terms of square footage in the immediate vicinity and, as one of the largest commercially zoned properties in the East Bench community, it will not be a logical extension of the neighborhood across Parleys Way unless it is significantly redeveloped by another property owner.

It would appear that the applicant's zoning map amendment request generally meets most of these standards. There are three standards which the zoning map amendment does not meet: 1) there is potential for negative impact on neighboring residential properties; 2) it may not be a logical extension of the adjacent businesses; and 3) there may not be enough documented public support.

There will be impacts on the neighboring properties, some of them potentially negative. There will be traffic, noise from operations and traffic, some light pollution, and other visual impacts on the residential properties, especially those across Parleys Way. However, all of these impacts already exist and, other than traffic and lighting, there is no reason to expect any change to increase intensity of the use's impacts. There will be more traffic, but it will be found on arterial roads, which the traffic impact study indicates can handle the additional traffic. It is likely, though, that any commercial development on this site would increase traffic in the same manner as the applicant's proposal. Whether the development contained 120,000 square feet of retail in multiple buildings or 120,000 square feet of retail in a single building, one would expect the increase in vehicle trips to be similar. Further, as noted in the *Foothill Drive Corridor Study Final Report*, increased transportation demands along Foothill Drive will be driven primarily by regional population and job growth and not development on this particular site. Concerns about parking lot lights can be mitigated through appropriate design, and the Planning Commission can determine how they would like to see the language in the development agreement worded to reduce this impact as much as possible.

The nearby office buildings are large buildings with multiple stories and staff does not find that the zoning map amendment will be incompatible with these uses. In fact, the architectural renderings Wal-Mart has presented to staff and to the Planning Commission appear to be in keeping with those buildings and with other buildings in the vicinity with similar land uses. But it would be difficult for a large, single-building retail use to be sited and developed as a "logical extension" of office buildings without everything being incorporated into the same development. These office buildings are, for the most part, entirely surrounding by parking and have their front building entrances along Foothill Drive. Even though they share parking and ingress/egress with the current building, they do not give the impression of cohesion. Staff is of the opinion that the proposed architecture and site improvements would, however, provide more cohesion with surrounding properties.

Finally, the proposal does not meet the guideline that there must be documented community support. Again, it is not indicated what threshold is needed for a proposal to this provision. Although there is some documented support, there is more documented opposition to the project.

The *East Bench Master Plan* does not indicate that every provision must be met, but that they must be considered. Staff believes it can recommend approval based on the fact that it meets a majority of the considerations in the master plan and could potentially meet two additional provisions with conditions intended to mitigate anticipated impacts.

As staff has noted before, the property can be redeveloped and landscaped and the building can be redesigned and made more efficient without any change to the zoning designation. There is nothing in the Zoning Ordinance, however, that requires or incentivizes upgrades when a new owner continues an existing use even if that use is legally nonconforming. It would be in the best interest of Salt Lake City to see the site redeveloped in a way that meets the current development code requirements for parking, circulation, and landscaping and allows the City and the East Bench and Sugar House communities to have an active role in the development process. One way to achieve this goal is to change the zoning designation to CS, which requires planned development approval for new principal buildings. In addition, a development agreement would ensure there are development controls in place on the parcel for Wal-Mart and future owners. The zoning map amendment request substantially meets most of the considerations found in the *East Bench Master Plan* and it furthers the implementation of other adopted policies of Salt Lake City as identified above. Furthermore this zoning map amendment request does not include a new use. The existing use can and may continue as long as Wal-Mart owns the property.

Finding: Staff finds that the request to rezone 2705 E. Parleys Way from CB to CS is consistent with the purposes, goals, objective, and policies of the adopted general plan of Salt Lake City, with certain exceptions as noted above.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The subject property is part of a group of commercially-zoned properties shaped like a triangle on the northwest corner of the intersection between Parleys Way and Foothill Drive. Both roads transition into I-80 and I-215 to the immediate south. The property is oriented to Parleys Way, but can be accessed from both roads. To the west of the property on the north side of Parleys Way, there are two office buildings, a multi-family residential building, and a strip of commercial uses. On the south side of Parleys Way, the properties are almost entirely single family residential, some of which front Parleys Way. These properties are on a segment of Parleys Way that is a local street (the main traffic lane on Parleys Way becomes an interstate on-ramp after Wilshire Drive). Immediately to the east of the subject property are three office buildings, a gas station with a convenience store, a free-standing restaurant, and a strip of offices and restaurants. Farther north on Foothill Drive and immediately north of the subject property is a large multi-family residential complex. On the east side of Foothill Drive, there are office developments and farther east there are single family homes. The property shares its

Parleys Way access point with the neighboring office buildings and a restaurant, and shares the Stringham Avenue access point with the Foothill Place Apartments. Because of the dynamics of both Foothill Drive and Parleys Way at this location, and the role they serve in accessing the interstates, the character of the area is oriented toward vehicle traffic.

The character of the south end of Foothill Drive is defined by the presence of the interstates and the respective on-ramps. Foothill Drive is a state highway and serves as a de facto extension of I-215 for University of Utah students and East Bench and county residents who work downtown. It is five lanes wide with two travel lanes in each direction and a center turn lane. The streetlights and business signs are scaled more for automobiles than they are for pedestrians, but there is a six-foot wide sidewalk on both sides of the road. Just south of Stringham Avenue, there is an overhead sign gantry for the I-215, I-80 and Parleys Way ramps. The office buildings are multiple stories tall in many cases, and all of the buildings on this stretch of Foothill Drive are set back from the road. Furthermore, many of the uses have front-yard parking. Parleys Way is also four lanes at its southeastern end with alternating left turn lanes and a small median. It is lined with trees and automobile-scale streetlights, but does have sidewalk on both sides behind a landscaped park strip. The residential uses on the south side of Parleys Way from the eastern end of the neighborhood up to Wilshire Drive are buffered from the on-ramp by a thin strip of grass with some trees, though the trees are found with less consistency across from the subject property. From this point westward, the homes are oriented away from Parleys and are separated from the road by a wall and large trees.

Supercenters are typically automobile-oriented uses. They are designed to provide consumers with a one-stop location for a variety of goods, including groceries, electronics, clothing and hardware. They function as both destinations for vehicle trips (a trip to the grocery store) or as part of trip chains (a shopping trip on the commute to or from work). Because Wal-Mart is projected to be a more successful retailer than Kmart at this location, more traffic should be expected on both Parleys Way and Foothill Drive. However, this site can only be accessed by those two roads. Thus, any development will increase traffic around this site. The best place to put an automobile-oriented use is in an area that developed either around or for the automobile, which minimizes the potential for pedestrian-vehicle conflicts and minimizes the impact on smaller scale developments. This is the largest property and the largest building in the immediate vicinity, but it is, for the most part, surrounded by uses typically adjacent to such large commercial uses: restaurants, office buildings, and multi-family residential. The proposed building will be the same size as the existing building. There should be no change to the dynamics of the site as it currently exists. A zoning change will ensure that redevelopment will include full site landscaping, more appropriate architecture, better circulation patterns, and other site amenities that may not be included or required in a simple reuse of the existing building.

Finding: The proposed zoning map amendment is harmonious with the character of the existing development in the immediate vicinity of the subject property.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: Because the proposed use and the proposed building are both equivalent to the existing use and building, there should be no change in impact on adjacent properties. However, there are three anticipated differences:

- It is anticipated that Wal-Mart will be more successful than Kmart at this location and therefore, it is expected that there will be increased traffic to and from the site.
- It is likely that Wal-Mart may be open longer (24 hours) than Kmart is currently open (typically, 8:00 a.m. to 10:00 p.m.).
- The proposed Wal-Mart will likely be taller than the existing Kmart; elevations show the proposed building's front elevations ranging in height from 32 feet to 37'-10½" whereas the Kmart building's highest point is approximately 30 feet.

The impact on the single family residences to the east across Foothill Drive will mainly be through increased traffic on Foothill Drive and from the parking lot lighting. The additional height is not likely to be a factor because the subject property sits at a lower elevation than those properties. Traffic on Foothill Drive is a problem borne from more than just this particular property and while an additional 461 cars in the area during the morning and evening peaks may be considerable, not all of those vehicles will be using Foothill Drive to access either Stringham Avenue or Parleys Way. Some will be using I-80 and exiting directly onto Parleys Way and others will be traveling on Parleys Way from the west. The parking lot lights can be appropriately designed, as required by the final development agreement, to mitigate any light pollution that will impact views in the evening.

The residents to the south across Parleys Way will also be impacted by traffic and the lights. However, they are additionally impacted by the visual appearance of the structure. There has been concern regarding the additional height blocking views of the mountains. The proposed structure will be approximately two to eight feet taller than the existing structure and moved forward (south) on the site approximately 20 feet. As viewed from Parleys Way, this would make the proposed structure appear the same approximate height as the office buildings to the right. Additionally, some of the residences that face the subject property are shielded by trees. Staff is of the opinion that the overall visual impact of the additional height will be minimal for the residents on Parleys Way with views of the mountains. However, the Planning Commission may wish to consider recommending that the stated height limit for the property in the proposed development agreement be reduced from 40 feet to a more appropriate height.

Staff does not find that the proposed development would adversely impact the neighboring businesses or the Foothill Place Apartments outside of the aforementioned increase in traffic. The proposed building would have a screened loading dock and there will be a greater distance between the building and the apartments. It is expected that a new building's systems would be quieter than the existing systems. Although the use may be 24 hours, the Salt Lake Valley Health Department noise regulations limit delivery hours.

Finding: The proposed zoning map amendment will have some adverse impacts on neighboring residential properties: the additional traffic generated, the potential for 24-hour parking lot lights, and obscured views. Staff suggests that the Planning Commission consider placing additional or more specific standards on the parking lot lights in the development agreement as discussed in the “Options” section on page 25. The design and impact of the lights can also be handled during the planned development process. Staff finds that there will be an impact from additional traffic generated by this proposal, but finds that Foothill Drive can handle the additional volume. Further, staff does not find that other proposed options, including using the existing building, would have significantly less impact. Finally, staff does not find that the additional height will have a significant adverse impact on neighboring properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The subject property is in the Groundwater Source Protection Overlay District. There are no additional standards imposed by this district related to the request.

Finding: Future development on the site will be required to meet the provisions of the Groundwater Source Protection Overlay District.

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 waste water and refuse collection.

Discussion: Applicable City departments and divisions were given the chance to review and comment on the proposed rezoning and preliminary site plans for the proposed zoning map amendment. The Public Utilities Department requested plans in the future if the request was ultimately granted, and had some site requirements for new development. No immediate deficiencies were noted as part of the review process. Other than roadways, there has been no concern for the adequacy of public facilities and services intended to serve the subject property. As previously discussed, there is concern that this proposal would significantly increase the volume of traffic on Parleys Way and Foothill Drive. The Transportation Division has reviewed the submitted traffic impact study and found that the study followed industry standards and general transportation engineering principles. The consultant found that the Parleys Way/Wilshire Drive intersection would operate at LOS B in the a.m. peak and LOS C in the p.m. in 2030, both of which are considered acceptable levels. The Foothill Drive/Stringham Avenue intersection was projected to operate at LOS C in the a.m. peak and LOS E in the p.m. peak in 2013 and both the a.m. and p.m. peak would operate at LOS F in 2030. It should be noted that these projections include both development-generated traffic and overall projected traffic growth in the region. The *Foothill Drive Corridor Study Final Report* includes recommendations for improvements, including commuter bus service, peak bus or bus/HOV lanes with transit signal priority, and replacement of the turn lane with a median in some areas. These near- and mid-term improvements address the “bigger picture” problem with congestion on Foothill Drive and are projected to improve the levels of service on Foothill Drive.

Finding: A traffic impact study found that the proposed development would not impose any immediate deficiencies on either Parleys Way or Foothill Drive, and short- and long-term recommendations for congestion mitigation on Foothill Drive have been made to the appropriate organizations. Staff finds that the current public facilities and services intended to serve the subject property are adequate, and any necessary modifications and changes to facilities will be identified upon application for building permits.

OPTIONS:

Site and Project Options

There are multiple options for the subject property, but only three have been consistently referenced during the public process for these petitions. These options are as follows:

1. The master plan and the zoning map are both amended as requested and Wal-Mart constructs a new supercenter on the site. This is the basis of the above analysis.
2. Both petitions are denied, giving Wal-Mart the option of occupying the existing building, which they have indicated is their “Plan B.”
3. A mixed use neighbor center is developed on the site as presented by the Foothill Development Watch group at the Planning Commission issues only hearing on June 25, 2008, and referenced by other citizens as their preference.

It is important to note that Wal-Mart has stated that the third option is not on the table, so such a development would require another owner to purchase the property. However, members of the Planning Commission requested additional information on mixed use development and necessities for its viability. The options are analyzed below.

1. **Approval of master plan amendment and zoning map amendment:** This option is discussed and analyzed in the “Analysis” section.
2. **Denial of both petitions:** If the master plan amendment and the zoning map amendment are both denied, Wal-Mart could still occupy the existing building and operate a supercenter. They have indicated that they would do so if their requests are denied. Because of the status of both the use and the structure, there are limits to what they can do with the site. As previously mentioned, they can occupy the entire building, including the approximately 20,000 square feet that was once occupied by Kmart Foods. They can remodel the interior of the building, make visual improvements to the exterior, and improve the site as much as they want, but if they begin to raze the structure, there is a limit to how much they can tear down and replace, as reviewed in the “Use and Structure Status” subsection on page 5. Replacement of any systems (e.g., plumbing, HVAC) is not included in that calculation. There is nothing in the Salt Lake City Zoning Ordinance that would require Wal-Mart to upgrade the site or the building, or provide any on-site amenities such as landscaping beyond what currently exists. On the other hand, there is nothing in the ordinance that precludes it. It would be Wal-Mart’s decision as to what extent they wish to improve the property. Application materials indicated that anticipated improvements were limited to new paint colors, new signage and repair or replacement of the building’s systems. Any changes they do make, other than paint color, would require standard business licensing and building permits review and approval. No planning or zoning processes would be required.
3. **A walkable, mixed use development:** A number of people in the community have expressed interest in having the site developed into a mixed use development, including multi-family residential, live/work units, smaller retailers, and pedestrian facilities. This was also identified as the “maximum development scenario” in the *Foothill Drive Corridor Study Baseline* Report. Such a proposal was presented to the Planning Commission at its issues only hearing on June 25, 2008 by Ms. Brittain, representing the Foothill Development Watch group. At that time, Commissioner Muir requested more

information on the dynamics needed for such a development and whether this site met those needs.

First of all, it should be noted that a mixed use development of any design in the CB district would likely require major site modifications or planning approvals. The developers may have to work with the adjacent property owners to ensure their own circulation and access needs are met. The proposal to bring Wilshire Drive through the site and connect with Foothill Drive would make subdividing the property more feasible. A traffic impact study may be required to analyze the impact of the additional street on the interstate on-ramps and off-ramps. Otherwise, a public cul-de-sac of some sort would be necessary so multiple buildings could be placed on the site with the necessary street frontage. The first-floor commercial/residential buildings may be over the 20,000 square-foot limit for buildings in the CB zone and, if so, would require conditional use approval. Such a development would likely require planned development approval. All of the other uses mentioned (e.g., parks, pedestrian trails, offices), except park-and-ride lots, are permitted uses. A park-and-ride lot is a Conditional Use in the CB zoning district unless shared with other uses, in which case it is permitted. Staff agrees that this would be the most efficient use of the land, but the question is not whether this is the most efficient use of the land, but rather if the dynamics of the neighborhood would support a development like this. That determination would be made by a market study and would depend on a number of variables, including population projections, socioeconomic factors, and the current state of the economy.

Some aspects of the adjacent areas would need to be scaled down to the pedestrian level. Access to this site is limited for vehicles, but it is even more limited for pedestrian and other modes because of the automobile-scaled design of the adjacent stretches of both Foothill Drive and Parleys Way. Crossing Foothill Drive from the residential properties to the east is often unsafe, and there are limited facilities for crossing. Parleys Way is easier to cross, but still relatively unfriendly for pedestrians. Both roads are unsafe for pedestrian activities due to high volumes of traffic, high rates of speed, and the proximity of the interstate on- and off-ramps. Changes have been recommended by the *Foothill Drive Corridor Study* that would help introduce better pedestrian facilities, but changes would need to be made to secure pedestrian and bicycle connections between the neighboring residential properties and the subject property, or people will not walk or ride to the site. These changes would include implementation of appropriate traffic calming strategies, pedestrian-scaled lights and signs, and wider sidewalks or park strips.

A mixed use development on this site would probably consist of multi-family residential units (either condominiums, apartments, or both) with smaller retail goods and services on the first floor of the residential buildings or in their own buildings. There would also be office square footage, green space, transit facilities, and pedestrian amenities for the community to use for gatherings and events. The subject property is approximately 10 acres, which would be classified as a large neighborhood center (one to ten acres) or a small community commercial center (ten to 30 acres) by the *Commercial and Mixed Use Development Code Handbook*, prepared by the Oregon Transportation and Growth Management Program. A community commercial center “typically serves a population of 40,000 to 150,000,” and is likely beyond the scope of what has been envisioned for this site by Foothill Development Watch. This is closer to the population that Wal-Mart intends to serve. More likely is the neighborhood center, which can serve a population up

to 40,000 and which “should be integrated with, and easily accessible from, adjacent neighborhoods.” It would be difficult, as noted above, to integrate this center with any neighborhood other than the multi-family complex directly to the north. It is possible to provide visual and physical connections between the subject parcel and the residential uses across Parleys Way, but it would be difficult to do so with the residential uses across Foothill Drive without significant redevelopment of the neighboring properties.

A study of walkable neighborhoods by Moudon *et al.* from 2006 found that walkable neighborhoods were “centered on basic daily retail and food-related activities” and that office buildings and schools appeared to be a deterrent to creating a walkable community, possibly because of the large property sizes and lack of use at night.¹ The extent of a walkable neighborhood based on the study was calculated to be one kilometer, or one-sixth of a mile, which the author noted “is considerably smaller than that commonly used... in planning practice.” According to the 2000 Census, there are approximately 6,900 people living within census blocks that fall at least partly within 0.6 miles of the subject property and approximately 4,800 people within census blocks that are centered within 0.6 miles of the subject property. Using the neighborhood center model, which is between one and ten acres and serves up to 40,000 people, a ten acre parcel would probably need serve the high end of that population range. Of course, there would be a residential component to the development itself, but assuming 15,000 residents are needed within 0.6 miles to sustain the development, another 10,000 residents would be needed on-site. That would require a residential density of 1,000 people per acre, equating roughly to 400 dwelling units per acre (assuming 2.5 persons per unit). That density is higher than any existing density in Salt Lake City, including the downtown area.

Another methodology to determine potential feasibility of mixed use development is found in Envision Utah’s *Urban Planning Tools for Quality Growth*. The guide provides a checklist for site elements, scores them based on what exists, and that score then indicates what sort of commercial development could be supported on the site (see Exhibit N). Briefly, the checklist for the current state of the subject property works out as such:

- *Proximity to a college or similar:* more than 2 miles (0 points)
- *Employees within ½ mile radius:* 500 to 1,000 (1 point)
- *Number of residences within ½ mile radius:* 1,000 to 2,000 (2 points)
- *Access to transit:* frequent peak-hour transit service within ¼ mile (1 point)
- *Intersections within ½ mile:* 40 to 60 (1 point)
- *Posted traffic speeds on primary streets:* greater than 35 m.p.h. (0 points)
- *Will connected sidewalks be present?* Yes (1 point)
- *Will there be street trees?* Yes (1 point)
- *Will there be on-street parking?* No (0 points)
- *Will shared parking be available?* No (0 points)
- *Will crosswalks be present at minimum every 300 feet?* No (0)
- *Will crosswalks be signalized or protected?* Yes (1)

¹ Moudon *et al.* “Operational Definitions of Walkable Neighborhood: Theoretical and Empirical Insights.” *Journal of Physical Activity and Health*. 3, Suppl. 1, S99-S117 (2006).

A score of 8 falls within what Envision Utah calls “Level 2” or “Integrated Pedestrian Design,” which is defined as buildings with “many auto-oriented characteristics, but the site design has been modified to better integrate into a pedestrian area.” Sugar House Commons is cited in the publication as an example of this type of retail shopping center. For the sake of comparison, the Sugar House Commons property is 9.6 acres in size. There are approximately 10,950 people living within census blocks that fall at least partly within 0.6 miles of Sugar House Commons and approximately 8,700 people within census blocks that are centered within 0.6 miles. Another oft-mentioned walkable area is the 9th and 9th neighborhood. The commercial area is approximately ten acres in size and there are 16,400 people living within census blocks that fall at least partly within 0.6 miles of the 9th and 9th district and 13,800 people within blocks that are centered in the same radius.

The exact number of people needed for a mixed use development would require a market study and would be based on a number of data that are not available, including the specific types of uses, the number of units in the development, the presence of similar or competing uses nearby, and socioeconomic characteristics of the surrounding area. The two methodologies used above are employed with rough and generic assumptions. However, it appears that without a significant increase in density in the area, there may not be enough people within a walkable radius to support a development of this size. Assuming a density of 40 dwelling units per acre on site, an average density for mixed use developments with a primary multi-family residential component, there could be anywhere between 750 and 1,500 additional residents living on site after development occurs. This number is still lower than what is expected given the densities of other urban multi and mixed use developments in Salt Lake City. Coupled with the automobile-dominated nature of the immediate vicinity, staff is of the opinion that it would take considerable changes to the area before this site could be developed into a mixed use development on par with what Foothill Development Watch proposed.

The requested CS zone will not preclude a mixed use development in the future. If the property owner proposed such a development, or if a future owner requested it, such a proposal could be entertained under the CS zoning district. The district would provide greater flexibility for both the developer and the city because the planned development process is required in the zone for new construction. The CS zone may allow more flexibility for efficient subdivision of the land as well.

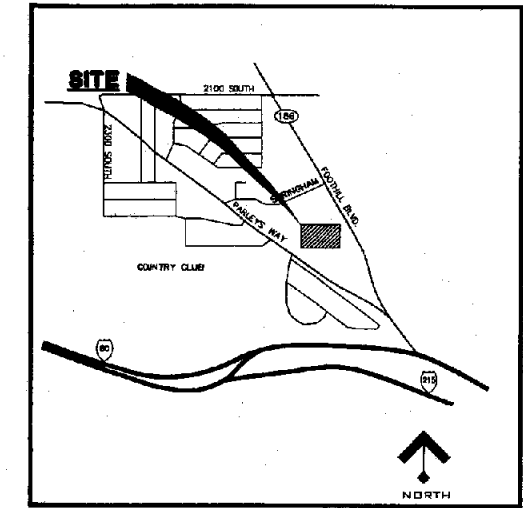
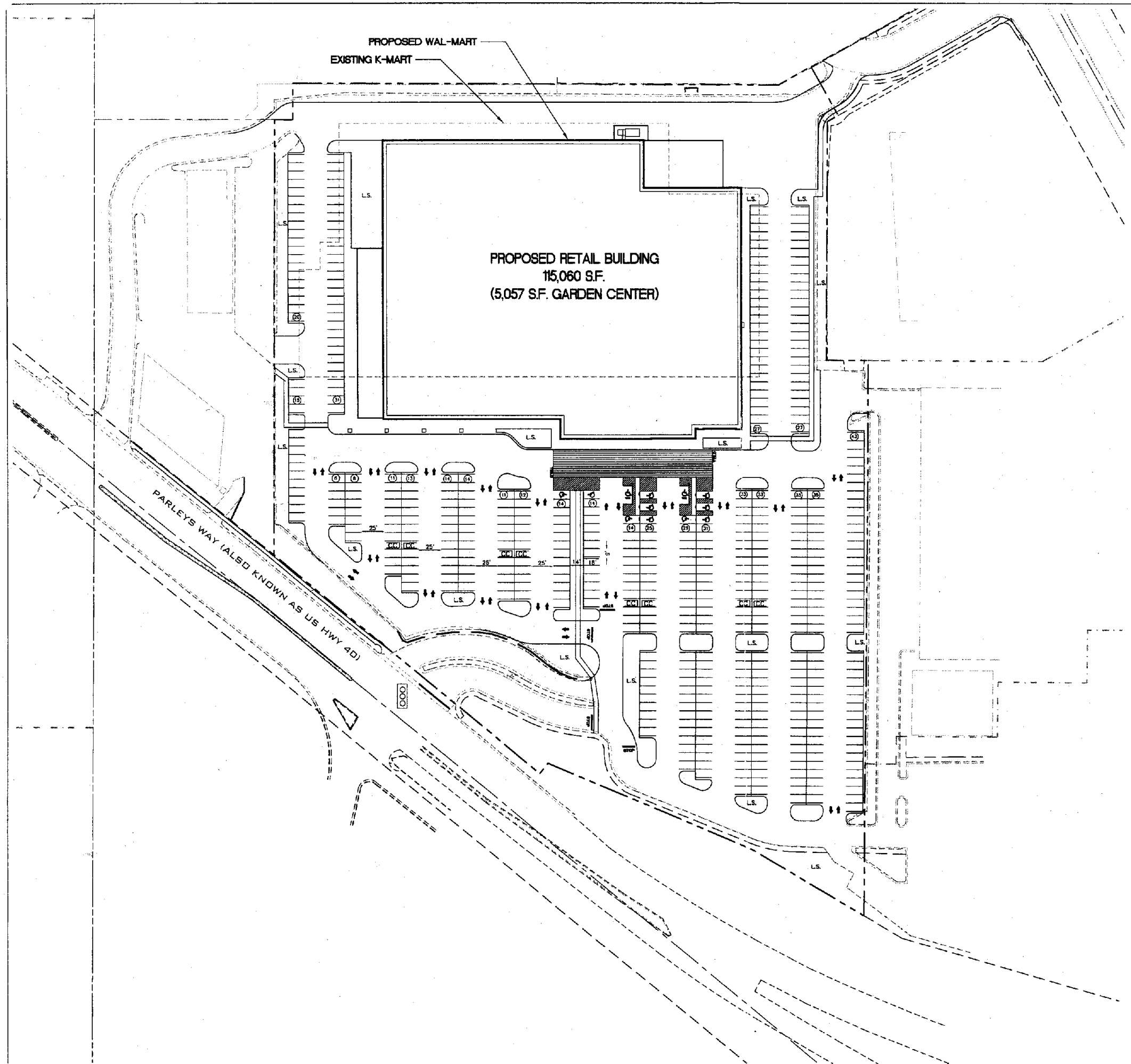
Options for Conditions of Approval

If approval is recommended to the City Council for the master plan amendment and zoning map amendment, the Planning Commission may want to consider some conditions of approval. Staff has recommended the condition that a development agreement be required for the zoning map amendment. Listed below are potential recommendations or conditions that the Planning Commission can consider to address generalized issues with which citizens have expressed concern. Again, many building design and site design issues can be addressed through the Planned Development process, provided the property is rezoned as requested.

- A recommendation to the Salt Lake City Transportation Division that a “Right Turn Only” sign is placed on Stringham Avenue at its intersection with Foothill Drive.
- A condition that the development agreement includes a provision to limit the height of, or the right to, a pole sign, should the sign ordinance allow one for this development.

- A condition that the development agreement includes a provision to limit the number of parking stalls in favor of additional green space, pedestrian amenities, or transit facilities.
- A condition that the development agreement includes requirements that any trails or trail connections that may eventually be routed through the subject property, including the Parleys Creek Corridor Trail, will be developed and maintained for public use.
- A condition that the development agreement includes a parking lot light limit of 20 feet, requirements for full cutoff light fixtures in the parking lot and on the building walls, and/or quantitative limits on these lights.
- A condition that the development agreement require Wal-Mart to work with the city to improve the appearance of the development's entrance on Parleys Way; such improvements should include, but not be limited to, the retaining walls along Parleys Way and the site driveway.
- A condition that the development agreement contains a height limit less than 40 feet.

Exhibit A
Proposed Site Plans



VICINITY MAP
NOT TO SCALE

BUILDING DATA

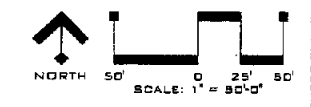
	PROPOSED	EXISTING	DIFFERENCE
MAIN BUILDING AREA:	115,060± S.F.	116,895± S.F.	-1,835 S.F.
GARDEN CENTER:	5,057± S.F.	5,718 S.F.	-661 S.F.
RETAIL FLOOR SPACE:	120,117± S.F.	122,613± S.F.	-2,496± S.F.

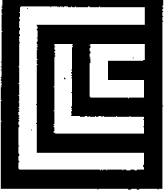
PARKING DATA

PROPOSED BUILDING	115,227 S.F.
STANDARD SPACES	503 SPACES
ACCESSIBLE SPACES	12 SPACES
TOTAL PARKING	515 SPACES
RATIO	4.48/1,000 S.F.

SITE DATA

LOT 1 (WAL-MART)	10.44 ± AC.
LAND USE CLASSIFICATION:	COMMERCIAL
ZONING CLASSIFICATION:	CB - COMMUNITY BUSINESS
LOCAL JURISDICTION:	SALT LAKE CITY, UTAH
FLOOD ZONE CLASSIFICATION:	NONE
% LANDSCAPING IN PARKING LOT	15.6%





CLC ASSOCIATES

350 SOUTH 400 EAST
SUITE 207
SALT LAKE CITY
UTAH 84111
P 801 383 8605
F 801 383 8604
CLC@SBC.COM

ARCHITECTURE
ENGINEERING PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

EXISTING SITE PLAN

PROPOSED WAL-MART

2705 PARLEY'S WAY
SALT LAKE CITY, UTAH

DATE: 12/08/06
DESCRIPTION: ORIGINAL PREPARATION
DATE: 03/19/08
DESCRIPTION: SITE REVISIONS

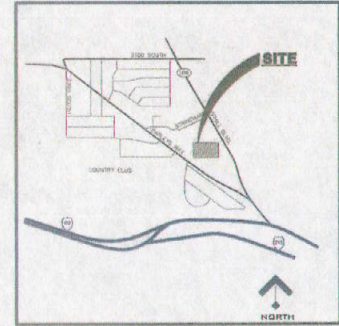
PROJECT #: 04-0139
DRAWN BY: TRH
DESIGNED BY: SAA
CHECKED BY: SAA

EXISTING SITE

SP-18



GLC ASSOCIATES
 420 E. SOUTH TEMPLE SUITE 550
 SALT LAKE CITY, UT 84111
 P 801 363 5606
 F 801 363 5604
 WWW.GLCASSOC.COM



VICINITY MAP
 NOT TO SCALE

BUILDING DATA

	PROPOSED	EXISTING	DIFFERENCE
MAIN BUILDING AREA:	115,238± S.F.	113,200± S.F.	+2,038 S.F.
GARDEN CENTER:	5,110± S.F.	6,540± S.F.	-1,430 S.F.

RETAIL FLOOR SPACE 120,348± S.F. 119,740± S.F. +608 S.F.

PARKING DATA

PROPOSED BUILDING	115,238 S.F.
STANDARD SPACES	500 SPACES
ACCESSIBLE SPACES	12 SPACES
TOTAL PARKING	512 SPACES
RATIO	4.45/1,000 S.F.

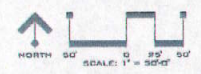
SITE DATA

LOT 1 (WAL-MART) 10.44 ± AC.

LAND USE CLASSIFICATION: COMMERCIAL
 ZONING CLASSIFICATION: CB - COMMUNITY BUSINESS
 LOCAL JURISDICTION: SALT LAKE CITY, UTAH
 FLOOD ZONE CLASSIFICATION: NONE

LANDSCAPING IN PARKING LOT 15.6%

**PROPOSED
 WAL-MART**
 2705 PARLEY'S WAY
 SALT LAKE CITY, UT



GLC ASSOCIATES
 420 E. SOUTH TEMPLE SUITE 550
 SALT LAKE CITY, UT 84111
 P 801 363 5606
 F 801 363 5604
 WWW.GLCASSOC.COM



Exhibit B
Proposed Elevations and Architectural Renderings

WAL★MART®

Salt Lake City (E), UT

B | R | R

Issued

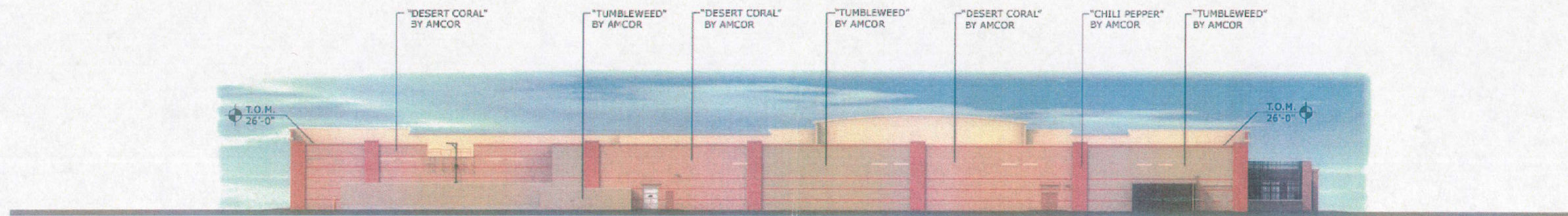
June 17, 2008



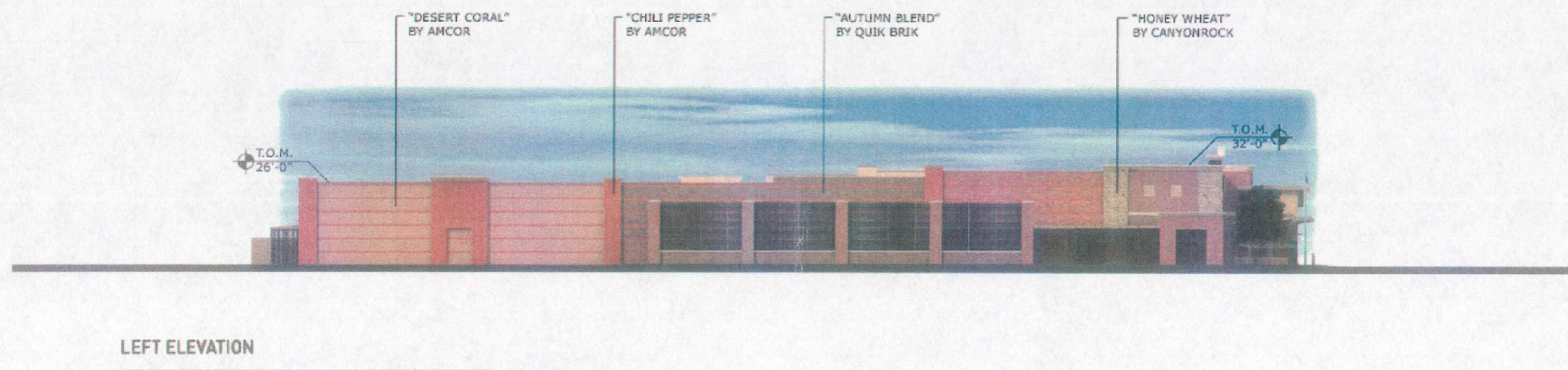
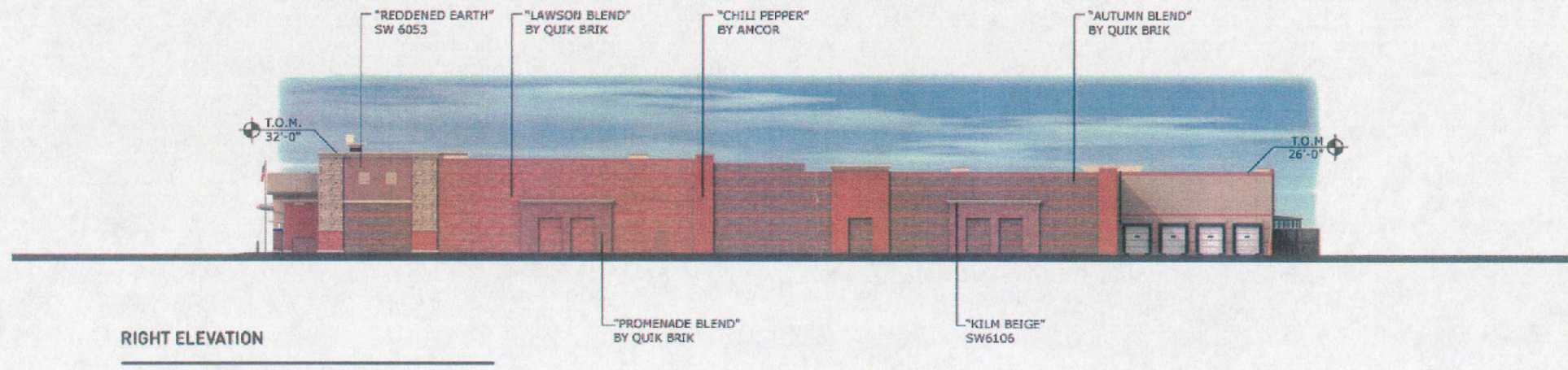




FRONT ELEVATION



BACK ELEVATION





FRONT ELEVATION

Sign	#	Color	Height	Illumination	SF	SF Total
WAL-MART	1	White	5'- 0"	Internal	190.00	190.00
SUPERCENTER	1	White	2'- 0"	N/A	35.50	35.50
Market & Pharmacy	1	White	2'- 6"	Uplighting	102.74	102.74

Total Building Signage 328.24 SF

Exhibit C
Outline of Proposed Development Agreement



April 2, 2008

Planning Division
Salt Lake City
451 S. State Street, Room 406
Salt Lake City, Utah 84111

Re: Terms of Proposed Development Agreement in Connection with Wal-Mart Re-zone Application

Dear Planning Division:

Wal-Mart Stores, Inc. ("Wal-Mart") has submitted an application to Salt Lake City (the "City") for a re-zone of the property at 2705 East Parley's Way (the "Property") from Community Business (CB) to Community Shopping (CS). In connection with this application, Wal-Mart has requested to enter into a development agreement with the City that will govern the development of the Property in addition to those requirements found in the Salt Lake City Code (the "Code"). Wal-Mart has proposed that entering into the development agreement be a condition of the City's approval of the re-zone application.

The purpose of this letter is to present general terms for the proposed development agreement. Upon approval of the re-zone application, and as a condition thereto, Wal-Mart hereby agrees to enter into a development agreement with the City containing the terms described below. These terms shall impose additional restrictions on development of the Property, above what is required under Section 21A.26.040 of the Code, and shall not create an exception to any requirements under the Code.

Terms of Development Agreement

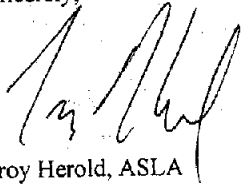
- The existing building shall be demolished and replaced with a new building.
- The Property will be developed in substantial conformity to the site plan attached hereto including without limitation building location, building footprint, parking and landscaping.
- The maximum height of any building on the Property shall be forty feet (40') from finished grade.
- The maximum size of any building on the Property shall be one hundred and twenty thousand five hundred (120,500) square feet.
- At least ten percent (10%) of the Property shall be landscaped, and at least fifteen percent (15%) of the interior of the parking lot shall be landscaped.
- The parking lot shall be updated to comply with current MUTCD requirements.
- The poles for the parking lot security lighting are limited to thirty feet (30') in height and the fixture will be shielded to minimize light encroachment onto adjacent properties.
- All rooftop mechanical equipment shall be screened from public view from the vantage point of finished grade of the building on the Property.
- The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level of the building shall be forty five feet (45').
- Wal-Mart Stores, Inc. will comply with the recommendations outlined in the Traffic Study prepared by A-Trans Engineering related to the Property.

420 East South Temple, Suite 550 Salt Lake City, UT 84111 801-363-5605
Denver, CO - Salt Lake, UT - Spokane, WA - Scottsdale, AZ

Wal-Mart proposes that inclusion of the above described terms in a development agreement between Wal-Mart and the City be a condition to the approval of Wal-Mart's re-zone application. Furthermore, Wal-Mart agrees to negotiate in good faith concerning other terms or provisions that the City determines necessary for development of the Property.

Please feel free to contact me at (801) 363-5605 with any questions or comments regarding the proposed terms.

Sincerely,



Troy Herold, ASLA
Vice President, CLC Associates Inc.

Cc:
Nick Britton
Wal-Mart Stores Inc.

Exhibit D
City Department/Division Comments

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Peggy Garcia, Public Utilities
Ted Itchon, Building Permits (Fire)
Craig Smith, Engineering
Larry Butcher, Building Permits
Barry Walsh, Transportation
Dave Askerlund, Police

FROM: Nick Britton, Planning

DATE: July 6, 2007

RE: Petition 400-07-15: A Master Plan Amendment request at 2705 E. Parleys Way
Petition 400-07-16: A Zoning Map Amendment request at 2705 E. Parleys Way

The Salt Lake City Planning Division is currently reviewing a request for a zoning map amendment at 2705 E. Parleys Way. The current zoning of the subject property is CB (Community Business District) and the applicants, CLC Associates, are requesting the zoning be changed to CS (Community Shopping). CLC Associates have also requested a Master Plan Amendment because the future land use for the subject property is Community Business due to the Zoning Ordinance re-write in 1995 that updated older master plans' future land use maps to the current zoning.

The applicants are proposing to tear down the existing K-Mart on the subject property and replace it with a Wal-Mart using the same footprint. The proposed structure would be 122,326 square feet (including a covered garden center) in building size and have 5,707 square feet in an outdoor garden center. The proposal would also include 548 parking spaces.

Enclosed are the following for you review:

- Applications
- Proposed site plan
- Proposed building design/front elevations

Please respond in writing by **Monday, July 23, 2007** if you have any comments regarding this proposal. If you have any questions, please call me at 535-7932 or e-mail me at nick.britton@slcgov.com. Thank you.

Britton, Nick

From: Itchon, Edward
Sent: Friday, July 13, 2007 1:11 PM
To: Britton, Nick
Cc: Butcher, Larry; Nalder, Kevin
Subject: 400-07-15 & 16

No comments

Britton, Nick

From: Walsh, Barry
Sent: Thursday, July 19, 2007 12:19 PM
To: Britton, Nick
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: Pet 400-07-15 & 16
Categories: Program/Policy

July 19, 2007

Nick Britton, Planning

Re: Petition 400-07-15: Master Plan Amendment at 2705 E. Parleys Way.
Petition 400-07-16: Zoning Map Amendment at 2705 E. Parleys Way.

The division of transportation review comments and recommendations are for approval of the proposed zoning change from CB to CS as follows:

The current use is a retail shopping center with access to: Parleys Way, an Arterial class roadway at the Wilshire Dr. signalized intersection, and the Stringham Avenue, Local class roadway connection to Foothill Drive an Arterial roadway at 2330 South a non-signalized "Stop Sign" controlled intersection. There is also currently a vehicular corridor, Maywood Way, that access the rear of the site and connects with Parleys Way at Maywood Drive with a "Stop Sign" entry controlled intersection. The Maywood Way corridor needs to be verified as to right to access and defined easement.

The proposed site development revisions are to comply to plan review permit requirements, as per that zoning designation, and its design standard requirements.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, permits
File

Britton, Nick

From: Butcher, Larry
Sent: Saturday, July 21, 2007 9:30 AM
To: Britton, Nick
Cc: Goff, Orion
Subject: 2705 E. Parleys Way / Walmart / 400-07-16
Categories: Program/Policy

Nick:

My comments:

- Planned development approval required for the new Walmart if the zoning is changed to CS
- A 15' landscape buffer will be required per Section 21A.48.080 along the abutting residential district.

The submitted site plan is for presentation purposes and does not provide sufficient detail for site review. The construction of a new Walmart will require compliance with all current zoning standards.

Larry

**PUBLIC
UTILITIES****Britton, Nick**

From: Brown, Jason
Sent: Wednesday, July 25, 2007 8:35 AM
To: Britton, Nick
Cc: Garcia, Peggy
Subject: Petition 400-07-15 Master Plan Amendment and Petition 400-07-16 Zoning Map Amendment
Categories: Program/Policy

Salt Lake City Public Utilities has reviewed the above mentioned petitions and have no objections to either the Master Plan amendment or the Zoning Map amendment. The following outlines Public Utilities' requirements that must be met in order to receive approval for this project from our Department:

General Requirements:

All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Design and construction must conform to Salt Lake City Public Utilities General Notes. The General Note must be included as part of any construction drawings.

All environmental and wetland issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met.

Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Sanitary Sewer and Water Mains:

This property has several existing sewer laterals connected to the existing building. These services must be used or be killed per Public Utilities standards. There are two sewer mains that cross through this property. If easements have not been recorded then new thirty foot wide easements must be recorded over the mains. Contact Karryn Greenleaf (483-6769) to review the easement status. This site also has three water services, a one-inch irrigation meter, a three-inch culinary and a ten-inch fire service lateral. These services may remain to provide culinary, irrigation and fire protection services to the proposed building. If they are not used, then they must be disconnected from the main per Public Utilities standards. The existing ten-inch fire service may be used only for fire protection purposes.

Utility plans must show all proposed pipe routings, sizes, types, boxes, meters, detector checks, fire lines and hydrant locations. For all culinary water line services larger than 3-inches, the water meter size must be justified by submitting AWWA M-22 method calculations or by a Public Utilities' approved equivalent method. All gravity pipes must be designed and constructed to meet minimum allowable grades. Any potential conflicting private or public utility must be designed to meet minimum State and City separation standards. A minimum 1.5-foot vertical separation must be provided for between water and sewer crossings. All other utilities should have a minimum 1.5-foot separation with a larger separation required between larger structures and pipes. A stamped geotechnical report must be provided to Public Utilities for review and approval addressing pipe zone and pipe stabilization design for all pipes 10-foot

8/11/2008

and deeper. Minimum Public Utilities' pipe zone standards must be met. The engineer or contractor must obtain approval from Public Utilities for dewatering activities required during construction.

Storm Water Design and Construction:

Drainage and grading plans must be submitted for review and approval. This development will be restricted to a maximum storm water discharge rate of 0.2 cfs per acre. No retention facilities will be allowed. A stamped geotechnical report must be submitted to Public Utilities identifying the groundwater elevation for this area. All building pads, docks, paved areas, storm grates and on-site storm water detention must be above the 100-year event high water elevation. Building pads should be located several feet above this elevation. The engineer must show that enough hydraulic head is provided to drain storm water away from this subdivision. An engineered stamped drainage report is required showing all the above-mentioned requirements have been met. Proposed ditch sections or detention facilities must have 3:1 or flatter side slopes with minimum two-foot bottom. Concrete roll gutters are recommended at the bottom of ditch facilities. Bubble-up inlets or sumps used as control structures in detention areas will be discouraged. Temporary and permanent erosion control within detention areas or ditches must be detailed. The developer must comply with UPDES Construction Storm Water Permits. At a minimum, silt fence must be provided along open drainage ways, hay bales must protect any existing grates or inlets and the City's clean-wheel ordinance must be followed. A copy the proposed Storm Water Pollution Prevention Plan required for the UPDES permit must be submitted to Public Utilities for review and approval.

Property Issues Agreements and Fees:

All existing and new easements must be clearly shown and described on the plat prior to final plat recordation. All public utility mains must be located within public road right-of-ways. If power lines, gas lines, communication conduits, etc. exist within this the property, any relocation of these utilities and related easements must be approved by Public Utilities. No buildings, structures, trees, fences, etc. may be constructed within easements dedicated to Salt Lake City Public Utilities.

Utility service connection agreements must be entered into between the developer and Public Utilities for all water, fire and sewer services. The agreements will outline developer and Public Utilities' responsibilities related to construction, maintenance and warranty of these services. Work for public utility system improvements must be bonded based upon an approved engineer's estimate. All agreements must be executed and bonds received by Public Utilities prior to full construction plan set approval and plat sign-off from our department. Prior to full plan set approval and plat recordation all water, fire, sewer, drainage and connection impact and inspection fees must be paid in full. A \$374 per quarter acre drainage impact fee will be assessed on the platted area for this development.

Public Utilities finds this project approvable if all the above-mentioned issues are addressed. If you should need further assistance with this matter, please contact me at 483-6729.

Jason Brown, PE

Development Review Engineer
Salt Lake City Public Utilities
1530 South West Temple

8/11/2008

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Kevin Young, Transportation Division

FROM: Nick Britton, Planning Division /^{mb}

CC: George Shaw, Planning Division
Kevin LoPiccolo, Planning Division

DATE: December 13, 2007

RE: Parleys Way Wal-Mart Proposal: Traffic Impact Study

Enclosed is a copy of the traffic impact study submitted by Wal-Mart as a piece of their zoning map amendment and master plan amendment petitions. I am also enclosing a copy of their application information. Wal-Mart is proposing a new facility at the site of the K-Mart at 2705 E. Parleys Way. For a new building, the property must be rezoned from the current designation, Community Business (CB), to Community Shopping (CS), the only zoning district that allows "superstores" such as the proposed Wal-Mart.

Wal-Mart has also requested an interpretation of the zoning ordinance regarding legal nonconforming uses as it applies to the existing structure. This is a separate petition. We have tentatively concluded that Wal-Mart could not only occupy the existing structure, but expand its footprint up to 50 percent provided they can meet the parking requirements. Using the existing building is not their preference, but I include this information because it is reasonable to conclude that there will be a Wal-Mart on this site regardless of the outcome of their rezoning request.

The traffic impact study is for your records. Please review the study and provide me with any feedback as soon as you get a chance. Wal-Mart is presenting their proposal to the public on January 21 and 22, so if I can get feedback by January 18, 2008, I would appreciate it.

Thank you.

TIMOTHY P. HARPST, P.E.
TRANSPORTATION DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF TRANSPORTATION

RALPH BECKER
MAYOR

March 4, 2008

Mary De La Mare-Schaefer, Interim Director
Community & Economic Development Department
City & County Building, Room 404
451 South State Street
P. O. Box 145486
Salt Lake City, Utah 84114-5486

Dear Mary:

The Transportation Division has reviewed the traffic impact report for the proposed Walmart development at approximately Foothill Drive and Parley's Way. The report was prepared by A-Trans Engineering, a transportation consultant.

A-Trans Engineering followed industry standards and general transportation engineering principles in analyzing the traffic operations for existing conditions and existing plus project conditions at the proposed ingresses and egresses for the project and the adjacent roadways and intersections. The size of the existing Kmart store and the proposed Walmart store will be similar, but due to the limited success of the existing Kmart store, the consultant determined that the existing vehicle trips generated by the Kmart store are 1/3 of the vehicle trips projected for the proposed Walmart store. As such, the Walmart development will generate an additional 149 vehicle trips during the a.m. peak hour and 312 vehicle trips during the p.m. peak hour.

The traffic impact report analyzed the Level of Service (LOS) at intersections around the project site for LOS operation with and without the development. Because of the difficulty in using the Foothill access during peak periods, all development traffic was projected to use the signalized access at the Parley's Way / Wilshire intersection. While this might not be the case, it gives a "worse case" scenario at this intersection. With development traffic and overall projected traffic growth, in the year 2030 this intersection is projected to operate at LOS B in the a.m. peak and LOS C in the p.m. peak.

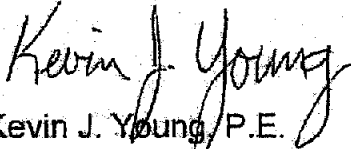
349 SOUTH 200 EAST, SUITE 450
P.O. BOX 145502, SALT LAKE CITY, UTAH 84114-5502
TELEPHONE: 801-535-6630 FAX: 801-535-6019

WWW.SLCGOV.COM



The Foothill Drive / Stringham Avenue intersection is projected to operate at LOS C in the a.m. peak and LOS E in the p.m. peak in the year 2013. By the year 2030 both the a.m. and p.m. peak periods are projected to operate at LOS F. The projected increase in traffic on Foothill Drive from this development was included in the Foothill Drive Land Use and Transportation Corridor Study that is currently being done. Improvements to the Foothill Drive corridor will be addressed as part of that study. No other traffic improvements were recommended or are needed because of the Walmart development.

Sincerely,

Handwritten signature of Kevin J. Young in black ink.

Kevin J. Young, P.E.
Transportation Planning Engineer

cc: Tim Harpst
Planning Commissioners
Chris Shoop

Exhibit E
Community Council Comments

EAST BENCH COMMUNITY COUNCIL

c/o Bruce G. Cohne
257 East 200 South, Suite 700
Salt Lake City, UT 84111
Telephone: (801) 532-2666
Facsimile: (801) 355-1813
E-Mail Address: crslaw.com

March 4, 2008

Mr. Nick Britton
Salt Lake City Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Re: Wal-Mart Rezoning Request for Property located at 2705 E. Parley's Way

Dear Mr. Britton:

You may or may not be aware of a resolution passed by the East Bench Community Council on November 20, 2007. I am enclosing a copy of a letter sent to Mayor Ross Anderson on November 21, 2007 which incorporates the resolution adopted by the East Bench Community Council.

As you heard from Wal-Mart's representatives on February 20, 2008, at the meeting of the Joint Community Councils at the Dilworth School their presentation was one-sided and fails to acknowledge the problems created by: 1) a re-zone, and 2) the size store that Wal-Mart intends to build.

Acknowledging that Wal-Mart is the property owner and entitled to the full economic benefit of the property which they purchased a few facts should be kept in mind. When Wal-Mart purchased the property the zoning had not changed as to the use of the property. However, Wal-Mart was aware of but did not oppose the modifications to the zoning which occurred in 2006. Since Wal-Mart was aware that the zoning changes were taking place, which would impact their use of the property, Wal-Mart had the opportunity at that time to object to any zoning changes which would affect and impact their use and/or ability to remodel the property which they had already purchased from K-Mart.

Wal-Mart has the full benefit of its bargain and has the ability to remodel the existing facility and the use of the entire facility as it sits under the present zoning. There really is no objective standard to justify a re-zoning of the property given the use to which the property can and may be used by Wal-Mart.

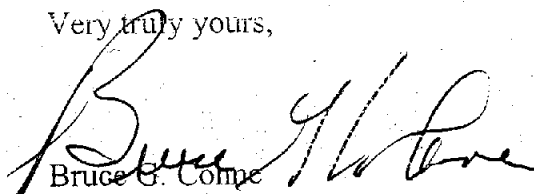
Wal-Mart has suffered no loss of use or ability to benefit from its bargain with K-Mart based upon its own failure to vigorously object to and seek modification of the 2006 zoning amendments.

Salt Lake City Planning Division
March 4, 2008
Page 2

On behalf of the East Bench Community Council representing that area of Salt Lake City stretching from I-80 and I-215 on the south to Sunnyside Avenue on the north at the junction of Wasatch Drive and thence along 1300 East to Foothill Boulevard and from Foothill Boulevard to the Salt Lake County line, our community council is united in its objection to any re-zone of the property for the benefit of Wal-Mart.

The East Bench Community Council stands behind its resolution of November 20, 2007, copy enclosed.

Very truly yours,



Bruce G. Compe
Chairman

cc: Mayor Ralph Becker
Soren Simonsen, City Council
J.T. Martin, City Council

F:\Sheila\BRUCE\East Bench CC\SLC PLANNING.wpd

WHEREAS Wal-Mart Corporation has submitted a proposal to construct a Wal-Mart Super Store on the property occupied by K-Mart,

WHEREAS Salt Lake City and others have undertaken a review of the foothill Corridor;
and

WHEREAS existing zoning is consistent with the present East Bench Master Plan;

NOW, THEREFORE be it resolved as follows:

RESOLVED that the East Bench Community Council endorses and supports the current community business zoning for the property located at 2705 Parley's Way, Salt Lake City, Utah as indicated in the present East Bench Master Plan, as amended.

FURTHER RESOLVED that the East Bench Community Council is opposed to any zoning change that would allow mass merchandising or retail space which exceeds 15,000 square feet on Parley's Way, present existing zoning variances excluded.

This Resolution sets forth the position of the East Bench Community Council with respect to the application of Wal-Mart Stores for a zoning modification or change on their Parley's Way property as well as the position of the East Bench Community Council with respect to any modification or change in the zoning for the Foothill Place Apartments.

March 10, 2008

Salt Lake City Corporation
Planning & Zoning
451 South State Street - #406
Salt Lake City, UT 84111

RE: Zoning Change for 2705 Parleys Way

To Whom It May Concern:

At the November 7th, 2007 meeting of the Sugar House Community Council, the trustees held discussion on the above referenced issue.

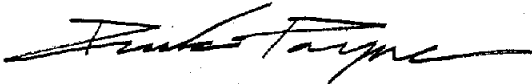
The following motion was made and seconded:

"The Sugar House Community Council opposes the Salt Lake City Zoning Map Amendment Application for 2705 E. Parley's Way, at this time, because the change is not supported by the East Bench Master Plan."

The vote was taken and was approved unanimously by acclamation.

Please contact myself (email: darchitect.payne@yahoo.com) or the SHCC chair, Grace Sperry, with any questions regarding this issue.

Sincerely,



Derek Payne
SHCC - Land Use & Zoning Committee Chairman

Britton, Nick

From: Wayne Green
Sent: Tuesday, March 11, 2008 3:20 PM
To: Britton, Nick
Cc: Mayor; reddicker@QWEST.net
Subject: Wal-Mart rezoning request
Attachments: WalMart rezoning.doc

Nick:

Attached please find the response of the Greater Avenues Community Council to the subject rezoning request.

Regards,

Wayne F. Green
2008 GACC Chair

6/12/2008



GREATER AVENUES COMMUNITY COUNCIL

SALT LAKE ASSOCIATION
OF COMMUNITY COUNCILS

P.O. Box 522038 * Salt Lake City, UT 84152 * www.slc-avenues.org

March 8, 2008

Mr. Nick Britton
Planning and Zoning
451 South State Street, Room 406
Salt Lake City, UT 84111

RE: Wal-Mart rezoning request for 2705 East Parleys Way

Dear Mr. Britton:

The Greater Avenues Community Council (GACC) has discussed the issues involved in the subject rezoning request and, at our March 5th meeting, voted 35 to 1 against the requested rezoning. The community feels that granting spot-rezoning sets a bad precedent for future zoning issues throughout the city and ignores the interests of local communities and their master plans. Wal-Mart purchased the property knowing what the zoning was and was further granted approval to operate under the conditional use which had been established when K-Mart owned the property. To ignore serious traffic issues on Foothill Blvd and Parleys Way as well as the impact on the adjoining neighborhood is not seen as a desirable course of action in this matter.

The GACC would be supportive of the city's facilitating Wal-Mart's efforts to remodel the property to improve the building's infrastructure, traffic flow and increase landscaping to any extent possible under the current zoning. The new store design presented at the February 20th "Town Hall Meeting" sponsored by the East Bench Community Council had many attractive features. Since the proposed structure was to be of the same size (square feet) as the existing structure, it is our feeling that Wal-Mart could make many of these changes and offer an improved facility under the current zoning and conditional use.

Sincerely,

Wayne F. Green
2008 GACC Chair

cc: Mayor Ralph Becker
Ellen Riddick, Emigration District Coalition



March 18, 2008

Salt Lake City Corporation
Planning & Zoning
451 South State Street - #406
Salt Lake City, UT 84111

RE: Zoning Change for 2705 Parleys Way

To Whom It May Concern:

At the November 7th, 2007 meeting of the Sugar House Community Council, the trustees held discussion on the above referenced issue.

The following motion was made and seconded:

"The Sugar House Community Council opposes the Salt Lake City Zoning Map Amendment Application for 2705 E. Parley's Way, at this time, because the change is not supported by the East Bench Master Plan."

The vote was taken and was approved unanimously by acclamation.

Please contact Grace Sperry, Sugar House Community Council Chair : isellre111@aol.com
or Philip Carlson : philipcarlsonSHCC@StoryCupboard.com
or Derek Payne : darchitect.payne@yahoo.com, with any questions regarding this issue.

Sincerely,

Grace Sperry
Chair SHCC

Britton, Nick

From: JON DONNA DEWEY [
Sent: Monday, April 21, 2008 11:02 AM
To: Britton, Nick
Subject: Wal-Mart

Nick,

Just a quick note re: the Wal Mart request for a rezone. Yalecrest Neighborhood Council voted in December to oppose allowing a rezone for the Parley's Way Kmart property.

jon

Jon Dewey Yalecrest Neighborhood Council Chair
84108 801-582-7836 jondewey@msn.com

Britton, Nick

From: Judi Short [
Sent: Wednesday, April 23, 2008 1:43 PM
To: Jardine, Janice; Britton, Nick
Cc: Isellire111@aol.com
Subject: 2705 Parleys Way
Attachments: image001.jpg; Letter PC Mayor and City Council re 2705 Parleys Way parcel (2).doc; SHCC Position on 2700 Parleys Way Parcel (2).pdf

Here is the Sugar House Community Council's position on the parcel at 2705 Parley's Way. Please give this information to the City Council and Planning Commission. Please confirm that you received this.

Judi Short, Director

This email message is for the sole use of the intended recipient(s), and may contain confidential and or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact me by reply email and destroy all copies of the original email. Thank you.

6/12/2008

April 2, 2008

Report of the Parley's Foothill Development Committee

Two petitions have been filed with Salt Lake City for the property at 2705 E Parley's Way. The petitions are dated June 22, 2007. Petition 400-07-15 is a master plan amendment, and 400-07-16 is a zoning map amendment. The petition is requesting a zoning change from Community Business to Community Shopping.

At the November 7, 2007 meeting of the Sugar House Community Council, the Council unanimously by acclamation passed a motion which stated, "The Sugar House Community Council opposes the Salt Lake City Zoning Map Amendment Application for 2705 E. Parley's Way, at this time, because the change is not supported by the East Bench Master Plan." On February 19, 2008, at a special meeting of the Sugar House Community Council after a Wal-Mart presentation at the request of Wal-Mart, this motion was re-affirmed by acclamation

The council wants the zoning to be consistent with that recommended in the East Bench Master Plan, dated April 1987. In the Non-Residential Land Use section of that plan, it says, "Major zoning changes in the East Bench Community are neither anticipated nor encouraged. Changes involving expansion of existing business sites in response to documented needs should be reviewed cautiously and approved sparingly. ... The community is so completely developed that a change of zoning in most areas would negatively impact surrounding residential properties."

"Expansion of non-conforming businesses is a related concern. The non-conforming use ordinance states that expansion of non-conforming uses is not permitted. The Board of Adjustment should reinforce this ordinance by carefully scrutinizing requests for expansion. In most cases, such expansions would be undesirable to surrounding property owners."

In Appendix I of the master plan, it says, in part, "Proposals to change zoning for new multiple family residential or business uses should be evaluated with the following considerations.

- Proponents must demonstrate that any zoning change is clearly justified by the substantive provisions of this master plan.
- There must be a demonstrated need for the new multiple family/business proposal and documented community support. Property owners must address the issue of housing/business need in the whole city perspective and why the proposed site is the best location with regard to the best interest of the community and city.
- "Spot or strip" zoning to accommodate new businesses is strongly discouraged."

We do not believe there is anything in the proposal to rezone this parcel that makes a compelling argument to rezone the parcel from Community Business to Community Shopping. Therefore, the Sugar House Community Council once again voted against the rezone of the parcel at 2705 Parley's Way at the April 2, 2008 meeting of the Council.

MOTION

The Sugar House Community Council is in favor of maintaining the zoning of the parcel at 2705 Parley's way as Community Business. This zone is in keeping with the East Bench Master Plan. This parcel is zoned correctly.

RECOMMENDATION

The Sugar House Community Council should forward this report, along with the motion passed tonight, to the Planning Commission through Nick Brittain, the Salt Lake City Council, and Mayor Becker.

Britton, Nick

From: Michael Akerlow
Sent: Wednesday, July 02, 2008 5:08 PM
To: Britton, Nick
Subject: WalMart
Attachments: May 13 Letter.doc

Nick,

I thought I had sent you our Community Council's response to WalMart, but apparently I had an incorrect email. Here is our Community Council's position.

Thanks,
Mike Akerlow
Foothill Sunnyside Chair

Michael Akerlow

8/13/2008

FOOTHILL SUNNYSIDE COMMUNITY COUNCIL

May 13, 2008

Mr. Nick Britton
Salt Lake City Planning

RE: Wal-Mart Petition

Nick,

In reference to the rezone issue regarding the Parleys Way Wal-Mart, the Foothill Sunnyside Community Council has decided to support both the Owner's request to rezone the property from Community Business (CB) to Community Shopping (CS) and the amendment to the East Bench Master Plan.

The majority of the residents in our Community Council have expressed their dismay at the future prospect of Wal-Mart in our community. Many feel that the company brings much negativity into communities; affect locally-owned business; and have disregard to surrounding neighbors. It would be our preference to see another tenant purchase the land.

However, given the fact that Wal-Mart owns the property and intends to occupy the space with a Super Center store, we feel that it would be beneficial to the community to have involvement from the beginning in the design and use of space.

It is our understanding that if the rezone is granted that Wal-Mart will have to proceed with a Planned Development as well as a Developer's Agreement with Salt Lake City. We have been informed that both options will allow greater community involvement. Our Community Council believes that if we have an active role in the development of the property then we will have greater input into what the building and site will eventually become.

We respectfully request that our Community Council be able to actively participate in the discussions regarding both the Planned Development as well as the Developer's Agreement. It would benefit both the community and those at City Hall to have neighborhood involvement so that the new building will better fit into the surrounding area.

FOOTHILL SUNNYSIDE COMMUNITY COUNCIL

We hope that it is also understood that the views expressed in this letter might not represent all those who live within our boundaries. Many are opposed to the rezone and we have asked them to express their sentiments to you directly. We ask that you will also consider those in your preparation of any staff reports to the Planning Commission and/or City Council.

Thank you for your diligence and willingness to work with the Community Councils throughout the area.

Sincerely,



Michael Akerlow
Foothill Sunnyside Community Council
Chair

Britton, Nick

From: Ellen Reddick
Sent: Monday, June 23, 2008 9:51 PM
To: Britton, Nick
Subject: FW: Wasatch Hollow Community Council - zoning and East Bench Master Plan changes

Hi Nick,

I just noticed that your name is misspelled.

Ellen Reddick
(801) 581-0369

From: Gregg Morrow [mailto:gregg.morrow@schoolimprovement.com]
Sent: Tuesday, March 04, 2008 8:32 PM
To: nick.brittan@slcgov.com; Council.Comments@slcgov.com; Ralph.becker@slcgov.com; wilshire05@comcast.net
Cc: Ellen Reddick
Subject: Wasatch Hollow Community Council - zoning and East Bench Master Plan changes

The Wasatch Hollow Community Council January 2008 meeting with approximately 20-30 attending voted on support or opposition to the zoning changes proposed by Wal Mart.

Wasatch Hollow does not want a zoning change or the East Bench Master Plan amended at 2705 East Parley's Way.

Thank you.

Gregg Morrow
Chair Wasatch Hollow Community Council
801 971-9865 (cell)
gregg.morrow@schoolimprovement.com

Britton, Nick

From: Ellen Reddick [ellen@impactfactoryutah.com]
Sent: Wednesday, August 13, 2008 6:49 PM
To: Britton, Nick
Subject: B.H.C.C. & Wal Mart

August 13, 2008

Salt Lake City Corporation
Planning & Zoning
451 South State Street - #406
Salt Lake City, UT 84111

RE: Zoning Change for 2705 Parleys Way

Dear Nick Britton,

In November the B.H.C.C. meeting discussed the above referenced issue.

The following motion was made and seconded:

B.H.C.C. opposes the Salt Lake City Zoning Map Amendment Application for 2705 E. Parley's Way, the change is not supported by the East Bench Master Plan.

The vote was taken and approved.

Sincerely,

Ellen Reddick
Chair
B.H.C.C.
(801) 581-0369

8/13/2008

Exhibit F
Public Comments

Britton, Nick

From: Polly Parkinson [I]
Sent: Monday, December 17, 2007 9:40 AM
To: Britton, Nick
Subject: Walmart

I am opposed to Wal-Mart construction on the current Kmart property on Parley's Way. That area does not need the big increase of traffic on either Foothill or Parley's Way. It does not fit in with the Salt Lake City master plan that calls for maintaining the beauty and integrity of our neighborhoods. The Shopko plaza already exists just 3-5 minutes away to fill the same shopping needs. There is no reason to change the zoning nor grant any variance. If anything, the city should look into buying some space in that area to provide emergency public services (fire, police, etc.) at a location east of 1300, with excellent access to freeways and eastside residents.

Sincerely,
Polly Parkinson

Britton, Nick

From: Sonja Shelton [mailto:sonja.shelton@cityofsl.com]

Sent: Thursday, January 03, 2008 3:33 PM

To: Britton, Nick

Mr. Britton,

Please count me and my family among those who support the construction of a new Wal-Mart store at 2705 East Parley's Way in Salt Lake. We live in the upper Sugarhouse area and would like very much to see a new Wal-Mart put in place of the old K-Mart store in that area. It appears that ample retail space and parking are available at that location, and it seems that the area is not being used effectively now. I would welcome the opportunity to have a Wal-Mart that close without the city having to rezone another area. At present, if I want to shop at Wal-Mart I have to either go downtown or to the one located on 9th East and 4800 South. This location would be very convenient for me. Please count my family as being in favor of having a Wal-Mart at that location.

Thank you for your consideration of this matter.

S. Shelton

6/12/2008

Britton, Nick

From: Cami Bay
Sent: Friday, January 04, 2008 12:29 PM
To: stephanie_am@hotmail.com; Britton, Nick; scott_duehlmeier@yahoo.com; utinfo@walmartutah.com
Subject: Re: Wal-Mart Utah Thanks You For Your Support

WAL-MART AND ALL IT'S EVIL MONEY-GRUBBING CRONIES CAN ALL GO TO HELL! THE EAST BENCH IS MY HOME, DO NOT CONTAMINATE IT!

-Cami Bay
 Concerned Citizen

On Jan 3, 2008 4:33 PM, Stephanie Matheson <stephanie_am@hotmail.com> wrote:

Do you really want a new wal-mart on the bench? I don't! I think they should use the space for a Target instead-that is a much nicer store and there aren't any on the east bench except for Centerville and Ft. Union. Or perhaps make it into a movie theatre, there aren't any of those on the east bench either. That is just my opinion. I like the convenience of Wal-mart but their products are pretty much all crappy. Their meat and produce sections are disgusting! I have never been to a Wal-mart where their food is appealing or doesn't want to make me cringe or walk away in disgust. Plus I have heard nothing but horror stories from or about the employee treatment there. It's horrible! To me they are just a big bully, running all over the US squishing out all the little guys. Making it so that pretty much the only place we can go to is a Wal-mart. They are lowering the standards of merchandise quality and customer service. I know I do buy things from them but I buy more from Smith's and other stores. I prefer that we refrain from supporting the building of another store in our midst or anywhere. Hopefully you will join me in that. I am obviously opinionated and you can call me whatever you like, but I have honestly never liked Wal-mart (except for it's toys for Ty). :)

From: camatheson@hotmail.com
To: the_angelbabe@hotmail.com; stephanie_am@hotmail.com; tpmbasketcase@hotmail.com
Subject: FW: Wal-Mart Utah Thanks You For Your Support
Date: Wed, 2 Jan 2008 22:12:12 -0500

> Date: Wed, 2 Jan 2008 17:32:16 -0500
 > Subject: Wal-Mart Utah Thanks You For Your Support
 > From: utinfo@walmartutah.com
 > To: utinfo@walmartutah.com
 > CC: scott_duehlmeier@yahoo.com
 >
 > January 2, 2008
 >
 > Dear valued customer,
 >
 > On behalf of Wal-Mart's 16,532 associates in Utah, we'd like to thank you for

6/12/2008

supporting the construction of a new Wal-Mart store at 2705 E. Parleys Way in East Salt Lake City. We've learned that hundreds of customers feel the same way about replacing the aging building now being leased to Kmart with a brand new, similar-sized Wal-Mart. We hope to build a beautiful store for the community, providing a top-notch facility with quality merchandise for our customers.

>
> To make this happen, we're asking for your help: Customers like you need to show their support for this project. Your support helps us to educate city officials about the enthusiasm and demand that exists. Here are a couple of things that you can do to make a big difference.

>
> First, we invite you to attend an open house, hosted by Wal-Mart, on either Jan. 21-22 from 6:30-8:30 p.m. at the Dilworth Elementary auditorium at 1953 South 2100 East. We'll have a number of experts to share information and answer questions. Your presence will greatly help Wal-Mart display some of the local support for this project.

>
> Secondly, would you please send a brief email or letter to the Salt Lake City planner overseeing this project? His name is Nick Britton, and he needs to hear from Wal-Mart supporters. Please let him know that you welcome Wal-Mart's plans for building a new store on Parleys Way. His contact information is:

>
> Nick Britton
>
> Salt Lake City Planning Division
>
> 451 South State St. Room 406
>
> PO Box 145480
>
> Salt Lake City, UT 84114-5480
>
> (801) 535-7932
>
> Nick.Britton@slcgov.com

>
> If you want to learn more about this store project or voice your support in other ways, visit our web site at www.walmartutah.com. You can also give my associate, Antonio Lima, a call at 801-595-1155. Thanks again for supporting a brand new Wal-Mart store at Parley's Way and Foothill Blvd.

>
>
> Sincerely,
> Karianne Fallow
> Senior Manager of Public Affairs
> Wal-Mart Stores, Inc.

Share life as it happens with the new Windows Live. [Share now!](#)

Britton, Nick

From: Pidge, John E []
Sent: Friday, January 04, 2008 3:50 PM
To: Britton, Nick
Subject: Wal-Mart on Parleys way

Nick,

I have lived in 2 other parts of the county and now live in student housing as my wife is a student. We love shopping at Wal-Mart, and were disappointed that there isn't one in the area (we rarely go in the direction of the store on 13th south near the freeway, and I ride the train to work so there's no "stopping on the way home"). I would love to see a Wal-Mart on Parleys (I was rather excited when I heard about the plans to do so). I don't know if there is resistance to this project; I hope not as I am looking forward to it.

Thanks,

John E. Pidge, S.S.W.

a

Aetna Behavioral Health
10150 South Centennial Parkway,
Sandy, Utah 84070
800-424-4660 ext. 256-7191
Fax# 800-424-2296
pidgej@aetna.com

*****Confidentiality Notice*****

This e-mail contains information some or all of which may be proprietary or legally privileged. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to this e-mail. If you are not the intended recipient, you must not use, disclose, distribute, copy, print or rely on this e-mail.

This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna

6/12/2008

Britton, Nick

From: tammy matheson [.
Sent: Friday, January 04, 2008 11:06 PM
To: Britton, Nick
Subject: Walmart is needed

Please consider bringing in Walmart into our area. It would be nice to have some fo the same amenities the newer developments and newr planned communitys have. If not Walmart how about a Target. I will support a new store there.

6/12/2008

for such a store. I support
this venture whole-heartedly.
Wal Mart gets bad press at
times, but my personal ex-
perience tells a different story.
Just as K-Mart overtook Sears
as America's retailer in the
1980s, so has Wal*~~W~~Mart as-
cended to that title now. We
need to change with the times,
and clearly, Wal*~~W~~Mart is the
progressive answer. The site is
handy, the store is economical,
and the city would benefit.

Thank you,
Kathy Dullum

130.5, 00

Mr. Sutton:

I understand you are the SLC
planner in charge of or overseeing
Wal*~~W~~Mart's proposed developmen
of the site on Parley's Way where
a K-Mart now stands. I work
in Research Park and find that
the K-Mart is a handy shopping
area for lunchtime errands. A
new Wal Mart would be as
handy, and I believe would
be more stable than K-Mart.

Wal*~~W~~Mart has written
to me, seeking my support

Britton, Nick

From: Cindy Badger
Sent: Saturday, January 05, 2008 10:30 PM
To: Britton, Nick
Subject: New WalMart at Parleys Way

Hi Nick,

We just wanted you to know that we would love to have a new WalMart to replace the old Kmart on Parleys Way. The old KMart has long ago passed it usefulness. A nice, new WalMart would be a big upgrade to the neighborhood as well as provide competitive prices on numerous items we use as consumers.

We would appreciate your support of this project.

Thanks,

Bill and Cindy Badger

Put your friends on the big screen with Windows Vista® + Windows Live™. [Start now!](#)

6/12/2008

Britton, Nick

From: rozmcgee
Sent: Monday, January 07, 2008 2:36 PM
To: Britton, Nick
Cc: rozmcgee
Subject: Wal-Mart store at Parleys Way

Dear Mr. Britton, I am writing to express my grave concern about Wal-Mart's proposal to build a new store at 2705 E. Parleys Way. First and critically important, a larger store than the one presently located there will contribute to the current serious traffic issues. That location has only two entries and one exit, all onto heavily traveled state roads...roads that subject to heavy commuter traffic and frequent traffic accidents. A larger store can only add to the present traffic congestion and accidents.

Second, there is no need for a large Wal-Mart (a Superstore??) in that location. Shoppers residing north, south and west of the neighborhood already have ample shopping options. Shoppers come through Parleys Canyon from the east will be passing a Superstore at Kimball Junction on their way to this store!

My objection to a new and larger building is shared by many neighbors and constituents. I represent House District 28 in the Utah Legislature. In the past months, as the Wal-Mart proposal has been discussed, many people have approached me to express their concerns and strong preference NOT to have a larger store at this location. Most objections are based on the two reasons I listed above. Last spring, at the request of a Wal-Mart representative, I met with and listened to the case that Wal-Mart makes. I did not find much responsiveness to the concerns I voiced nor much willingness to listen the neighbors, voters and prospective shoppers. Finally, I recently received an email from Wal-Mart "thanking me for supporting the construction of a new Wal-Mart..." I wonder...how many others who object to Wal-Mart's proposal are being classified and presented to the Planning Commission as "supporters" when indeed they are not.

Sincerely,

Roz McGee, Representative
Utah House District 28

6/12/2008

1/9/88

TO NICK BRITTON:

I'D LIKE TO TELL YOU THAT
 I SUPPORT THE NEW WALMART
 TO BE BUILT AT 2705 E.
 PARLEY'S WAY IN EAST JAY LAKE.
 I LIKE THE IDEA THAT I CAN
 GO THERE AND SHOP AT A WALMART
 SO CLOSE BY, TO WHERE MY PARENTS
 LIVE. WALMART IS A GOOD STORE
 TO SHOP AT WITH PRICES ON ITEMS
 THAT I CAN AFFORD. SO I AM
 JUST LETTING YOU KNOW THAT I THINK
 IT WOULD BE A GOOD PLACE FOR
 A WALMART STORE TO BE BUILT
 AT PARLEY'S WAY IN EAST JAY LAKE.
 THANK YOU FOR YOUR TIME ON THIS PROJECT.
 HAVE A GREAT DAY TODAY.

SINCERELY
 TONYA
 NEERINGS

Britton, Nick

From: STEVE HANSEN |
Sent: Sunday, January 13, 2008 8:26 PM
To: Britton, Nick
Subject: New Wal Mart

Nick- My family and I reside in the Olympus Cove, not far from the proposed Wal Mart store on Parleys Way in SLC. We very much support a new Wal Mart at this location and encourage you to rezone or do whatever is necessary to allow it to be as large as possible. I would particularly like to see a superstore with a garden shop and tire and lube service center. Wal Mart is the largest retailer in the world for a reason and we'd like to have a superstore that close and convenient to our home. Please don't hesitate to contact me if I can be of further assistance.

Respectfully,
Steve Hansen

6/12/2008

Britton, Nick

From: David Holbrook []
Sent: Monday, January 14, 2008 2:24 PM
To: Britton, Nick
Subject: PARLEYS WAY KMART/WALMART

My name is David Holbrook. I have lived in the Parleys area for 53 years. I am currently a trustee of the Sugarhouse Community Council.

I wanted to give you my opinion about Walmart proposed Zone change. I was here when Kmart was built and they didn't really do all they said they would do with landscaping, etc. Part of the building has been empty and an eyesore for years. Especially the truck dock and crowded area on the north side of the building. I am glad the zoning got change to the current CB and strongly suggest that it not change again. This is what the neighborhood and Master Plan supports. Even if Walmart does exactly what they say, years later they could sell and the changed zoning is open for future abuse of this neighborhood. Walmart bought this property knowing the zoning.

Do we really want the entrance to SLC on I-80 from the East to be a large Walmart sign extending into the sky. Currently the tallest thing in the area is a huge American Flag at Young Electric Sign building. I think this property can be developed to welcome everyone to SLC.

Another zoning issue is the re-development of the Foothill Place Apartments. If Walmart gets their zoning change, Foothill Place Apts. may feel their case is stronger. It would be nice to have both these landowners work together for the best development for the neighborhood and city.

On Sat Dec 15, I drove up to Parleys Way Kmart at 2pm. Parking lot was 1/3 full, few cars moving and people were enjoying shopping. I took pictures.

Then I drove to Kmart on 900 East and 4700 So. Parking lot was a little fuller but it is a bigger parking lot. Again, no congestion. People enjoying the shopping.

Across the street at Walmart -- it was a war zone. Parking was very congested, cars looking for parking going around the lot. Numerous cars in front of the store playing chicken with the shoppers and their shopping carts. Cars parked illegally and in neighborhood street and other businesses. People parking in Kmart's lot and running across busy 900 East. I didn't see any full shopping carts going back across, but I am sure that would be dangerous. It was not an enjoyable shopping experience. Inside the store was very congested and not a lot of happy faces.

I don't know zoning. I don't know planning. But I do know this congestion is not what I want in our neighborhood. I don't care if people walk to the area, I don't want overcrowded and dangerous parking lots. I think the parking lot at Parleys is smaller than the lot at Walmart on 900 East. I don't want the additional people travelling through our neighborhood streets that Walmart will attract. My particular street - Lynwood - would attract shoppers coming from East Millcreek through 20th East under I-80 because Maywood has speed bumps and motorists will learn quickly that one more street over has no bumps.

With the existing traffic on Parleys and the existing speed limit, it is safe to walk and cross the street most of the time. With increased traffic, I would be concerned.

6/12/2008

I have not even addressed the 24 hour traffic to fill the extended hours proposed, the 6 trucks a day delivery or the poor access to the property either from Foothill Drive (which is already overcrowded) or Parleys Way.

I am not against Walmart as a company. I own some of their stock. I am against the draw of a big box store to Parleys and how it is not a fit for this neighborhood. If the CB Zoning is wrong -- then what is right? The master plan for the area agrees with CB. This neighborhood has put up with Kmart and it's limited draw of people and we do not want this increased to 24 hours, more traffic and war zone shopping.

--

Thanks -
Make it a great Day
Dave Holbrook
2415 Lynwood
SLC, UT 84109
801-484-1733

Britton, Nick

From: Mike Carroll [mailto:mcarroll@...]
Sent: Tuesday, January 15, 2008 10:18 AM
To: Britton, Nick
Subject: Re: Wal-Mart on Parleys Way

Dear Nick;

I'm writing to express my support for the new Wal-Mart store being built on Parleys Way in Salt Lake City. I live at 2188 South Wasatch Drive (2700 East) and have shopped at K-Mart over the years for various household items, gardening items and miscellaneous supplies. I look forward to a new Wal-Mart store with all they have to offer and offer my support in this regard.

Sincerely,

Mike Carroll

Sent: 1/15/08 10:18 AM
To: Britton, Nick
Subject: Re: Wal-Mart on Parleys Way

Britton, Nick

From: Joseph Sargetakis
Sent: Tuesday, January 15, 2008 10:46 AM
To: Britton, Nick
Subject: Wal Mart on parleys way

Dear Mr. Britton,

I have lived in and around the neighborhood where Wal-Mart plans on building the store on Parleys Way for my whole 50 years. The K-Mart building has served it's purpose but for the last many years has been mostly an eyesore. I lived on Scenic drive for 10 years overlooking the building and always thought there was more that could have been done with the property.

Now that Wal-Mart has indicated their plans for a new, more sustainable, and greener building I would like to voice my support of the project. I think the will be a good steward of the property.

Thank You,
Joe Sargetakis

Britton, Nick

From: Rick Newton []
Sent: Saturday, January 19, 2008 4:21 PM
To: Britton, Nick
Cc: jnewton3@mac.com
Subject: Parleys Wal Mart

Hi Nick,

I am writing you in support of the Parley's Wal Mart project. At first glance, you may think I am in support just because I am in the Commerce CRG office which has agents that represent Wal Mart. That is not the reason for my support. I live across the street from the project in Benchmark subdivision, and have for almost 20 years. My exact address is 2293 So. Benchmark Circle. My opinion of the existing K-Mart box is that it is an eyesore. I have a tremendous view of the entire valley from my home, and the K-Mart stands out as a bright "white" box.

I frankly do not care if the store becomes a Wal Mart, or remains a K-mart, but I would like to see the property improved. Right now as I look (and as well all of my neighbors that are around me east of Foothill) towards K-Mart, you see the "white box" and then just beyond it the beautiful "green" of the Salt Lake Country Club. I would like to see a much more aesthetically pleasing look to the building. A "green" roof on the existing box, or re-developed box would make a huge positive visual impact to those of us that look down from the bench towards K-mart. In addition, "green" landscape islands with trees in the parking lot would also make a positive impact as the current asphalt with absolutely no trees again is another eyesore as bad as the "white" roof on the existing box.

I am not in favor of a 45' height allowance for the apartment complex unless it is restricted to the "lower" portion of the project so the visual impact would be minimal. I believe that the property probably drops 60' feet or so from Foothill down to the southwest portion. I lived in those apartments as a student, and also when I built my home in Benchmark, and they are in serious need of re-development as the construction is as in-expensive as can be done. Those units stay rented all the time because of the great location, not the quality of the units themselves.

If you would like any further comments from me in this regard, feel free to contact me at the numbers in the signature portion of this e-mail. I hope this information is useful for you and the planning commission.

Best regards,

Rick

6/12/2008

Britton, Nick

From: karen wood | i]
Sent: Sunday, January 20, 2008 1:44 PM
To: Britton, Nick
Subject: New Wal-Mart at 2705 E. Parleys Way

Dear Nick,

I would like to express my support of the new building and construction of the Wal-Mart store on Parleys Way. Would you as a city planner to realize the benefit a new building can make to the area. The retrofitted aging building leased to kmart, would not look as good in the community as a environmentally and esthetically sound new structure.

It would not make good business sense to try to renovate an old building.

Please consider a new structure.

A concerned citizen..

Karen and Clark Wood.

Connect and share in new ways with Windows Live. [Get it now!](#)

Britton, Nick

From: karen barach []
Sent: Monday, January 21, 2008 4:03 PM
To: Britton, Nick
Subject: wal-mart plans

Nick Britton
Salt Lake City Planning Division
Nick.Britton@slcgov.com

Dear Mr. Britton;

I live in the east bench/Sugarhouse area and I wanted to let you know that I am in favor of building the wal-mart on the Parleys/foothill land. I thought that maybe a design of a "walking village" similar to Sugarhouse Commons, with the wal-mart being the large anchor store (similar to Bed Bath & Beyond or Barnes & Noble) might appeal to both area neighbors and wal-mart. A walking village type of shopping area would have internal parking with surrounding stores and shops. I don't know if this type of shopping center would need rezoning? Thank you for your time.

Karen Barach

Never miss a thing. [Make Yahoo your homepage.](#)

Britton, Nick

From: E SCHELL []
Sent: Monday, February 11, 2008 8:01 PM
To: Britton, Nick; Turner, Van; Love, Jill; Martin, J T; Jergensen, Eric; Garrott, Luke; Simonsen, Soren; Christensen, Carlton; Council Comments
Subject: Support for Proposed Wal-Mart Construction on the Site of the Present Parley's Way K-Mart

TO: Salt Lake City Planning Department
 Salt Lake City Council Members

Let me make the purpose of this correspondence clear: my husband and I support the construction of a new Wal-Mart on the site of the current K-Mart store on Parley's Way. I have been a resident of the Foothill/Highland High area for over fifty years and my husband a little less. We feel we have a vested interest in the outcome of the dispute over the fate of the current K-Mart property.

Precedence for Retail/Commercial Land Use

To the best of my recollection, the site on which K-Mart currently rests was a previously undeveloped area covered with weeds. However, the area west of K-Mart has been a primarily commercial for quite some, much of it recently updated or redeveloped including: the Country Club Motel and Finn's restaurant, now the present site of luxury condominiums; the former Blue Cross/Blue Shield Building and day care center, now the Bally Fitness Center and P-5 Building; and a former milk depot that has recently been transformed into a coffee bar. None of these recently renovated commercial sites generated the controversy that the new construction sought by Wal-Mart has done.

Green Space Argument

A very vocal, but, we believe, small group insists that the K-Mart site be converted to green space. First I would question where this group was when the Parley's Plaza strip mall was constructed, since it appears to be one of the least needed/utilized commercial developments along Parley's Way. Looking even further back, around the same time that K-Mart was built, there was green space consisting of many tall pine trees on the land that upon which McDonald's, Rite Aid, and the remaining space behind Rite Aid that has sat vacant since Rite Aid took over the previous Osco Drug (previously Dan's and initially Smith's Grocery Stores). There was additional green space by way of the Curtis Park, the former playground of the closed Curtis Elementary School that was sacrificed to enlarge Foothill Village. Granted a park of sorts was built in its stead off 2200 East, but in reality it does not feel like a park. In all these cases, construction plans went forth unchallenged. Where were the protesters then? Furthermore, if the protesters can work so hard to change zoning on the K-Mart property, why not work to change it on the Rite Aid property and convert it or in this case, revert it to green space? If the answer is: it is unreasonable, then that same argument must be applied to the K-Mart property.

A balance of green, recreational, residential and commercial space presently exists along the Parley's Way/2100 South corridor. This corridor already includes one of the city's largest and most beautiful parks: Sugarhouse Park. There is also a neighborhood park across from K-Mart and the new Hidden Hollow Park on 1700 South just west of 1700 East. A considerable amount of public funding has just been expended to create the foot and bike paths east of Foothill Boulevard as well as the newly constructed pedestrian bridge that spans the Parley's Summit recreational area to the Foothill and Wasatch Drive paths.

Precedence for Discount Retail/Grocery Combination at the Present Parley's Way K-Mart Site

There is precedence for a discount retail/grocery combination at the present K-Mart site. Originally the now vacant space on the east side of K-Mart housed a grocery store, Richie's. Both establishments were separately owned and operated, but there was a connecting door between the two stores. Although I shopped at Richie's because it was convenient, I also shopped at Dan's, Albertson's and the now closed Safeway Store. While I do often buy groceries at Wal-Mart, I will continue to shop at Dan's and Albertson's as I presently do. Competition will not hurt the other retail establishments within the area.

Wal-Mart Justifications

There is a need for a discount retail establishment on the Parley's Way K-Mart site. The customer base in the

surrounding area has increased significantly since the Parley's Way K-Mart was built, but ironically, there is little business. Lack of customers and sales have little to do with the needs and wants of that customer base, but more to do with the lack of merchandise and good management practices over the past few years. Additionally, although there may be some area residents who do not worry about cost-conscious shopping, we believe a larger group of consumers throughout the area do. At present, we either attempt to meet our needs at K-Mart, often unsuccessfully, or we expend considerable gas and time to drive to the closest Wal-Mart at 900 East and 4700 South. Not only is it less than convenient, in this day of rising fuel costs and environmental concerns, it is not a really good alternative.

With regard to environmental concerns, we have been impressed by the environmentally sound construction plans that Wal-Mart has presented for its proposed construction on the present K-Mart site. We are equally enthusiastic about the esthetically pleasing exterior design plan, which will, if approved, be a significant improvement over the present dilapidated, run-down, blighted K-Mart store and adjacent vacant building.

A new, well managed, successful Wal-Mart operation will increase the area's tax base and provide job opportunities, especially for entry-level workers. Both of our children worked at K-Mart and other local retail establishments, and I believe other area parents would welcome more opportunities for their children's first employment experience in a new, modern facility like the one Wal-Mart proposes.

My husband I urge all of you to support the construction of the new Wal-Mart Superstore on the present K-Mart site on Parley's Way. It is the right decision.

Elaine J. and James D. Brown

Britton, Nick

From: Fred Fairclough [mailto:fred.fairclough@slc.gov]
Sent: Tuesday, February 12, 2008 3:46 PM
To: Britton, Nick; soren.simonsen@slc.gov.com; Martin, J T; Love, Jill; Jergensen, Eric
Cc: Council Comments
Subject: Wal-Mart at Parleys Way

Dear Mr. Britton and City Councilpersons,

We are writing to express our strong support for Wal-Mart's plans to replace the tired K-Mart facility with a new modern facility of approximately the same size.

The existing building is not very attractive, the parking lot is not very user friendly, and the entire site lacks landscaping of any type.

As we understand it Wal-Mart has two options: A) remodel the existing facility, or B) build a new facility and parking lot.

Compelling Wal-Mart to remodel the existing facility (at up to 30% of assessed value) in new investment, rather than allowing the company to build a new facility with a better parking lot and some landscaping seems to us to be a no-brainer.

The neighborhood could use a well stocked discount retailer with competitive prices. We will get that in either case. Why we should have to shop in an outdated facility as opposed to a new and modern facility makes no sense.

We believe that in this particular case much of the opposition to the project comes from an anti Wal-Mart attitude, rather than a logical approach to the question at hand: i.e. - do we want the old facility and parking lot or a new facility and parking lot?

The subject site used to have a grocery store. The neighborhood could use another grocery store. The Albertson's store located at Parley's Way and 2100 South is very busy during normal business hours. It is a nice grocery store but could use some competition.

From what we understand the previous strident administration adopted an ordinance to prohibit groceries from being sold in a discount department store operation. Coming on the heels of Wal-Mart's purchase of the subject K-Mart, a reasonable person could argue that this new ordinance was an anti Wal-Mart maneuver rather a thoughtful and reasonable response as to what is in the best interests of the citizens of Salt Lake City. The Smith's Marketplace on 400 South is an excellent retail facility with groceries being sold in a discount department store. It provides shopping convenience and user friendly parking to the citizens who shop there. We believe the citizens in our neighborhood deserve the same convenience.

Please take our opinions into consideration when you deliberate this important public issue.

If you are opposed to Wal-Mart's plans, please tell us in unvarnished words why you would condemn our neighborhood to option A when Wal-Mart is willing to invest millions of dollars to provide plan B.

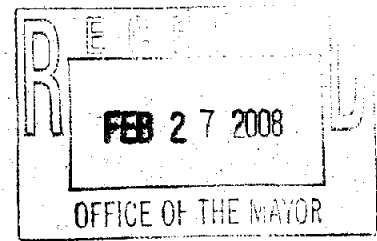
Also, please tell us if you believe the ordinance which prohibits us from getting a grocery operation at this location (which was and is physically improved with spaces for a grocery store and discount department store) is reasonable public policy and fair to our neighborhood.

Thanking you in advance for you reply to these questions.

Fred and Christine Fairclough

6/12/2008

February 25, 2008



Mayor's Office
451 S. State Street
Room 306
Salt Lake City, UT 84111

Dear Mayor Becker,

We are writing to you to convey our opposition to the rezone of 2705 Parley's Way from "community business" to "community shopping" as proposed by WalMart.

We ask that city officials be sensitive to citizens' needs and the effect that a zoning change would have for the residents of Salt Lake City. Here are some examples of how we, as citizens, feel that our way of life would be altered:

- * Loss of a quiet nighttime sanctuary
- * Insomnia caused by light pollution
- * Increased commute time, an after affect of burgeoning traffic
- * Insurmountable travel ability/inaccessibility to safely ride to the Bonneville Shoreline Trail via bicycle
- * Health concerns related to an increase in auto air pollution
- * Potential loss of the view corridor
- * Demise of existing businesses due to unfair competition; therefore decreasing citizen's retail options.
- * Concern for wild life, such as deer, moose, and elk that would be endangered with increased traffic on Foothill
- * lack of "walk-ability" from neighborhood to neighborhood

If the trend of creeping commercialism continues, communities would be engulfed by over-development and lose their charm and attractiveness. Once a developer is let in, it would be hard to deny others. We believe that the clarification of the current zoning in 2005 was meant to preserve the integrity of the city's master plan, and uphold the quality of life for the surrounding neighborhoods and its residents.

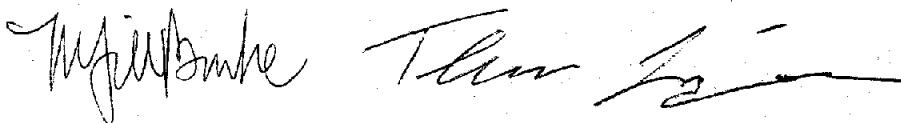
We feel that WalMart's development proposal serves their best interests and not that of the greater community. Their proposal has a major, long-term impact on the semblance of the entire city, not just of Foothill and Parley's Way. It would be a shame to allow a large corporation to coerce the city into amending the city's design plans. It is our belief that development goals should be attained by input from interested citizens, community councils, and city planning and zoning officials.

Please visit the property to see what underlying value is there. The potential for this site should not necessarily be limited to retail. The site could be used as a gateway for: public

transportation, connecting existing trail systems, promoting tourism, creating a community center promoting outdoor activity to adjacent areas, etc. Please take into consideration that any change in zoning by the city should enhance the quality of life for all of the city's residents and add community value.

Based on the aforementioned concerns, we urge city officials to deny the rezone application.

With best regards,

Handwritten signatures of Jill Burke and Thomas Lindgren. The signature on the left is 'Jill Burke' and the signature on the right is 'Thomas Lindgren'.

Jill Burke & Thomas Lindgren

Britton, Nick

From: Tacy Hartman
Sent: Sunday, March 02, 2008 9:59 AM
To: Britton, Nick
Subject: Parleys Way - Rezone for Walmart

Dear Mr. Britton: We live very close to the K-Mart property that Walmart is trying to rezone. My family, and every neighbor I know, is opposed to this rezone. We are worried about traffic - both on Foothill Drive (which is already a nightmare at rush hour times) and on Parley's Way (imagine the off-ramp from I-215 backing up because the cars can't get through the single traffic light at the end of Parley's Way), about bright lights in the parking lot at night, about trucks going through the neighborhood and, frankly, just the eyesore that K-Mart has become and Walmart will be on what is one of the most beautiful view properties in the area. We were under the impression that when K-Mart left, current zoning would require it to stay the same or be broken up into small commercial and/or residential spaces. Now that appears to be changing and it does not seem fair. We urge you to oppose this rezoning request from Walmart. Thank you for your consideration.

Tacy Hartman

Britton, Nick

From:

Sent: Sunday, March 02, 2008 6:05 PM

To: Britton, Nick

Subject: Parley's Way rezone for the Kmart area

Dear Mr. Britton,

I am writing to express my opinion about the proposed rezone for the Kmart/WalMart building. As a resident in the area (Wyoming St.), I would be against a rezone for a bigger store. I believe that is in the best interest of our community to not have a larger store in the current space. The appeal of this area is the small sense of community and the smaller "local" businesses. I believe that a larger store goes against what the original planners had envisioned for this area. A larger store would impact the community by pushing out many smaller businesses in our area. An example would be the Tire Buys across from Wyoming St. It is a small, privately owned business that would be hard pressed to survive against the Supercenters of a Walmart. If I want to go to a Walmart supercenter, I can easily drive the 6-8 minute ride to the store on 3rd west and 1300S. Thank you for listening to my opinion.

Sincerely,

David Adam

[Click for free info on human resource careers, \\$150K/ year potential.](#)

March 14, 2008

Mr. Nick Britton and Salt Lake City Council
Planning Division P. O. Box 145476
451 So. State Street, Room 406 451 So. State Street
Salt Lake City, Utah 84111 Salt Lake City, Utah 84111-5476

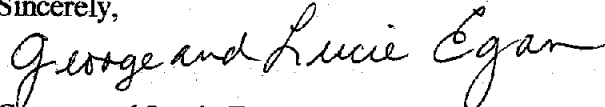
Subject: Application for Rezoning 2706 Parley's Way

Gentlemen and Ladies:

We have been residents in Benchmark for 20 years. We acknowledge the need to develop the vacant R1 properties in our area. Residents in our area are '**over-taxed**' because the Tax Commission claims we have "view lots". You would be challenged to visit our neighborhood and see just what views we have, as more and more commercial buildings/rooftops are allowed. Contractors move trucks and equipment through the neighborhood, avoiding the use of the steep grade on 2100 south - using Scenic/Lakeline instead. We are opposed to further commercial site development and/or rezoning. Our reasons for opposition are:

- 1) Traffic on Foothill and Wasatch has tripled. Continued development at Research Park, UofU students, faculty and employees, Veterans Hospital and the other Hospitals keeps automobiles and oversized construction equipment running along the only access to this hillside area - it's dangerous! Traveling east/west is a dodgem game. The street parking at Foothill Apartments reduces traffic to one lane on Stringham Avenue. The tenants could be required to use the on-site parking not the street! We see more commercial construction on Foothill, at 450 south, and read where Huntsman plans to double the size of the Cancer Hospital. This past 4 years, the UofU Hospital constructed their addition, it's been a nightmare. 473 additional vehicles per hour into the area is nuts! Wal-Mart claims "no impact to Foothill" is also nuts.
- 2) Reportedly, Wal-Mart will run their delivery trucks (18 wheelers) through the Maywood neighborhood. This will result in street damage as well as hazards for families and children. We believe **Wal-Mart is devoid of community spirit** and that their only concern or agenda is their business plan/profit margin. Parking lot lights on 24-7 is ridiculous. There are other alternatives to develop this commercial site - please consider them! Also, we are sad to know that Wal-Mart is paying employees to collect signatures from shoppers in their 3rd west store in favor of development of the Parley's Way site - that's crummy!!!
- 3) Corporations who develop large box stores have a history of abandonment. A ride through the city/county shows that to be very evident. Smith's on 33rd has abandoned a building that is now an eyesore; in Sandy (9000 South) there are several vacant properties, abandoned in favor of developing the sand pit area. This is just wrong! Even the city and county try to sell/lease their vacant properties - not big box store owners!
- 4) As a couple, we are happy with the shopping choices in the Sugarhouse/Foothill area. We seldom (almost never) frequent business outside this footprint. **It was a mistake** to allow K-Mart to build on Parley's Way - we ask that the Planning Division and the City Council will not continue to make one mistake on top of another... Take another long look at the East Bench Master Plan of April 1987.

Sincerely,


George and Lucie Egan

Britton, Nick

From: Brian Kamm [i]
Sent: Sunday, March 16, 2008 6:08 PM
To: Britton, Nick
Subject: Application to Rezone 2705 Parley's

Hi Nick,

I wanted to register my opposition to the application to rezone 2705 Parley's way from its current status of CB (Community Business).

The area was zoned CB in the mater plan for a reason and I think it should remain that way. I don't think an expansion of the existing store is needed to serve the neighborhood. There is already adequate grocery shopping with Dan's, Albertson's and Smith's Market Place. If there was more need for the remainder of Walmart's business, the existing Kmart would actually have some customers. I don't question that Walmart is smart enough to know that a business in that location could succeed. However, its success would be based on bringing out of neighborhood customers to the neighborhood. Freeway access to the location is excellent; however the traffic conditions on the last couple of hundred yards to the store are awful. Foothill is so crowded in the morning and evening rush hour and that is only going to get worse with continued growth at the University. Parley's is confusing and dangerous with only limited traffic now, and the additional traffic would only make that worse.

I understand that under the current zoning Walmart is entitled to remodel the current Kmart site and operate there. Although this is not ideal, it would be better than changing the zoning to allow a bigger store that would only serve to bring more traffic from outside of the neighborhood.

Thanks for your consideration.

Brian Kamm

17 March

David Dungan

Mr. Nick Britton
Planning Division
451 S. State St. Room 406
Salt Lake City 84111

Subj: Application to rezone 2705 Parley's Way

Dear Mr Britton:

I wish to take this opportunity to voice my opposition to Wal-Mart's proposed rezoning of 2705 Parley's Way for the following reasons.

- 1) **Traffic.** Regardless of what current traffic studies may indicate, Foothill Drive is at full capacity. All one has to do is be in a car on Foothill between during peak drive hours and it becomes very clear there is no more room. Traffic comes to a standstill going north in the mornings and south in the afternoons. All traffic coming to the proposed Wal-Mart can not be expected to use only Parley's Way. Many cars will have to arrive and exit using Foothill contributing in a very negative way to an already intolerable traffic situation.

Stringham Avenue connects to Parley's Way from Foothill. It runs thru the Foothill Village Apartment area which is a very heavily populated residential area. Currently cars park on both side of the street and there is barely room for two cars to pass one another. During the winter it becomes a one way street because of the snow piled on both sides of the street. It can not be expected to take additional traffic headed for Wal-Mart.

- 2) **Esthetics.** What impact will a Super Wal-Mart, with a parking area on the top, do to the resident's view of the mountains to the east or the valley to the west.

3) East Bench Master Plan. The proposed application does not appear to be consistent with the purposes, goals and objectives of the East Bench Master Plan of April 1987. It states on page 6 of that plan that "Major zoning changes in the East Bench Community are neither anticipated nor encouraged. Changes involving expansion of existing business sites in response to documented needs should be reviewed cautiously and approved sparingly."

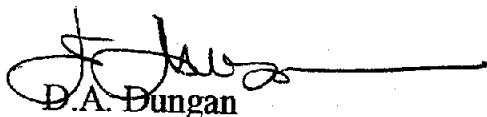
Where and what are the documented needs?

4) Zoning. In 1995 the zoning at 2705 Parley's Way was changed to it's current Community Business (CB). CB does not include mass merchandising, superstore or hypermarket stores. These are very specific restrictions. Wal-Mart purchased the property fully knowing what the zoning restrictions were.

It is my sincere belief that a rezoning to Community Shopping (CS) will have a negative impact on traffic which then becomes a safety issue in the adjacent neighborhoods.

I would further like to go on record as opposing any expansion planned for the Foothill Village Apartment complex. I realize there is no action currently underway on this issue, but if the Parley's Way rezoning application is approved, the apartment rezoning will be resurrected. I oppose this possibility for the same reasons stated above. The problems I have mentioned would just double and the traffic situation would become impossible.

Sincerely


D.A. Dungan

Britton, Nick

From: Kathy Adams []
Sent: Tuesday, March 25, 2008 10:29 PM
To: Britton, Nick
Cc: Council Comments
Subject: Parley's rezone

I am opposed to the rezone of Parley's Way because it is simply wrong for our community. I have to assume the only reason this rezone is even being considered is because the rich and powerful developers will gain once again. Those of us who will be most affected by the change don't have the high priced lawyers and slick marketing directors to fight the Wal Mart machine. Frankly, I have yet to hear anyone express a preference for a big, ugly building that sells cheap goods. I have never heard my neighbors say, "Please don't put a small, friendly Emigration Market-style grocery within walking distance of my house. NO! Because what I really want near my home is a huge building that looks like a prison and sells junk that breaks and fruit that is hard as rocks because it has been shipped from so far away that it needs to be loaded with preservatives. And while you're at it, build a giant parking lot so my kids can breath plenty of carbon monoxide, because unlike those snobs in Harvard Yale, I don't really care about my children's health."

If I do hear someone express that sentiment, I'll let you know and you can start drawing up those plans with Wal Mart.

Kathy Adams

March 27, 2008

Mr. Nick Britton
Salt Lake City Planning Division
451 South State Street Room 406
Salt Lake City, Utah 84111

Dear Nick,

I am a resident in Salt Lake City from the neighborhood next to the parcel at 2705 Parleys Way. I'm writing to express my disapproval of Wal-Mart's petition to rezone the property on Foothill and Parley's Way. I strongly support maintaining the current CB zone.

If allowed, a rezone at Foothill and Parley's Way would add to the congestion that already exists at that location. How can the city grant a rezone to an area that already has significant and overburdened traffic issues? I also strongly oppose any development agreement. This will circumvent any public process and it smacks the public in the face with regard to forcing residents to accept something that they do not need or want for their neighborhood.

It is extremely troubling that Wal-Mart feels they should be granted a rezone, since the property was classified as "community business" when they purchased it in 2005. They knew what they were purchasing. In fact, the property was classified as CB for ten years prior to their purchase! It's arrogant of Wal-Mart to assume that Salt Lake City and impacted neighborhood residents would accept a negative change the atmosphere of the entire community to suit their needs.

They are not serving the "communities' needs"? They're serving their own needs!

As a member of the neighborhood and community, I have lots of "needs". However, I don't expect the city to grant rezones all over town to suit my "needs". As community members, are we obligated to rezone every time a business wants to "serve the needs of the community"? Isn't that the purpose and what the zoning commission is for?

Please don't grant this request to big business and allow the rezone! Zoning regulations were put into place to protect our community from incompliant, unrestricted growth.

Thank you for your time.

Sincerely,



Gary Johnson

March 28, 2008

Mr. Nick Britton
Salt Lake City Planning Division
451 South State Street Room 406
Salt Lake City, Utah 84111

Dear Mr. Britton,

I am writing to express my disapproval of Wal-Mart's petition to rezone the property on Parley's Way. I strongly support maintaining the current CB zone.

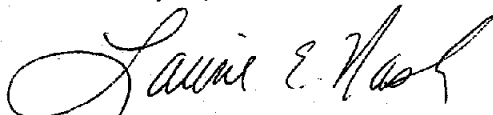
I also strongly oppose any development agreement.

Please don't grant this request to big business and allow the rezone. Zoning regulations were put into place to protect our community from incompliant, unrestricted growth.

I have lived within a mile of this property for most of my life – 48 years.

Wal-Mart thinks they would be serving the "communities' needs". As a member of the community – I don't need a Wal-Mart across the street from me. Never have – never will. This project would not serve my "needs".

Thank you,



Laurie Nash

Britton, Nick

From: Jerry May []
Sent: Friday, April 11, 2008 3:18 PM
To: Britton, Nick
Subject: Parleys WalMart

Nick, I live at [redacted]. I attended last week's Community Council at Bonneville Elementary, and I'd like to convey my support for re-zoning.

Since it's inevitable that WalMart is coming there, I support re-zoning to allow maximum participation from the city and the citizens in the design.

Thanks for allowing me to express my opinion.

Jerry May

Use video conversation to talk face-to-face with Windows Live Messenger. [Get started!](#)

April 13, 2008

Nick Britton
Planning Division
451 S. State St., Room 406
Salt Lake City, Utah 84111

RE: Application to Rezone 2705 Parley's Way

We are opposed to the rezone of 2705 Parley's Way because we live very, very close to this property and do not wish to have traffic increased in our area. Our housing section has one outlet to Parley's Way; it is a large cul-de-sac with only one way in and out. A large retailer would become a regional attraction and increase congestion and traffic volume.

We enjoy the residential neighborhood and abhor further large commercial development such as K-Mart or Wal-Mart. The noise and congestion are not desirable—a mixed use is in keeping with our neighborhood needs and wants.

Traffic access to the area is very poor and the site is not conducive to Wal-Mart development with infringing on the rights and beauty of the neighborhood. It would be further blight (K-Mart) and not right!

Sincerely,


Blaine H. Wilcox


MarJean C. Wilcox

Britton, Nick

From:

Sent: Friday, April 18, 2008 4:39 PM

To: Britton, Nick

Subject: FW: Walmart on Parleys Way

Nick-

Apparently I did misspell your last name.

Here is the email I tried to send a few weeks ago. Thanks for the information and call today.

Peter Barth

----- Forwarded Message: -----

From: p.barth@comcast.net

To: nick.brittan@slcgov.com

Cc: hhbarth@comcast.net (Heather Barth)

Subject: Walmart on Parleys Way

Date: Mon, 24 Mar 2008 18:16:57 +0000

Dear Mr. Brittan-

After having attended numerous meetings and listening to the proposal by Walmart's consultants, my wife and I wanted to make known to you our feelings about the request to change the zoning of the old Kmart property.

We live at 2516 Wilshire Circle, and have been there for about 16 years. We drive past the Kmart/Walmart site everytime we leave our subdivision. Kmart has obviously not been a successful venture in recent years, and although an eyesore, it has not been too great an impact on our neighborhood. There is not much traffic that goes into their site, and they shut down at a reasonable time. They have at times left the lights on in the parking lot all night, which does impact some of our neighbors. We are very concerned about the prospect of Walmart coming into that location and the increase of traffic, noise and other disturbance they will bring with them. We would think that for them to be successful, they will need to draw exponentially greater customer traffic that what is coming into the center now. That suggests to us that they will want to draw from an area outside our neighborhood, which we feel is wrong.

The zoning as currently applied to this site is intended to allow businesses that service local neighborhoods. We recognize that Kmart, also being a large box, is operating under an exception to the zoning and its use and building size is permitted as non-conforming. We also recognize that Walmart, as the current property owner, may step into the shoes of Kmart and continue in the grandfathered use. There is nothing that we as a neighborhood can do about that. But, we do have a say about their proposed zoning change. We hope, perhaps naively, that someday the property will be used in a way that is more appropriate and compatible with the neighborhood. The only way that will ever happen is if the zoning remains as is. If the zoning is changed, then there is virtually no hope that smaller, more neighborhood friendly uses will come to the property in the future.

6/12/2008

Walmart's consultants have spoken passionately about how much nicer a new Walmart will be than the building and parking areas that currently exist. They for some reason have tied all of the promised changes and improvements like new landscaping, 90 degree parking, and upgraded building facade to a zone change. From what we know, they could do those things under the current zone and their grandfathered use. We believe their request is really just about money. There is a way for them to do most everything they want, including landscaping, parking improvements and building facade improvements, but to do so would be more expensive in a remodel than starting over with a new building. Walmart is one of the largest companies in the world with income measured in the billions of dollars. They can certainly afford to do what they want to do without the need to change a zone intended to protect our neighborhood in the future.

This battle that we and our neighbors have found ourselves in is not about Walmart. Our feelings would be the same if the proposal for a zoning change came from any other large retailer or business proposing a use out of sync with the current zoning and master plan. The only hope we have as a neighborhood is for the city to do its job and protect the integrity of our neighborhood by keeping the current zoning in place.

Please let those know who are in a position to make a decision concerning Walmart's request about our opposition.

Thank you.

Peter and Heather Barth

Britton, Nick

From: Henry Harpending [
Sent: Thursday, June 05, 2008 12:31 PM
To: Britton, Nick
Subject: walmart rezone

Dear Mr. Britton:

I live in the east sugarhouse neighborhood. Ellen Reddick informed us of a planning commission meeting on 25 June to discuss a rezoning for walmart.

The present location is well hidden from most streets and access is from an already heavily traveled road. I am completely in favor of an efficient retail sector both for the general good and for my own access to low prices. I am in favor of any rezone that they request.

Thank you, Henry Harpending,

Britton, Nick

From:
Sent: Monday, June 09, 2008 9:16 PM
To: Britton, Nick
Subject: Wal-Mart rezone

Mr. Britton,
I am IN FAVOR of having a Wal-Mart in my Foothill Community. The property certainly is in need of a facelift and Wal-Mart will bring much needed improvement. I am just your ordinary citizen with no vested interest in Wal-Mart but I think it will bring a competitive edge to business in the area.
Thank You,
Joe Spendlove

Britton, Nick

From: Karen Arthur []
Sent: Monday, June 09, 2008 9:51 AM
To: Britton, Nick
Cc: Ellen Reddick
Subject: Planning Commission Meeting - June 25, 2008

Dear Mr. Britton:

It has come to my attention that a Planning Commission Meeting is being held on June 25, 2008, concerning the proposed Wal-Mart to be located on Parley's Drive in the Country Club residential area of Salt Lake City (currently there is an existing K-Mart retail store in that location). I am unable to attend that meeting, but I would like to raise concerns for consideration by the Planning Commission.

In principal I am not opposed to a Wal-Mart located in that area, however there are several issues that I would like to have addressed:

- (1) An improvement in the access to the parking area, from both Foothill Drive and Parleys Way. Although I hasten to add that the traffic signal on Parleys Way has been a major improvement in recent years.
- (2) Aesthetic considerations with respect to the architectural appearance of the building and landscaping of the property. Wal-Mart should value what it means to be "a good neighbor" in an upscale area of the community. The city should require that the exterior appearance of the building have attractive architectural enhancements. The landscaping might include trees to screen the location -- this might go a long way to win the approval of the neighbors.
- (3) Signage and advertising should be minimized.
- (4) A reconfiguration of the parking lot, which should include the leveling of the parking surface, as there is a great need to manage the problem of run away shopping carts because of the slope of the parking lot.
- (5) Will there be an adequate number of parking stalls?
- (6) Strong opposition to any kind of elevated parking structure.

Thank you for reviewing these remarks. I appreciate your consideration of these issues in the process of your deliberations.

Sincerely,

Karen J. Arthur

6/12/2008

Nick Britton
Salt Lake City Planning
451 South State
Room 406
Salt Lake City, UT 84111

June 10, 2008

This letter is written to express my opposition to re-zoning the property at the intersection of Parley's Way and Foothill Drive, currently occupied by K-Mart.

As a lifelong resident of Salt Lake City, I have watched the growth and development in various sections of town, and for the most part, the improvements have added to the ambiance of the city.

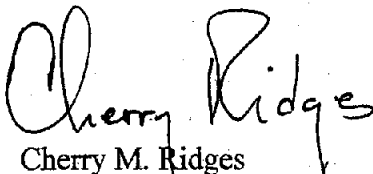
To re-zone this property requires setting aside laws which were put in place to protect the character of the setting. Re-zoning amounts to changing long standing laws to suit the moment, or in this case, to suit the desires of a very large corporation.

The property is essentially the eastern entrance to Salt Lake City. To alter the awesome vista of the city from the mouth of Parley's Canyon only to be confronted with a huge commercial structure is not an aesthetic picture. Re-zoning of this property does not add, but rather detracts from the community. The current surrounding area is essentially fully occupied by residential homes and a very few, small, unobtrusive businesses.

There is currently adequate grocery shopping for the area supplied by Emigration Market at 13th and 17th, Dan's in Foothill Village, Albertson's on 23rd and even Smith's on 33rd. The small shopping areas at 21st & 21st and along Parley's Way compliment and serve the area. As Sugarhouse develops, there will be more than enough local businesses to fulfill the needs of the residents. In addition, the recent announcement by the University of Utah to adapt the parking lot west of Rice-Eccles stadium provides yet another shopping option for the community.

I have attended all of the meetings where the differing views have been aired. It is clear that the majority of the surrounding residents are opposed to re-zoning to accommodate the wishes of Wal-Mart. The argument that Wal-Mart helped the people after hurricane Katrina is vapid and beside the point. Wal-Mart is a huge corporation, not a philanthropic agency. At one meeting, there was a report about the traffic patterns on Foothill Drive which allowed that even today the current roads are really not adequate to move traffic to the southern part of the county. Large delivery trucks and more cars would further congest the area.

Thank you for your attention to my thoughts.


Cherry M. Ridges

Britton, Nick

From: Garrett Koerner []
Sent: Wednesday, June 11, 2008 2:48 PM
To: Britton, Nick
Cc: Bean
Subject: Wal-Mart ReZone

Mr. Britton,

I am a homeowner at [redacted] Wilmington Avenue. I am writing on behalf of me and my wife, Lori, to state emphatically that we are opposed to any action that would result in a Wal-Mart supercenter being constructed on Parley's Way.

We purchased our home in May of 2007 due to the unique culture and overall closeness and friendliness that we have felt in the Country Club Heights, Beacon Heights, and Sugarhouse neighborhoods. We support local businesses and choose to shop at family owned and operated establishments. Wal-Mart claims to be servicing an under-utilized market. As it stands, we feel that we have too many choices in the supermarket and grocery arena. Albertsons (21st South 2100 East), Dan's (Foothill Village), Smith's (3300 South and I-215) and Smith's (21st South and 700 East) provide more than enough options not only for our price range but also for our taste. We feel the addition of a corporate behemoth, like Wal-Mart, does not fit with our personal or community vision of the Country Club Heights, Beacon Heights, or Sugarhouse neighborhoods and represents an overkill in the grocery market.

We are concerned about how the construction of a Wal-Mart would affect our property value and the overall value of our surrounding neighborhoods. Many Wal-Marts start out nice and neighborhood friendly but soon turn into a loud and obnoxious 24-hour operation, becoming noisy with trucks and customers entering and leaving at all hours of the night. The volume of customers that enter and leave the premises on a given day works to depreciate the look and feel of the property and it soon begins to look run-down and wore-out, turning into an eye-sore for the community. It has been my personal experience (through visiting neighborhood Wal-Marts on 13th South by the ballpark and the Wal-Mart off I-15 in Orem) that Wal-Mart does not work with the same fervor or budget on property upkeep, restoration and reinvestment activities as it does with inventory maintenance and supply-chain management (the evidence is in the visual inspection).

With respect to the traffic situation on Parley's Way and Foothill, we are concerned our daily activities and commute even without the addition of a Wal-Mart supercenter. Adding a supercenter would just make things unbearable. We don't have any fancy studies or statistical analysis to back our claims...we only have our day-to-day experiences. And based on those experiences, at times, we currently find it difficult to exit left onto Parley's Way from Wyoming Street, left onto 21st South from Foothill, or even right onto Foothill from 21st South. We can only imagine the increased difficulty of navigating traffic if the construction of a Wal-Mart supercenter is successful.

We understand that Wal-Mart represents a large source of revenue for the county of Salt Lake through the collection of a sales tax. However, the proposed supercenter construction site is surrounded by established neighborhoods, whose resident's voice should not only be considered but sought after. As a resident of the surrounding neighborhood, I feel that there are many ventures that could be constructed on the same location that do not pose the same risks as a Wal-Mart supercenter. Luxury apartments and townhomes could be built, which would provide a source of revenue from the additional

6/12/2008

property taxes. Luxury hotels, that cater to Park City ski resorts, could also be a source of revenue from property and hotel taxes. A sustainable mixed-use development, which would minimize the volume of traffic but also encourage green development in line with the East Bench Master Plan, would raise revenues from both property and sales tax, standing as evidence of Salt Lake's commitment to sustainability, quality and environmental awareness. There are many options for that land, which would fit the vision of the residents but also balance city and county concerns for revenue.

As homeowners who value neighborhood and community, we feel that it would be a huge injustice to put a Wal-Mart supercenter on Parley's Way.

Sincerely,

Garrett and Lori Koerner

6/12/2008

Britton, Nick

From: Diane Creamer []
Sent: Wednesday, June 11, 2008 3:15 PM
To: Britton, Nick
Cc: Ryan Creamer
Subject: Wal-Mart rezone petition comment

Dear Mr. Britton,

I live at [redacted] . As a resident living within a couple of blocks of the Kmart/Wal-Mart property I would like to let you know my opinion on Wal-Mart's petition to rezone. I feel that rezoning this property will open the door for a store that is much too big and too busy for the current neighborhood/community that we love! Please, do not allow the property to be rezoned! Although, the current property is not particularly attractive, the slow pace that it affords outweigh the value of putting something bigger or "more attractive" (as Wal-Mart claims) there. I believe the clear majority of the residents feel the same way... Please protect our neighborhood and way of life and don't allow the property to be rezoned. It will change the traffic flow and sense of quite, protected community completely. --A simple face-lift (remodel) is all that is necessary.

Thank you for your thoughtful consideration of the neighbors' feelings.

Best Regards,

Diane Creamer

Britton, Nick

From: Justin Hawes [...]
Sent: Wednesday, June 11, 2008 9:34 PM
To: Britton, Nick
Subject: Wal-Mart

Dear Mr. Britton,

Thank you for taking comment on the Parley's Wal-Mart matter. I live near Parley's Way on 2500 E. and use Parley's to access my neighborhood. I am very concerned about Wal-Mart building a larger store than the KMart has currently. I am concerned about traffic on Parley's, through my neighborhood and near my children's elementary school, Beacon Heights. The current crosswalk across Parley's Way to access my church, the elementary school, the neighborhood north of me and retail stores is poor at best even with its current traffic flow. Cars fly down Parley's Way and have no concern for pedestrians. Opening up this road to more traffic would only isolate my neighborhood further but also create very unsafe conditions for those of us who have an interest in the neighborhood. Retaining the current zoning is a first step in moving towards a plan for the Foothill-Parley's neighborhoods which could be a fabulous plan. I would be happy to see a small market, like Emigration Market, or even Wal-Mart if the corporation would show a concern for the neighborhood and build small, allowing other small neighborhood businesses to come in without a huge amount of traffic. However, Wal-Mart has a history of not being concerned about the neighborhood that it builds in. Please prohibit Wal-Mart to change our zoning. They can work within the current system or another business will.

Thank you,
Lucy Hawes

Britton, Nick

From: Bollinger, Susan
Sent: Friday, June 13, 2008 10:43 AM
To: Britton, Nick
Subject: Wal-Mart rezoning

Nick:

As a nearby resident of the property now owned by Wal-Mart, I am writing to express my concern about the proposal from Wal-Mart to rezone the property. As it stands, the traffic is unbearable and dangerous. There is no feasible way to allow any increase in traffic either on Parleys Way or Foothill Boulevard. I travel on both these routes several times a day and they are overloaded and congested. Even with the proposal by Wal-Mart to have their trucks enter differently etc. there is simply no room for them to load and unload without causing a dangerous situation. One only needs to look at the existing condition of the road from the existing traffic through K-Mart to recognize that additional pressure would be detrimental.

There is no need to allow Wal-Mart to rezone. They should be able to adapt the existing structure to serve the needs of the neighborhood without a rezone. They seem to be holding everyone hostage by inferring that if they don't get their way with the re-zone, they won't create a nice environment. We are all aware that Wal-Mart has the means to build a perfectly nice store within the existing zoning.

Thank you for your consideration of my opposition to the re-zoning of this area.

Susan Bollinger

CAUTION: electronic mail sent through the Internet is not secure and could be intercepted by a third party. For your protection, avoid sending identifying information such as account, Social Security, or card numbers to us or others. Further, do not send time-sensitive, action-oriented messages such as transaction orders, fund transfer instructions or check stop payments, as it is our policy not to accept such items electronically.

This message w/attachments (message) may be privileged, confidential or proprietary, and if you are not an intended recipient, please notify the sender, do not use or share it and delete it. Unless specifically indicated, this message is not an offer to sell or a solicitation of any investment products or other financial product or service, an official confirmation of any transaction, or an official statement of Merrill Lynch. Subject to applicable law, Merrill Lynch may monitor, review and retain e-communications (EC) traveling through its networks/systems. The laws of the country of each sender/recipient may impact the handling of EC, and EC may be archived, supervised and produced in countries other than the country in which you are located. This message cannot be guaranteed to be secure or error-free. This message is subject to terms available at the following link: http://www.ml.com/e-communications_terms/. By messaging with Merrill Lynch you consent to the

6/13/2008

Britton, Nick

From: Wanda [mailto:]
Sent: Friday, June 13, 2008 6:52 PM
To: Britton, Nick
Subject: WalMart Rezoning Decision

Hello,

I live near Highland High School and I am very opposed to granting a rezone to the proposed WalMart Super store at the KMart location. I use this transportation corridor constantly and I do not look forward to having the same congestion that we got with the Shopko development on 1300 East and the Old Navy/Barnes and Noble franchises on 2100 South.

I think our neighborhood has reached the limit for traffic and it would be unbearable to add a Super WalMart into the mix. Please maintain the current zoning for this location.

Thank you,
Wanda Gayle

6/16/2008

Britton, Nick

From: Jan Brittain]
Sent: Sunday, June 15, 2008 12:36 PM
To: Britton, Nick
Subject: comment on petitions 400-07-15 and 400-07-16

I am writing in opposition to Wal-Mart's petition to rezone the Kmart property at 2705 Parley's Way, from Community Business to Community Shopping.

I accept that Wal-Mart owns the property and has a right to develop it within the current zoning, but I also believe that 10 acres of asphalt and concrete is a poor use for prime gateway to the city property, that also has a great 360° view. There was no public input when Kmart paved over a vacant lot 40 years ago. Trying to undo something that never should have happened in the first place, is a tough sell. The first step of that process is to maintain the current zoning and not make it worse.

We have City Center, Project Universe, the Mecham project in Sugar House, and Cottonwood Mall in the process of getting approval to build hundreds of thousands of square feet of new retail, all to compete with Gateway, Sugar House Commons, Trolley Square (also under construction and adding more retail), Foothill Village, Olympus Hills, hundreds of neighborhood retail establishments, and Big Box Row on 300 West. Mecham is also buying up property for a new shopping mall in South Salt Lake. Who is going to shop at all these places? Why would the city rezone the Kmart property to more community shopping? How many empty buildings is the current list of projects going to create? The last thing this city needs right now, is more new retail projects. Just this morning I had a discussion with a young mother who is starting to feel a serious economic pinch and is looking for ways to cut back on expenditures. Shopping isn't going to be on the list.

Throughout the Citygate audit of the Salt Lake City planning process, they emphasized Salt Lake City's dysfunctional approach to planning, the lack of long-range planning, and all the ways that developers go around the planning process. Surely the trend of granting a rezone with a development agreement that makes the zone neither fish nor fowl, is high on the list of dysfunctional planning procedures.

The city is fond of granting rezone applications and then restricting the use with a development agreement. As a result, the central city zoning map is nearly useless because there are so many development agreements that you can't tell anything about the zoning without pulling the agreements and hiring an attorney to interpret them. What's the point of zoning if it can be hybridized into something few people can understand without great expense?

If Wal-Mart is granted a rezone with a development agreement, what's to stop Wal-Mart and/or subsequent owners from renegotiating the development agreement or negating it to build a whole shopping center? Wal-Mart is not the least interested in our neighborhood or community and will only appease us on the front end to get everything they want in the final analysis. They have a 'one size fits all' model and they expect the community to adjust to their model with no concessions on their part to fit into an existing community. Why would we let people from Arkansas define what our neighborhoods will look like?

The East Bench Master Plan doesn't support community shopping at this location. Why does the city waste money on master plans if they're just going to blow them off the minute a developer wants something else.

Wal-Mart claims that this will be a small community-oriented supercenter and that they will market to a 2.5 mile radius of the property. In fact, that radius is mostly freeway and undeveloped mountain. It's 2 miles from Kmart to the closest freeway exit on I-215. The Wal-Mart funded traffic study projects 55% of Wal-Mart traffic will be to/from the freeway. The remaining 45% will go west on Parley's Way; two-thirds of which will continue west while the remaining third will go north on 2300 East. Foothill Drive can't handle more traffic, so the study just concludes that no one will use Foothill, without addressing how East Bench residents will get to Wal-Mart and home again without using Foothill or acknowledging that University housing residents are most likely to use Foothill rather than going down to 2300 East to go north.

The only bus service to the property is a north-south route on Foothill. The 2100 South bus turns north at 2100 East. UTA has said that they will not be adding back discontinued routes because they need to provide better service on the existing routes. Access to this site will continue to be totally automobile oriented.

Please honor the existing East Bench Master Plan and tell Wal-Mart that they can remodel to their heart's content. The former Regency Theater building, just east of the Kmart property was remodelled into an attractive office building. Perhaps Wal-Mart could consult with Woodbury and find out how to do a remodel that benefits the community and leaves the zoning intact. If Woodbury can remodel a movie theater into an office building, surely the biggest corporation in country can remodel a supercenter into a supercenter.

If we deny the rezone, in a few years when Wal-Mart abandons, we will still have a community business zone, and the next owner should have no problem tearing down the whole disaster and developing something that takes advantage of a gateway property with a great view, and benefits the surrounding residential neighborhoods.

Please maintain the current zoning, which allows Wal-Mart to remodel and do business without restriction. Send a message to the next property owner that we want this gateway to the city to be an attractive and quality project that we can all be proud of. A concrete box with advertising across the front of it, surrounded by eight acres of asphalt with a few scattered trees is not attractive and not an asset to the community, no matter how much Wal-Mart tries to tell you it is.

Janice Brittain

Britton, Nick

From: Doug Stewart
Sent: Monday, June 16, 2008 2:51 PM
To: Britton, Nick
Cc: wilshire05@comcast.net; leslie.read@hsc.utah.edu; Mayor
Subject: Wal-Mart rezoning
Importance: High

Dear Mr. Britton,

I have been a resident of the Wilshire neighborhood since 1977 and love our neighborhood dearly. In fact, my wife Leslie and I are nearing the completion of a very substantial remodel of our home, which further reflects our commitment to our neighborhood.

I, of course, remember when the K-Mart store was first constructed many years ago. At the time of construction of the original K-Mart store, there was very little public input due to lack of publicity of K-Mart's plans. The construction of the K-Mart store was clearly outside of the boundaries of the zoning restrictions at the time of construction. I understand that K-Mart was issued a non-conforming permit, since the store did not meet the zoning requirements in place at that time.

Although I believe that there are much better and higher uses for the land now occupied by K-Mart and owned by Wal-Mart, I would welcome any upgrading of this property by Wal-Mart, as long as it is within the footprint of the existing K-Mart structure and within the current non-conforming permit. As I understand the situation, there is no obstacle preventing Wal-Mart from upgrading their property as it currently exists and I will applaud/support their efforts to do so. **I absolutely oppose the re-zoning of the Wal-Mart property.**

Having said all this, I believe there are much better uses for this property and ask that you deny the re-zoning application and pursue any other options available to put this property to better use.

Sincerely,

Douglas D. Stewart, Jr.

Visit our website for your policy information, print your own Auto ID cards, Certificates of Insurance, etc. Available 24 hours a day. Check it out for yourself at: www.insur-america.com.

NOTICE: This email and/or attachments may contain confidential or proprietary information which may be legally privileged. It is intended only for the named recipient(s). If an addressing or transmission error has misdirected this email, please notify the author by replying to this message. If you are not the named recipient, you are not authorized to use, disclose, distribute, make copies or print this email, and should immediately delete it from your computer system. Insur-America, Inc. has scanned this email and its attachments for malicious content. However, the recipient should check this email and any attachments for the presence of viruses. Insur-America, Inc. accepts no liability for any damage caused by any virus transmitted by this email.

6/16/2008

Britton, Nick

From: Leslie Read []
Sent: Monday, June 16, 2008 4:49 PM
To: Britton, Nick
Cc: Jan Brittain; Doug Stewart; Mayor
Subject: Wal-Mart Rezoning
Importance: High

Dear Mr. Britton,

We own a home on Wilshire Drive, south of Parley's Way near the current K-Mart store. We are currently remodeling the home because we love the neighborhood, find it to be a desirable location and plan to reside there for many more years.

Although I am not enthusiastic about having a Wal-Mart big box store in our neighborhood, I realize that they own the property and plan to occupy it. Wall-Mart was aware of the zoning at the time of purchasing the property. Their plan is to update the property, which I support as long as they stay with the current zoning regulations. **I do not support rezoning of this property to accommodate Wal-Mart's plan for a "super big box store".**

I support maintaining the current zoning in the hope that in the future the property can be developed into a more neighborhood friendly, multi-use area.

Sincerely,

Leslie Read Stewart

6/17/2008

Britton, Nick

From: Becca Brough [mailto:becca@centerville.com]
Sent: Wednesday, June 18, 2008 11:45 AM
To: Britton, Nick
Cc: Love, Jill; Martin, JT; Simonsen, Soren
Subject: Wal-Mart

Nick,

I am writing to show my support for the construction of a new Wal-Mart in Sugar House because I feel that it will be extremely beneficial to the community. The new building will blend in with the surrounding area and feature "green" technology—a considerable improvement from the current K-Mart building.

Since Wal-Mart already owns the property, it has every right to move in. Wal-Mart has been more than accommodating for our community. For example, when we raised concern for the general size of the building, Wal-Mart redrafted the site plans and made the footprint smaller than the existing building. It is extremely refreshing when a large corporation talks to individuals with a specific goal to mold its plan with the ideas and values of the surrounding residents.

Understanding that you are hearing both sides, I just wanted to let you know how many of my neighbors feel about the new Wal-Mart. We feel that in order to provide Sugar House with the best possible building, Wal-Mart needs to be granted a rezone to tear down the existing K-Mart building and construct a brand new store. Please help us take Wal-Mart up on its offer to make this project the best that it can be and vote in favor of the rezone.

Please think of the benefit to the whole community and don't vote "no" just because it's Wal-Mart. It's going to be here anyway why not let them make it look nice? The Wal-Mart in Centerville is an example of how nice a Wal-Mart can look.

Becca Brough

6/18/2008

Britton, Nick

From: Scott Talbot [mailto:scott@talbot.com]
Sent: Thursday, June 19, 2008 10:50 AM
To: Britton, Nick
Cc: Love, Jill; Martin, JT; Simonsen, Soren
Subject: Wal-Mart Re-zone

Nick Britton,

I just wanted to quickly express to you that I fully support the construction of a new Wal-Mart. I know that I speak for many of my neighbors when I say that the preservation of our community is essential. With Wal-Mart's help, I feel that the area at Foothill and Parley's will continue to be an inviting, comfortable place. Rather than just moving into the existing building, Wal-Mart wants to give us a brand new store with "green" initiatives and landscaping.

With your help, Wal-Mart will be granted the re-zone so that it can tear down the old K-Mart building and provide us with the best building and surrounding area possible. Importantly, Wal-Mart will be building an even smaller building than the one K-Mart is occupying now.

If Salt Lake City officials, like you, deny the right for a re-zone, Wal-Mart will be forced to operate out of the current eyesore that has plagued our community for years now.

Thank you for your time and consideration,

Scott Talbot

Introducing Live Search cashback . It's search that pays you back! [Try it Now](#)

6/23/2008

Britton, Nick

From: Dan Sorensen []
Sent: Thursday, June 19, 2008 9:32 AM
To: Britton, Nick
Cc: Simonsen, Soren; Martin, JT; Love, Jill
Subject: Wal-Mart Rezone

Mr. Nick Britton,

As a member of the Salt Lake/Sugarhouse community, I write to you on behalf of the legislation surrounding the construction of a new Wal-Mart in place of the old K-Mart on Parley's Way.

The thing that frustrates me the most about this project is how many council members immediately shut down the idea of a new building just because it's Wal-Mart. In one meeting I heard a resident echo this mindset, saying, "We don't want any big box retailers in here. If it was Target we'd be okay with that, but not Wal-Mart." That is hypocritical of American values and is not the way we should determine legislation on this matter.

Wal-Mart will probably moving into our community with or without the new building. Now don't get me wrong; I don't think Wal-Mart should be exempt from living up to current zoning standards, but with that said, we should let them come in and build a new building so our neighborhood doesn't have to look at the current eye-sore that can be seen every time you drive down Parley's Way. I know it's not what some want, but in my mind it is the lesser of two evils. The last thing I want to look at is the same ugly big box in which K-mart has resided.

The current K-Mart building is dilapidated, run down and ugly. It reminds me of the old Bowl-a-rama in Ephraim, Utah, which looks as though it was built by the pioneers. Another benefit of reconstruction is that current building technology will allow Wal-Mart to construct a building that is environmentally friendly. I think that all of us who live in area will appreciate that.

I appreciate the time you've taken to read and consider my concerns. When you brief the council on this issue, PLEASE support the rezone. I know it will give the community what they deserve.

Regards,

Dan Sorensen

6/23/2008

Britton, Nick

From: Hannah Dalton [
Sent: Thursday, June 19, 2008 11:38 AM
To: Britton, Nick
Cc: Love, Jill; Martin, JT; Simonsen, Soren
Subject: Walmart Rezone in Sugarhouse. Vote Yes!

Nick,

This will only take a moment of your time, but I wanted you to know that I fully support the construction of a new Wal-Mart at the current K-Mart site. Like most residents in my area, I feel that we need to keep the community as safe and clean as possible. With Wal-Mart's help, I feel that the area at Foothill and Parley's will greatly benefit from a brand new Wal-Mart. Rather than just moving into the existing building, Wal-Mart needs to be granted a rezone to construct a new building. In addition to keeping the area clean, residents in my area need a place in a convenient location to shop, rather than driving 15 minutes to the nearest Wal-Mart. With gas prices the way they are, it is important for us to have closer amenities such as wal-Mart.

With the support of the Sugar House community and city officials like you, Wal-Mart will be able create a store that will be more eco-friendly and consistent with our high-quality standards—one that blends in with its surroundings.

Ultimately, Wal-Mart will be there rezone or not. I feel confident by saying that our community wants a brand new Wal-Mart, so please help represent us and vote in favor of the rezone.

Hannah Dalton
Sugarhouse Resident

The i'm Talkathon starts 6/24/08. For now, give amongst yourselves. [Learn More](#)

Britton, Nick

From: Cristie Mabey [r]
Sent: Thursday, June 19, 2008 4:08 PM
To: Britton, Nick
Cc: Martin, JT; Love, Jill; soren.simonsen@slc.gov.com
Subject: Wal-Mart building

Nick,

I'm writing in regards to the wal-Mart in Sugar House. I've been to a few community council meetings and heard others on TV that have dealt with this issue and have some concerns about the building. My concerns are that wal-Mart keeps it's promises to our community in regards to the rezoning of the building.

The K-Mart building is in terrible condition and I would look forward to new construction as long as the building is within the guild lines that have been outlined by the council. The present structure is not only unsafe, but an eyesore. I would hope that wal-mart would keep to the promises that have been outlined such as "green" initiatives and concerns about it being an more eco-friendly store so that the new store could be a nice structure that would add to the over all ambiance of our neighborhood.

I am apposed to having a Super wal-Mart in my neighborhood, but if Wal-Mart is coming either way, I will only support having a new structure built of similar size as the existing size of the present K-Mart.

Sincerely,

Cristine S. Mabey

6/23/2008

Britton, Nick

From: Jordan howe [mailto:]
Sent: Friday, June 20, 2008 5:27 PM
To: Britton, Nick
Cc: Love, Jill; Martin, JT; Simonsen, Soren
Subject: Sugar House Wal-Mart

Dear Nick Britton,

I am writing to ask for your help in supporting a brand new Wal-Mart. It will be there whether we like it or not, so I feel it's safe to say that we need to let Wal-Mart give the community the best possible building it can. With your vote for a re-zone, Wal-Mart will be able to provide us with a building that is aesthetically pleasing instead of running out of the run-down K-Mart building.

I speak for many when I state that Wal-Mart will be a benefit to our community. The current K-Mart building is such an eyesore with its outdated exterior and unkempt parking lot. I would gladly welcome a new Wal-Mart with landscaping and "green" amenities because it would only enhance our beautiful community.

Please support the best option for the Sugar House community and vote for the rezone. Thank you.

Jordan Howe

6/23/2008

Britton, Nick

From: James Rabdau [
Sent: Thursday, June 19, 2008 9:47 AM
To: Britton, Nick
Cc: Love, Jill; Martin, JT; Simonsen, Soren
Subject: An opinion on the Wal-Mart Rezone

Nick-

I wanted to take a moment to write you regarding the proposed Wal-Mart. To be honest... As a resident of Sugarhouse, I'm not crazy about a Wal-Mart going in on the corner of Parley's and Foothill. (Target would be a different story) That said, Wal-Mart owns the land, and as far as I can tell, we are going to have one whether we like it or not. The question appears to be, do we have a Wal-Mart in the old K-Mart that has been there since the 60s, or do we work toward obtaining the best possible store design? With a rezone, Wal-Mart is at the very least, willing to provide some green technology and improvements.

I'd rather grant a rezone if it helps ensure our involvement in the process and make comments that will have an effect. I do think that it's worth mentioning that some of the comments made at the open house were acted upon and we now have a slightly smaller footprint than the existing K-mart and lower roof line.

I know that you are hearing comments on both sides of this issue... but if we're going to have a Wal-Mart either way, I'd probably choose to rezone and let them make the improvements. I'm not sure what we get by denying them the ability to improve the site.

Regards -
James Rabdau

6/23/2008

Britton, Nick

From: Bradley Gygi [mailto:]
Sent: Tuesday, June 24, 2008 1:56 PM
To: Britton, Nick
Subject: Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment
Attachments: image001.jpg

I am a lifelong resident of the Parleys/Foothill neighborhood. I attended (and am now sending my children to) the neighborhood public schools: Beacon Heights, Hillside and Highland. For many reasons, my wife (also a lifelong resident) and I have chosen to purchase our past two homes in the neighborhood. We have invested a significant amount of money and effort into these homes with the intent of raising our family here. I am a licensed professional architect, and am always involved with several projects in Salt Lake City. As such, I have an understanding of the general purposes of zoning as well as many of the more specific requirements on the Salt Lake City Zoning Ordinance. I am strongly opposed to the rezone application submitted by Wal-Mart at 2705 East Parleys Way. I envision that this site could eventually be redeveloped in accordance with its current zone. I realize that this is not necessarily in the interests of the current owner, but the reality is that zoning ordinances and master plans are not made to protect the owner of the parcel. They are intended to protect the interests of the community and of adjacent land owners from the adverse effects of incompatible development.

As with all zoning issues, the merits of this particular application come down to a simple question of potential. The current owner sees the potential to take advantage of a well-situated site to maximize its profit margin. In requesting a rezone rather than simply seeking to renovate the existing facilities and continue the current legal nonconforming use, the owner is seeking to minimize the potential costs of the initial investment while maximizing the profitability of the development. On the other side, the existing zone, CB, has the potential to make development of this site a strong asset for our neighborhood. There is the potential for local businesses owned by local residents to flourish in our neighborhood. As one who currently commutes to Murray, I could envision myself eventually occupying a portion of a community scale office development in this area. Many other neighbors have similar thoughts as to how this could become an asset to our neighborhood.

The current zoning and master plan were the result of much thought and public input. It is obvious that in the particular case of this property, because of public input, the zoning has been changed from what once allowed the existing Kmart building to be legally built to the current zoning, which would not. The stated intent of the current CB zone is "to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site." This is quite different from the intent of the requested CS zone "to provide an environment for efficient and attractive shopping center development at a community level scale."

There is nothing closely integrated with adjacent residential neighborhoods, moderately sized or pedestrian in scale about the proposed hypercenter development. In fact, there is nothing in the existing facilities which meets this description, which shows the appropriateness of the legal nonconforming designation. Because of its close proximity to residential neighborhoods, the need for this integration is even more critical. As I look at other developments in the area which are zoned CS, Foothill Village and the Brickyard, as well as the Sugarhouse Shopping area, I wonder why the need for more of these in our area? Are our local supermarkets, automotive shops, restaurants, clothing stores and other community businesses not sufficient? The truth is that to rezone this parcel CS would be to acknowledge that the intended target is a much larger area - from neighborhoods to shopping center development at a community-level scale. Our existing thoroughfares, Foothill Boulevard and Parleys Way, are already very and fairly (respectively) busy. As the Foothill Corridor study notes, with further expected growth at the University and other areas to our north, this can only be expected to increase in the future. Do we need to add more congestion and more traffic to this situation by rezoning this parcel to attract customers from an even larger area?

My request of the Planning Commission is this: As you consider the merits of the rezone application, please also consider the potential impact on neighborhood of which this site is a part. Do not let the arguments of cost of renovation of the existing facilities sway you. It is the obligation of the City to protect its residents and

6/24/2008

property owners, not to roll out the red carpet to save money for a corporate development. The costs which should concern you are the costs of the development to the neighbors, and to the city as a whole. The benefits which should concern you are the benefits to the neighbors, not the profits of the developer. I request that you deny the rezone application and allow the owner to develop the site according to its rights as a legal nonconforming use. Please do not take away the protection the neighborhood has been given with the existing zone and master plan. Do not be fooled into believing that a brand new sparkling hypercenter is the best proposal that will ever come for this site. Please be patient and let the market dictate whether this is the right place.

Sincerely,
Bradley Gygi, AIA



Bradley Gygi, AIA
GORDON GYGI ARCHITECT
& ASSOCIATES, P.C.

202 East 5900 South, Murray Utah 84107
tel: 801.747.2451 fax: 801.747.2453

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

6/24/2008

Britton, Nick

From: Charlene [mailto:charlene@...]
Sent: Tuesday, June 24, 2008 1:11 PM
To: Britton, Nick
Cc: Simonsen, Soren
Subject: Parley's Way Wal Mart Rezoning

Hello,

We own a home on Belaire Dr. which is East of Foothill near Thunderbird Drive. I am writing to let you know that we OPPOSE a zoning change and also the amendment to the East Bench master plan that Wal Mart has requested.

There are numerous reasons for our opposition, but I will state just the main ones.

1. A re-zone will in the near future create a "spot" development, but in the longer term open the door for additional growth which will negatively impact the residential nature of the neighborhood. As Wal Mart proudly stated in their neighborhood presentations "other large retailers follow them to "draw" on their traffic". This is definitely evidenced at 1300 S. and 3rd West.
2. A re-zone will open the door for increased height limits which will undoubtedly result in a major height and density increase at the Foothill apartment complex which is adjacent. The developers of that project have already requested this.
3. The traffic on Foothill Blvd. is far beyond the current limitations, and a big box retailer with it's large delivery trucks and estimated thousands of additional cars per day will be a disaster. At a minimum, the re-zone decision should be delayed until the study of the Foothill corridor is complete, and the findings and recommendations are taken into consideration. Given the dead vegetation, noise level, and air pollution that already exists along Foothill an Environmental Impact Study should be required before a re-zone is granted.
4. To ignore the thoughtful analysis of the East Bench master plan which suggests a "Gateway" to Salt Lake at this entry from the East is ignoring pretty much the last chance for an approach to Salt Lake that isn't blighted with billboards, big box stores and delapidated vacant buildings. If we have a long range goal of Salt Lake being thought of as a modern, attractive Capitol city and a desirable destination then we should not negate the importance of the junction between I-80, East 215, Parley's Way and Foothill Blvd. Not only is it a gateway to our city and near the U. of U., but it is also a gateway to our nearby ski resorts, and biking trails. A visionary would consider it the perfect place for a 21st Century East side transit hub.
5. Currently the Arcadia Heights, Benchmark and Country Club neighborhoods are considered among the most desirable residential neighborhoods in Salt Lake. A rezone will definitely result in a significant decrease of property values in our neighborhoods. Without the desirable views of the Oquirrh and Mt. Olympus, which will both be interrupted by large commercial signs, bright lights on 24/7, and a 45 foot high huge box topped with mechanical equipment, property values will fall. The projected increase in crime will also factor into further decreasing home values.
6. It is clear that Wal Mart can use the existing building and accomplish their stated goals. While it is a

6/24/2008

big stretch to categorize the KMart that now occupies the property as a "supercenter", it emphasizes that while there is a desire to re-zone there is not a substantial need to re-zone and definitely no justification to amend the East Bench master plan.

We reluctantly accept that Wal Mart has the right to remodel and use this property as they like within the current CB code. But, they do not have, and should not get the right to a rezone it and cause enormous negative impact to the neighborhood and the city. Beyond rights, Wal Mart (like all property owners) has some obligations. These obligations are important considerations and should not be negated in any way, especially in an area which is predominantly residential. Twenty four hour big box supercenters belong on the outskirts of cities placed among frontage roads nearby other like commercial properties. Finally, Wal Mart has an opportunity on this site which they are ignoring. Wal Mart's new concept of small 15,000 square foot storefront clusters grouped together is a perfect "fit" with the East Bench master plan ----- but they choose to ignore it. In Chicago Wal Mart installed a green roof in order to enhance views, but again, they are not exploring this here.

Considering Wal Mart's rights, obligations and opportunities, I believe the planning commission and the city council should expect Wal Mart to use their newer concepts and green roofs to build according to the East Bench master plan instead of granting a re-zone.

I passionately urge the planning commission to deny both the request for a re-zone to CS, and the needed amendment to the East Bench master plan. It is time actively commit to insuring Salt Lake is a city that acknowledges and honors it's beauty while being a desireable place to live in and visit.

Sincerely,

Charlene Telford-Tims

Britton, Nick

From: Martha Farney | [redacted] [redacted]

Sent: Monday, June 23, 2008 11:00 PM

To: Britton, Nick

Subject: Walmart rezoing

I would like to express my opinion on the rezoning of the Walmart property on Parley's Way. I don't believe there should be a rezoning. A representative of Walmart's public relations firm speaking at Dilworth Elementary agreed that Walmart would have no problems doing business in the existing building - it was only asking for a rezoning to make a more attractive building. At this point, I hate to see us lock ourselves into making this a site for a big box store from now on for a better looking building. Thank you, Martha Farney

Introducing Live Search cashback . It's search that pays you back! [Try it Now](#)

6/24/2008

Britton, Nick

From: . . .
Sent: Wednesday, June 25, 2008 11:09 AM
To: Britton, Nick; ralph@ralphbecker.com
Subject: Wal-mart petition

Nick

I am writing to you in support of Wal Mart.

When all of the vicious angry protests were directed at Wal Mart when the discussion first started approximately 18 months ago in Sugar House, I visited Wal Mart for the first time in my life to find out for myself, what was so horribly evil about Wal Mart.

What I found was a well run business that hires a huge number of people, people who in a lot of instances would not be hired by other business's. Why? -because the employee's are not mainstream. There is an over abundance of non-native speakers, people of color and people with disabilities behind the counters and working the shelves. I found reasonable prices and reasonable customer service. I found a business that caters to its clients.

I also found a true international environment, with many languages being spoken, people of color, and just plain different people. What a surprise...true diversity and without a Government program mandating it.

I now shop at three different WalMarts almost every week and have come to the conclusion that most, if not all, of the supposed anger directed at Walmart is nothing more than unbridled but cleverly disguised racism.

There really can be no other explanation because Wal Mart delivers a good product at a fair price and with reasonable but not great service (but who has great service these days?).

I believe that allowing Wal Mart to tear down the K-MART and build a new structure will be an economic and cultural benefit to our community and will expose our community to a diversity that currently is not available or visible in our neighborhood, I for one, am looking forward to it.

It is also important to know that Wal Mart does a significant amount of research as does any smart business and would not be considering opening this location, if there was not evidence that it would be financially supported by the neighborhood. Please do not let a very small minority of elitists spoil a wonderful shopping opportunity for the larger community.

Thank You,

Ed Sperry

Get the [Moviefone Toolbar](#). Showtimes, theaters, movie news, & more!

8/13/2008

Britton, Nick

From:
Sent: Wednesday, June 25, 2008 3:32 PM
To: Britton, Nick
Cc: gamvy@comcast.net
Subject: Wal Mart rezoning

I write to express my strong support for the rezoning of the Parley's Way property for a new Wal-Mart store. I currently live on Berkeley Street, but I have lived in the area for 40 years. I remember going to the K-Mart store when it was new and fresh and viable; today it is a blight on the neighborhood.

The threats and fears alleged by some that changing the zoning will create traffic or impact property values are vacuous. There will be a Wal-Mart at that location no matter what, therefore there will be increased traffic, no matter what. The questions at hand is: what are the land use tools that can improve the situation? As a result of the rezoning, there will again be a fresh, new and viable amenity to the community. The only result of the denial will be an old, tired and busy Wal-Mart without updated and upgraded parking and surroundings.

The only reasonable and rational decision of the Planning Commission is to recommend approval of the rezone application. Please don't fall for the arguments of the opponents of the rezoning; the vast majority only want it denied for punitive reasons, not because it's a smart land use decision.

Thank you for considering these comments.

Chris Gamvroulas

8/13/2008

6/25/08

Salt Lake Planning and Zoning Commission: Statement
from Bob and Rosalie Neville,

Re: Rezoning of K-Mart Property for Wal-Mart

We have lived on Parley's Way for forty-two years directly across the street from K-Mart. We had no communication from the planning commission and none of our neighbors knew what the construction was all about when bulldozers arrived and started building a hill. When we moved in the large lot across the street sloped to the street. Incidentally, if the "deal" between K-Mart and Wal-Mart took place in 2005 why were we not informed then instead of last year?

We have had to put up with noise, lights, and badly maintained property from K-Mart. Hold-a-hill and edge of parking lot were only weeded once a year. Parking lot lights have been left on all night. There is a speaker outside in the garden area so we had to listen to blue light specials and music in our house.

Traffic patterns are currently very heavy and would be out of control with a super store. With a super store there would undoubtedly be trucks unloading day and night.

If the zoning change is allowed to Wal-Mart it would exacerbate the above problems beyond which Parley's Way area can handle. Please don't let this happen!

wal-mart Rezoning

Britton, Nick

From: Frank L. Corbett []
Sent: Wednesday, July 09, 2008 8:50 AM
To: Britton, Nick
Subject: Re: Wal-Mart Rezoning

Thanks for the update. I would like to add that there are many of us that are in favor of having a wal-mart on Parleys Way that would include food. I grew up in this neighborhood and always viewed K-mart as a substandard retailer.

Regards,

Frank L. Corbett

From: "Britton, Nick" <Nick.Britton@slcgov.com>
Date: Wed, 9 Jul 2008 08:24:26 -0600
To: <
Subject: RE: Wal-Mart Rezoning

Frank,

At the June 25th meeting, the Planning Commission held an issues only hearing for the Wal-Mart petitions. No decision was made. The project has not yet been scheduled for a full hearing.

Let me know if you have any other questions.

Thanks,

Nick Britton
Salt Lake City Planning Division
451 South State St. Room 406
PO Box 145480
Salt Lake City, UT 84114-5480
(801) 535-7932

From: Frank Corbett []
Sent: Tuesday, July 08, 2008 4:04 PM
To: Britton, Nick
Subject: Wal-Mart Rezoning

Hi Nick,

I was curious of the status of the planning commission's decision regarding the Parleys Way Wal-Mart Rezoning and Master Plan Amendment. Was a decision made at the June 11th meeting?

Thanks,

Frank Corbett

8/13/2008

July 18, 2008

Nick Britton
Salt Lake City Planning Department
City-County Building
451 South State Street
Room 406
Salt Lake City, Utah 84111

Dear Mr. Britton,

We write this letter as neighbors of the proposed Wal-Mart at 2705 East Parley's Way and architects who practice in Salt Lake City. We support the current zone, CB (Community Business District), the city has given to this parcel. It is consistent with the East Bench Master Plan and the expressed wishes of the community. We do not think a big box super center is appropriate or desirable in a residential area - not just ours but any. We also worry about the volume of traffic, shoppers and delivery, such a super center will bring and the ability of existing infrastructure to handle it.

Equal to our concern about scale and traffic is the unfortunate lack of variety that follows the opening of a big box store such as Wal-Mart. It is well-documented that Wal-Mart forces the closure of surrounding local merchants and greatly hampers the growth of locally owned businesses, such as markets, restaurants, and boutique stores, in the area. The variety of experience provided by smaller, multiple vendors helps to enliven a neighborhood and make it vibrant. We see evidence of this around our city in multi-use neighborhoods such as, 11th East and 21st South, 9th East & 9th South, 15th East & 15th South, and 13th South & 18th East - all well-used and very walkable.

We urge the Planning Commission to enforce the current zoning in an effort to maintain a reasonable scale for current and future buildings on this property and to help make our neighborhood more livable. We acknowledge that Wal-Mart now owns the property and has the right to use it. However, it does not seem prudent for the city to let Wal-Mart set the rules.

It is entirely possible for Wal-Mart to exercise their creativity and adapt the existing K-Mart building to meet their needs. This is common practice around the world. In fact, many fine examples can be found right here in Salt Lake City. With the current cost of construction, raw materials, and transportation, it is unlikely that Wal-Mart can build anew for less than it can remodel. They know this. They did, after all, purchase the property knowing the zone and its limitations.

By extending the life cycle of existing building stock, Wal-Mart could conserve resources and reduce the environmental impact of materials manufacturing and transportation. Building reuse also significantly reduces the volume of construction waste. It is a strong sustainable strategy acknowledged by the U.S. Green Building Council in its LEED Rating Systems. Wal-Mart could reuse the existing structure and envelope and upgrade building components that would improve energy and water efficiency such as windows, mechanical systems, and plumbing fixtures. Some of the money they save on building construction could be used to landscape the parking lot, bringing it up to current zoning code and reducing the heat island effect created by the field of asphalt that exists on site now.

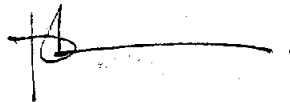
Salt Lake is a progressive city whose leaders have embraced sustainability and promote a strong local economy. Please support our vision of a sustainable

community and the future potential of such prime real estate. We urge the Planning Department to limit the impact of Wal-Mart on our neighborhood.

Respectfully,

Val. Nagasawa.

Valerie W. Nagasawa, AIA

A handwritten signature in black ink, appearing to read 'R. Nagasawa', with a long horizontal line extending to the right.

Ralph T. Nagasawa, AIA

July 20, 2008

Mr. Nick Britton
Planning Commission
451 South State Street, Room 406
Salt Lake City, UT 84111

Dear Mr. Britton:

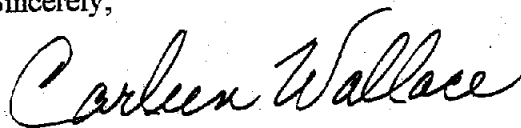
As Principal Planner for the rezoning of the Parleys Way property now occupied by Kmart, we hope the Planning Commission will take in to account the desire of WalMart to rebuild on that site.

I last wrote on this matter with the hope that WalMart could proceed as rapidly as possible to finish the project, as it is our feeling that this is a very necessary development in this area. My letter was written to our City Councilman, J. T. Martin, on April 13, 2008, and expressed our opinion that rebuilding would take too long.

However, I have since learned through friends who have known employees who have worked at Kmart that that building is much in need of being torn down! The employees had to place buckets all over the building to catch the water dripping from the roof, and various openings. It was the opinion of the Kmart employees that the building is beyond repair, and should be replaced. If anyone would know the condition of the building, it seems to us it would be the employees who have worked there!

It is our hope that the Planning Commission will vote "Yes" to the rezoning, and allow WalMart to build a beautiful new building which will greatly enhance the area, as well as provide jobs for many local people, including senior citizens. WalMart makes a point of hiring senior citizens as "greeters" and provides them with extra income to supplement their Social Security. In these very difficult economic times, we need a discount store in this area. WalMart and Costco are the most successful retailers at the moment. It will provide an incentive to other retailers to compete.

Sincerely,



Carleen A. Wallace

Britton, Nick

From: Bruce K. Duncan []
Sent: Tuesday, July 22, 2008 7:06 PM
To: Britton, Nick
Subject: Wal-Mart rezoning proposal (Parley's Way)

Bruce Duncan

Nick Britton
Planning Division
451 S. State Street
SLC, UT

Dear Mr. Britton,

I attended a Joint Community Council meeting earlier this year to hear a Wal-Mart consultant present and discuss Wal-Mart's development plan (and the alternative plan) for the K-Mart site near Parley's Way and Foothill Blvd. Accordingly, I am familiar with the proposal.

Yesterday I received mail from Wal-Mart, asking me to support their planned development, not otherwise described.

I decided to write to you instead of returning the solicitation form to Wal-Mart.

If there is still time to comment on the Wal-Mart proposal, I would like to add my two cents.

Two cents:

I support having Wal-Mart develop the K-Mart location - WITHOUT ANY REZONING.

Stick to the original master development plan. I do not support rezoning of the K-Mart location.

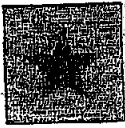
Before writing I went looking for updated information and was unable to find any. I would appreciate hearing about the current status of the Wal-Mart rezoning proposal.

Bruce Duncan

11/29/08 Planning & Zoning - Wal-Mart at Parley's Dr

Received this marker - thought you should have our response, since Wal-Mart will not tell you.

For us - we welcome Wal-Mart into our community - AS IT IS without any changes - let them live with what they have purchased -



Thank You.

- I support the Wal-Mart Supercenter at Parley's Way and Foothill Drive.
- Please keep me informed of your progress.
- You may use my name as a supporter.
- I would like more information. Please contact me.

COMMENTS

You have joined our community by purchasing property in it - NOW LIVE IN IT and don't change it.

NAME

D. G. HARRISON & JEN HARRISON

ADDRESS

CITY

SLC

STATE

UT.

ZIP

84108

PHONE

EMAIL

Britton, Nick

From: Kathy Adams []
Sent: Monday, August 11, 2008 11:52 AM
To: Britton, Nick
Subject: Wal Mart

I am opposed to Wal Mart in my neighborhood and since they have little concern over what I want for my own neighborhood, the committee should vote against expanding size of the building. Developers place themselves on committees and even infiltrate our legislature to pad their own pockets. Anyone on the planning committee who stands to gain from expanding the Wal Mart should be required to give full disclosure.

Thank you,
Kathy Adams

--
Kathy Adams

8/13/2008

Britton, Nick

From: John S []
Sent: Thursday, August 14, 2008 12:27 PM
To: Britton, Nick
Subject: Wal-mart rezoning UNACCEPTABLE

I am against Walmart rezone.
If they want to build a store with the same footprint as Kmar , so bet it.
Otherwise anything else is unacceptable

Please protect our city from "foreign" entitiies

If you need any more rationale including data from the Berekly studies from California and documentaries from law enforcement showing the increase in crime rate from Walmart Supercenters, please contact me. This is a nightmare for our community!
John Stewart

Britton, Nick

From: David Holbrook |]
Sent: Sunday, August 17, 2008 4:14 PM
To: Britton, Nick
Subject: Walmart

I will be in Virginia during the final planning meeting on Sept 10. Here are a few more observations that I would have made in person could I have attended.

3 things that I was going to speak to were:

1. In Walmart summary last planning meeting, he stood up and said, "How dare you tell us what to do with our property". My response in the next meeting was going to be, "How dare you tell us what to do in our neighborhood" No zone change. Jan Britain's presentation was to show that the property could be developed very well under the current zoning without a big box store.
2. Since the last meeting, Walmart sent out a reply card to the neighborhood, the only response requested was in favor of the project, if you were not for it, then you threw card away(which I did). So they will probably state that they sent out a card and got unanimous response back in favor.
3. Again, I have asked 3 times (SHCC, EBCC and last planning meeting) what they have spent on the location regarding plans if they do not get zoning change. I have never received a response. They just say that there will be a super Walmart there in an old or new building. This tells me "\$0" have been spent on alternative. Are they really willing to remodel just to get in the site? With the current state of the economy and Walmart closing non performing facilities, I believe they will not sink money into an old facility to remodel - they will sell the land - probably at a profit or sub-lease the building to Kmart or another entity as they currently lease to Kmart the land they own across the street from their facility on 4600 South/900 East. They can remodel under current zoning and meet all desired environmental, landscaping, parking and customer service needs if they would spend the money to investigate how and then spend the money to accomplish it.

NO ZONE CHANGE

--

Thanks -
Make it a great Day
Dave Holbrook

8

8/18/2008

August 16, 2008

Salt Lake City Planning Commission
451 South State Street, Room 406,
P.O. Box 145480
Salt Lake City UT 84114

Re: Parley's Way Wal-Mart Rezone


I urge you to approve the rezoning petition to allow Wal-Mart to build a larger store at the Parley's Way location.

I am a resident of the Sunnyside East area. I am not affiliated with Wal-Mart. I support the rezone because I would like the option of having Wal-Mart supercenter near my house.

I understand that the Sunnyside East Community Council, which supposedly represents me, has voted unanimously to oppose the rezone. I call your attention to the fact that the council has never solicited my opinion on this matter and does not represent my views. The council is not elected by the neighborhood, but rather by the minority of the neighborhood residents who find time to attend the council meetings. Like most of my neighbors, I do not have enough time in my life for all the things I want to do, and attending community council meetings is not a high priority for me. I do not want to demean those who do get involved in the council, whether they do so out of generosity and public concern, or to promote their own business interests, or because they simply have nothing better to do. But they represent an activist minority of the neighborhood, rather than the neighborhood as a whole. For them Wal-Mart appears to be a symbol of evil. For those of us with more practical concerns, I believe that a larger Wal-Mart at the Parley's location would contribute to a more dynamic and diverse community for all of us.

I know that many of my neighbors feel as I do, but don't want to spend the time and effort to write or to testify. Please look beyond the vocal minority when you make your decision.

Thank you.


Alan Watson

August 14, 2008

Nick Britton
Planning Division
451 S. State St., Room 406
Salt Lake City UT 84111

RE: Application to Rezone 2705 Parley's Way

I am opposed to the rezone of 2705 Parley's Way mainly because of the additional traffic congestion it would cause but also because there are much more attractive ways to further develop this property. It is also especially imprudent without a better plan to make this property accessible from Foothill Boulevard.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mac L. Hansen".

Mac L. Hansen

August 16, 2000
Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City UT 84111

RE: Zoning Change for future Wal-Mart – Parleys Way

Dear Director and Commission Members:

I have lived on Wasatch Drive, just above Foothill Drive, for most of my life. I am strongly opposed to a zoning change allowing for re-zoning change allowing big box retailers at the location currently being occupied by K-Mart on Parley's Way.

This goes against the East Bench Master Plan, which defines that area as Neighborhood Business. I am aware that Wal-Mart purchased the property a few years ago, but having them move into that space would cause concerns over, noise, and light pollution and increased traffic along both Foothill Drive and Parley's Way.

The current Master Plan refers to that area as 'a gateway into the Salt Lake Valley. Such a zoning change would make that area a concrete blight.

Further more, there are sufficient grocery services in the area that would suffer greatly as a result of this change. Albertsons, Dan's, Emigration Market and Smiths would all see a decrease in clientele as would many of the other small businesses in Foothill Village and along both 15th East and along 21st South.

Sincerely,

Anne Davis

Street address

City State Zip

Date

Nick Britton
Planning Division
451 S. State St., Room 406
Salt Lake City UT 84111

RE: Application to Rezone 2705 Parley's Way

I am opposed to the rezone of 2705 Parley's Way because

- ① traffic on Foothill Blvd.
- ② young people with children are moving in (houses built in sixties and seventies are being vacated by original owners).
Let's keep the original residential character intact.
- ③ Big box stores are ugly and change character of the city we love.

Sign and print your name

JERRY PALA

Nick Britton
Planning Division
451 S. State St., Room 406
Salt Lake City, UT 84111

August 20, 2008

Wal-Mart wants you to think they can't remodel the Parley's Way Kmart.

Big Box retailers want all their stores to have the exact same interior configuration so that they can send out displays and directives that will work exactly the same in every store. Wal-Mart has enough power that they force their suppliers to package in sizes and shapes that will fit exactly into a pre-defined space in the store. If every store is the same, then it works the same way no matter where you go, and customers can expect merchandise to be in the same place in every store. Wal-Mart's goal is to stock merchandise that never has to be handled by an employee -- it comes from the supplier ready to fit onto a shelf with no time wasted by an employee trying to make a product fit into a space that isn't quite the right size.

The Utah Parley's Way Wal-Mart team has been directed by Wal-Mart executives in Bentonville, Arkansas, to get the rezone done. Bentonville is not the least interested in how it will affect our city or neighborhood, what kind of environmental hazard will be created by demolition and reconstruction of the building, whether we will have traffic issues, light, noise or trash pollution (check out the surrounding neighborhood after a night of canyon winds), or whether they have to plant 10 trees or 20. Their bottom line profitability improves by having an instore configuration that is exactly the same as every other store of that size. They will tell us anything they think we want to hear in order to accomplish that.

There is a Wal-Mart north of Denver where they have put in landscaping that hides the parking lot from the street, and it is attractive and adequately watered. Clearly that municipality has some real ordinances regarding landscaping and have required strict adherence. No one is asking whether Wal-Mart will replace the Russian olives, thistles, pyracantha and Virginia creeper that pass for landscaping around the Kmart, or what they will do to about the ugly retaining wall on Parley's Way where the rats live.

To convince us that a rezone is good for the city and the neighborhood, Wal-Mart is spreading a lot of mis-information.

- They want you to think that Salt Lake Planning and Zoning Ordinance is restricting the amount they can spend on a remodel and that they would only have enough money to fix the interior of the store, but not the exterior or the lighting and landscaping.
- The truth is that they are not restricted by the city; they are restricted by Bentonville who wants us to think that they will punish the neighborhood by maintaining an ugly store and parking lot. If they want to commit retail suicide by presenting a run-down property, then we should let them. They won't last long. The existing parking lot lights shine into the neighborhood and city ordinance requires them to be turned off by 11 p.m. So much for Wal-Mart's 24/7 hours of operation if they don't change out the parking lot lights. They want you to think that they'll have beautiful landscaping if they are granted a rezone; the trees at their store on 9th East and 4800 South are mostly popsicle sticks with a few leaves on them. They're only required to plant the trees; they aren't required to keep them alive and healthy.
- They have said that, "The new Wal-Mart Supercenter at Parley's Way and Foothill Drive will generate hundreds of thousands of dollars in new sales tax revenue each year". Apparently they are planning to heavily market to customers who currently shop outside the city limits; there is no other way they can begin to bring in that kind of revenue.
- The truth is that their marketing strategy will just shift around existing sales tax revenue. There is little new population to draw from. If the county loses sales tax revenue, we'll still pay for it because we are residents of the county as well as the city. There is no new money; just a transferring of existing money from one pocket to another.
- They want you to think that the city will benefit if they build a new environmentally

sustainable building.

- The truth is that the demolition of the existing building will be environmentally harmful; where will they go with all that rubble and how long will the surrounding neighborhoods put up with a fog of blowing dirt, or mud tracked down the streets by construction trucks? What benefit will we get if they construct a new building? Have you seen any Wal-Mart that you would call attractive and have wished was in your neighborhood? Most residences look at the top of the building; they'll still see a glaring white roof and all the mechanical equipment that they can see now.
- Wal-Mart wants you to think that our neighborhood will not be impacted by increased traffic. Because Foothill Drive is already close to failure, they project that no one will use it. They project no additional traffic on Stringham or the driveway north of Cowboy Grub. Shoppers who live north or east of the property will be happy to drive several extra miles to avoid using Foothill Drive.
- The truth is that the property does not have adequate access for a Community Shopping Zone. East Bench and University residents will not avoid Foothill Drive because they're used to dealing with it. The only bus service is on Foothill Drive; there is no east-west bus service. Kmart shoppers and employees used to ride the Parley's Way bus, but that has been discontinued and UTA says they will not be renegotiating discontinued routes.
- When asked about the unofficial park and ride that exists in the Kmart and Woodbury parking lots, Wal-Mart employees skirt the issue. Some say they will tow; some say they'll leave it so long as they have enough parking; some say it's a city issue and they'll call the Salt Lake City Police Department to deal with it. So much for increased city revenue -- it will go for answering increased calls for the police to deal with their parking lot issues. Where will the park and ride move to? Whose neighborhood will inherit it with increased on-street parking during the day?
- According to freecampgrounds.com, "most Wal-Mart stores -- perhaps nine out of ten -- graciously allow RVers to stay the night in their parking lots." Considering that it took two months to have two guys evicted from the Kmart lot where they were living after being evicted from other big box parking lots in the city, we can expect to see more of this. Apparently Salt Lake City has no ordinance to prohibit camping or residing in parking lots.

The problem with the rezone comes in a few years when Wal-Mart either wants to expand and renegotiate the size limitation on their store, or abandons and sells a property that is now zoned for a shopping center with no size limitation on the buildings. They will tell you that they will have a developer agreement that will prevent that from happening, but city officials freely admit that the agreement can be renegotiated by Wal-Mart or a subsequent owner and all bets are off. Once the zoning is changed, it will be a major struggle to ever get it back. Clearly it's a fight just to maintain the current zoning that has never gone into effect because the state legislature allows property zoning to be grandfathered for time and eternity.

The city has put money into transportation studies, master plans, and planning studies. Every one that deals with Foothill Drive and/or the Parley's Way Kmart property has shown that Foothill Drive is already in failure at the Sunnyside intersection and will start to fail at the remaining intersections if nothing is done. They also conclude that access to the Kmart property is "poor." The city is wasting their money on these studies if they are going to rezone the Kmart property to Community Shopping which will allow a building of limitless size, bring even more congestion to the area, and require the property owner to do nothing to address the access and traffic issues.

In a declining economy, how much property in the Salt Lake Valley is currently being developed into retail? We already have condominium projects that have no buyers; how long will it be before we have abandoned retail? Where is the study that shows that Salt Lake can support Gateway, City Center, Trolley Square, Universe Project, Foothill Village, Sugar House, and Cottonwood Mall, to name a few and exclude thousands of local businesses that are also trying to survive. Where is the responsibility of City Planning to not allow more retail than the population can support?

Thank you for your serious consideration of these issues.

Janice Brittain

Toni R. Carter

August 14, 2008

Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City UT 84111

RE: Zoning Change for future Wal-Mart – Parleys Way
COMMENTS AGAINST RE-ZONING PETITION BY WAL-MART

Dear Director and Commission Members:

As a long time resident of the Foothill/St. Mary's area I am concerned about a zoning change allowing for re-zoning change, such that a big box retailer will be allowed to construct a super store.

Our current East Bench Master Plan shows Neighborhood Business in the area that is currently occupied by K-Mart. With the advent of Walmart purchasing the property and asking for a zoning change will change the makeup and complexion of this area of Salt Lake City. It is apparent that a major development of this nature and re-zoning will impact the traffic in this area, that already experiences tremendous stress.

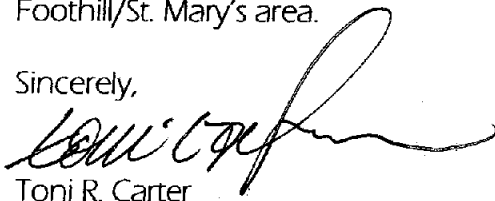
Further more, there are enough local grocery services already being provided by local business and super markets such as Albertson, Dan's, Emigration Market and Smiths. There is no need to allow for a re-zoning change to allow Wal-Mart to expand and provide a Super Store with grocery capabilities.

I strongly urge the commission to vote **against** the re-zoning request and preserve the unique neighborhood that currently exists. "Spot or strip" re-zoning is strongly discouraged.

I support an overhaul to the present site, foot print, etc., but not a zoning change to expand a big box retailer to overtake this location.

Thank you in advance for allowing me to voice my concerns as a resident of the Foothill/St. Mary's area.

Sincerely,



Toni R. Carter

August 21, 2008

Nick Britton
Planning Division
451 S. State Street
Room 406
Salt Lake City, UT 84111

Dear Mr. Britton –

We are writing you to let you know that we are **OPPOSED** to Wal-Mart's rezone petition at Parley's Way and Foothill Drive. As homeowners and active citizens, we do not believe that the rezone is needed. If allowed, a Wal-Mart Supercenter would be a detriment to our neighborhood. We are very concerned about the amount of traffic, light pollution, noise, and trash this potential rezone will bring. The rezone goes against the master plan for the Foothill/Parley's neighborhood and is not in line with our community or our values.

Please vote against the rezone at the Planning Commission meeting in September. We will not be able to attend, but we have been following this issue closely. We have been, and continue to, let our elected officials and city government know how we feel on this issue.

Thank you for your time.

Sincerely,

Handwritten signatures of Leda Mareth and Dave Adam in cursive script.

Leda Mareth and Dave Adam

Britton, Nick

From: Scott Kisling [t]
Sent: Wednesday, August 27, 2008 5:28 PM
To: Britton, Nick
Cc: Council Comments
Subject: Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment

Attachments: Kisling home to K-Mart Property.tiff; ATT1206767.txt



Kisling home to ATT1206767.txt
K-Mart Propert... (66 B)

Dear Councilmen and women,

As a homeowner living within two blocks of the property, and one who has been actively involved in the process since 1994, I strongly urge you to deny these petitions. For a number of good and valid reasons, this community has not wanted a supercenter in that location, preferring instead to have a variety of smaller stores, restaurants and non-retail uses. The surrounding neighborhoods do not have a "9th and 9th" sort of business area and are patient enough to wait for one -- or something even better -- to be created in the only remaining developable land we have.

Since the time when K-Mart was built with no public input the City has told us to understand and work within the system; to state our wishes in our Master Plans until they are codified in the Zoning Ordinances. It took many years, but we are happy with the current CB zoning. We were very happy with the non-complying use as a tool to wait for a better use than a supercenter.

To rezone this property against the wishes of the surrounding neighborhoods would signal to the people of this City that the public process is broken. Some will see it as something worse than that - a kind of "sell-out." This City needs *more* people involved in the public process, not fewer; we already have too much public apathy from people believing they have no voice. We don't need a City-wide example that they can point to as proving themselves right.

Please lets work toward something better, rather than letting a sixties-era mistake justify another mistake now. Wal-Mart knew the zoning prohibited supercenters when they bought the property. They just believed they were organized enough and powerful enough to reverse the law as they have in so many other places.

Thank you for your support,
Scott Kisling

Britton, Nick

From: Douglas D. Stewart, Jr. [mailto:ddstewart@comcast.net]
Sent: Sunday, August 31, 2008 9:11 PM
To: Britton, Nick
Cc: wilshire05@comcast.net; Leslie Read (office)
Subject: Wal Mart Rezoning

Hi Nick,

This is a follow-up note to my letter and my wife's (Leslie Stewart) e-mail letter to you a few weeks ago. We will not be able to attend the meeting on September 10th, since we will be out of town. However, we both want to express our opposition to the re-zoning, which Wal Mart is requesting. Our position is that Wal Mart can accomplish all of the desired changes that they want to make without changing the zoning to Community Shopping. Please review our earlier letters for the specifics of our opposition to the potential rezoning. If there were any way in which we could attend this upcoming meeting, we would be there to physically show our support for not allowing the rezoning.

Thank you --- Doug

Britton, Nick

From:
Sent: Friday, August 29, 2008 2:11 PM
To: Britton, Nick
Subject: Walmart on Parley's Way
Importance: High

Nick,
I wanted to email and tell you that I understand Walmart will be building on the KMart site regardless of how the neighborhood feels because they own the property. My concern is that they only be permitted to build in the existing footprint of the current building and that they not be allowed to build a super store or even anything slightly larger than the existing KMart.

Thanks for your attention to this issue,

Jill Anderle
Resident of the East Bench City Council District

banderle@earthlink.net
EarthLink Revolves Around You.

Britton, Nick

From: Linda Frost []
Sent: Saturday, August 30, 2008 10:53 AM
To: Britton, Nick
Subject: Walmart Rezoning

Dear Mr. Britton,

I am emailing to inform you that I am **against** a rezoning clearance for WalMart on Parley's Boulevard. As the current size of the location is, WalMart will bring in a flood of extra vehicles and traffic into the area which I do not want. In addition, that traffic will be constant if WalMart opts to stay open 24 hours a day as it does in many locations. I am not happy about that prospect either. Finally, if WalMart is allowed to demolish and rebuild on an even larger scale, the above issues will only be compounded. This is not what I want for my community. Please register my vote against rezoning for WalMart and do not allow business interests to supercede the desires of the community. Thank you.

Sincerely,
Linda Frost

9/3/2008

Britton, Nick

From: Robert J Farney MD [mailto:]
Sent: Tuesday, September 02, 2008 7:06 AM
To: Britton, Nick
Subject: Wal-Mart

I am writing this letter to voice my strong protest regarding the construction of any Wal-Mart "box" on the present site of the K-Mart store on Parley's Way. If completed, this project will devalue the quality of our neighborhood as well as devalue our property. Having lived in this area for 30 years, I seriously question the wisdom of a Wal-mart box even from a business sense as the location is not good because of the traffic pattern. Once completed, the increase in traffic flow and congestion will be a terrible consequence for both home owners and business concerns. The thought of rezoning the area is beyond comprehension and makes no sense. We need high quality living space in proximity to downtown, the university and other places more than any warehouse shopping store. I appreciate the fiduciary interests of Wal-Mart; however, at some point in this country we have to make some judgments that recognize values beyond some bottom-line dollar outcome.

Please forward this email to those that may be making these important decisions. I do hope that the feelings of the people who actually live in this area are given the enormous weight they deserve. The rights of those who live and work in this area should be afforded the greatest weight.

Sincerely, Bob Farney

9/3/2008

Britton, Nick

From: |
Sent: Thursday, August 28, 2008 10:56 AM
To: Britton, Nick
Subject: Walmart Rezone

Dear Mr. Nick Britton,

Good morning. I am a resident living a few houses away from the Kmart on Parleys Way. We are against allowing Walmart a rezone for this location. Currently, there are sufficient large retail establishments in the area and we are against allowing another big box to enter our area. Preferably, we would like to see smaller neighborhood businesses. However, the property has been sold to Walmart. Please do not change existing zoning laws in their favor.

Thank you,
Kami Hatch

Check out [AOL Video](#) to see what's making news today!

Britton, Nick

From: STEVE HANSEN []
Sent: Wednesday, August 27, 2008 8:29 PM
To: Britton, Nick
Subject: Wal Mart

Mr. Britton- Please pass along to Mr. Simonson my support for the change of zoning to permit the Walmart Superstore to be constructed. I do not reside within Mr. Simonson's district, however, I do reside near it, and I would very much like to see this site retained and enhanced for this type of retail facility to serve the needs of the residents of the east bench.

Thank you,
Steve Hansen

Britton, Nick

From: Garrett Koerner [mailto:]

Sent: Tuesday, August 26, 2008 3:17 PM

To: Britton, Nick

Subject: Wal-Mart Rezone

Nick,

My wife Lori and I have lived on Wilmington Avenue for over 1 year. We love the area and have enjoyed our time in Sugarhouse. We feel like granting Wal-Mart a rezone of the K-Mart property will change that. We are in opposition to granting Wal-Mart a rezone on the K-Mart property.

Thank You,

Garrett and Lori Koerner

Britton, Nick

From: Carol Anderson [n]**Sent:** Tuesday, August 26, 2008 3:53 PM**To:** Britton, Nick**Subject:** Walmart rezone issue

My name is Carol Anderson and I live on Wasatch Drive near the existing K-Mart soon to be Walmart. Business and residential issues when at odds hurts all. It is fine to have a nice store in place of K-Mart. But the rezone opens way in time for a mixture of problems especially with expansion and business needing more and more space and less and less restrictions. Profit rules business choices, a way of life changes for residents. Please keep the scale of things not so dominant given the people need less traffic, open space, and a place to really call home. Not an overworked neighborhood with crowds and noise which diminishes health and personal well being. Thank you Carol Anderson

9/3/2008

Britton, Nick

From: BRUCE COHNE [mailto:bruce@cohne.com]
Sent: Tuesday, August 26, 2008 11:04 AM
To: Britton, Nick
Subject: Wal Mart Rezone

Dear Mr. Britton.

I have been involved with this project for as long as it has been an issue. Now that I am no longer the Chair of the East Bench Community Council I can state my opinion in my own terms.

The Wal-Mart proposal for a rezone is not out of line, and their plan to use the basic foot print of the present structure is sound. Keeping the maximum height to 33'4" is not obtrusive or excessive. The use of Down Flow lighting in the parking lot is good.

Concerns are these: Traffic flow on and from Foothill Blvd, on and from Parleys Way. Truck traffic what hours and effect on the two roads from an egress and ingress stand point.

Covenants to run with the land, that any future owner will be bound by. Limit the height and size of any development not to exceed 130,000 Square feet. A maximum height on any new or additional structures to 33'.

It would be helpful to have a covenant with Wal-Mart that the roof surface of the rebuilt structure will be green, and that the HVAC items will be separately enclosed at the West end of the roof, in a green shelter, not to exceed the maximum agreed to height.

The Wal-Mart plan is an enhancement to the property, but the future development must be preserved and protected. So if such a thing exists a limited conditional rezone is the way to go,.

Bruce Cohne

Britton, Nick

From: Fred Fairclough |
Sent: Tuesday, September 02, 2008 4:23 PM
To: Britton, Nick
Cc: Simonsen, Soren; Martin, JT; Becker, Ralph
Subject: Wal-Mart on Parleys - September 10th Planning Commission Meeting

Dear Mr. Britton (City Planner),

We live one-half block west of the subject site and are in favor of the requested rezoning as our neighborhood can use a little more competition in the grocery business. Additionally, even if repainted the existing K-Mart building will not be as appealing as a new facility with a new parking lot and landscaping where none now exists.

At the last meeting before the planning commission, there were many opponents of the project who stated that Wal-Mart can get "**everything they want**" with a remodel of the existing building that they would get from a rezone and new building". There seems to be much confusion in our neighborhood over this issue – i.e. "everything Wal-Mart wants".

Its' my understanding that one thing Wal-Mart gets from the rezone is the ability to operate a **complete** grocery operation within the facility, rather than being restricted on a square foot basis to the non-food / food area of the existing K-Mart.

You could do the community **a real service** by explaining at the outset of the upcoming planning meeting exactly what it is that Wal-Mart can do with respect to grocery retailing if granted the requested rezoning as opposed to what Wal-Mart is restricted to by the existing building/zoning with respect to grocery retailing.

If it is not possible for you and/or others in the Planning Department to clear up this confusing but very important issue at the outset of the planning meeting, would you kindly so advise me by email reply as soon as possible so I can talk with speak with some knowledge and certainty to my neighbors,

Respectfully requested,

Fred Fairclough, Jr.

Britton, Nick

From: Cecilia Uriburu
Sent: Tuesday, August 26, 2008 12:00 PM
To: Britton, Nick
Subject: Regarding the re-zoning of the East Bench zoning

Dear Nick Britton and members of the Planning Commission,

I am a newly naturalized citizen of the United States, resident of the East Bench neighborhood and a local practicing Salt Lake City architect.

I am writing to you to oppose the re-zoning of the East Bench that will allow for a new Wal-Mart in the existing K-mart Parleys ways site.

The existing zoning fits perfectly the current and future residents and small business needs. We like the small scale of our houses and business and I wish we could maintain it as is , improving it as necessary within the limits of the current zoning.

I love living and walking the streets of the East bench, my house being located only a few blocks away from the site in discussion, walking my dog or cycling the low traffic roads, which would potentially be drastically disrupt if Large and unlimited size stores are allowed and built.

As a resident under the current zoning, I don't have to worry about increase of traffic, increase of parking lot lighting hours being extended, increase of shadows in the neighborhood due to big mass of building, and ultimate, the effects of the air we breathe by increasing the amount of food and supplies delivery to a potential new large business.

As an architect, volunteered my time and invited architecture professors from the University of Utah College of Architecture + Planning to review alternative proposals to the re-zoning, and we came up with great alternatives that would work without deviating from the current zoning and the resident in the area enjoy some of the solution we came up with.

I love my new country and I love the idea that you the council men or woman will hear our ultimate right to oppose private interest over the well being of the community.

Please do whatever is in your power to oppose the re-zoning of my neighborhood

Sincerely,

Cecilia Uriburu

Please note: This email, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this email is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this email is prohibited. If you have received this email in error, please notify the sender by replying to this message and delete this email immediately.

9/3/2008

Britton, Nick

From: Gary Johnson |
Sent: Tuesday, August 26, 2008 11:26 AM
To: Britton, Nick
Cc: 'Marti G. Johnson'
Subject: Parley's Way Wal-Mart Proposal

Mr. Britton,

As a 22 year resident of the Parleys area, my wife and I have long enjoyed the attributes of your neighborhood, location, convenience, and local services that are readily available. I do not believe we will be a better served neighborhood and area with the re-zone request of Wal Mart. They can simply operate their business under the current zoning, AND be able to upgrade the Parley's plat as it is currently zoned. The notion that they need to change the zoning is ridiculous, and I take exception to their opinion that they know best for MY neighborhood.

I am an avid runner and cross Parleys Way twice each morning. I am concerned about the increased traffic pattern, and general assumption by Wal Mart's traffic study that Parley's Way CAN handle more traffic. That is an arrogant and bullish type of attitude to have in such a vital part of the community.

Please DO NOT grant or approve a zoning change!

Respectfully,

Gary Johnson

9/3/2008

Britton, Nick

From: Hasen Cone |
Sent: Tuesday, August 26, 2008 10:53 AM
To: Britton, Nick; Council Comments
Subject: Regarding Wal-Mart's application for a rezoning of the K-Mart property on Parley's Way

Hi Nick and others,

Regarding Wal-Mart's application for a rezoning of the K-Mart property on Parley's Way:

As a resident of that neighborhood I have to vehemently oppose the possible granting of Wal-Mart's request. We rely on our City Council and Planning Division to uphold the quality of the area and town in which we live, and Wal-Mart is one of the main ruiners of a community. While I hold MAJOR moral, ethical, and aesthetic issue with Wal-Mart in particular, the purpose of this letter is to address the zoning issue rather than specifically Wal-Mart.

To allow an even larger store to be built on that property will create an even larger eyesore in our beautiful neighborhood. Rather than building cookie-cutter superstores that destroy the unique personality of a community and homogenize it to look and feel like boring Anywhere, USA, why not promote non-chain stores and businesses that add flavor to an area?

You might think Wal-Mart is necessary because it brings in more money than any other businesses. I'd be ashamed to know that my neighborhood was sold to the highest bidder (especially when the highest bidder has so much blood on its hands) by those who are supposed to be working for our benefit. I don't care if the City will make tons of money (from taxes, etc.) by having a superstore in the area. Money is needed, but not at any cost.

Please consider my strong opinion (which represents the opinion of thousands that haven't written you) when I beg you to reject Wal-Mart's request to get the K-Mart lot rezoned to accommodate a larger superstore.

thanks for you time,

Jason Cone

9/3/2008

Britton, Nick

From: Betsy Hurty [r
i]
Sent: Wednesday, September 03, 2008 10:47 AM
To: Britton, Nick; carlton.christenen@slcgov.com; Turner, Van; eric.jergenson@slcgov.com;
luke.garrot@slcgov.com; Love, Jill; Martin, JT; soren.simonson@slcgov.com
Subject: Walmart/Kmart

I recieved an invitation to the meeting on Sept. 10, unfortunatly I will be unable to attend. I have a few comments. When I read the people who appose it, most of them do not even live close to the property. Traffic would not affect them other. I think the property should be rezoned and allow walmart ti build a new building Look around at the Walmartd that have been built. The buildingd are nice looking . Their parking lots are easier to follow. I do not tjink the traffic would be an issue, depending where you put the driveways. This neighborhood doed not have alot of the things walmart offers. an example is fabric. We have to drive to 33so and13e. The green space thay are promising would also be nice

9/3/2008

Britton, Nick

From: Curt Dowdle [
Sent: Wednesday, September 03, 2008 1:02 PM
To: Britton, Nick; Christensen, Carlton; Turner, Van; Jergensen, Eric; Garrott, Luke; Love, Jill; Martin, JT; Simonsen, Soren
Subject: Wal Marts proposed expansion on Parley's Way

Dear Salt Lake City Council Persons,

There are undoubtedly 5,000 reasons you will hear in opposition to the proposed Wal Mart expansion on Parley's Way; but I dare say none of those reasons carry an ounce of efficacy. Having lived near enough to the subject property that I visit the current Kmart store occasionally, the traditional arguments of "traffic, noise, deleterious effect on the immediate neighborhoods," etc. are simply the same old worn out, non efficacious arguments put up by people with a simple fear of change. Having been in my fair share of entitlement battles, most often on simple housing issues, it is apparent that many, many people fall into the category that I refer to as "bananas," an acronym for "build absolutely nothing anywhere next to anything!"

Wal Mart is a tremendous Corporate citizen; they are the paragon of retailers; yes, and employers. They pioneered the concept of "hiring seniors," and I can just imagine how many thousands of seniors who are gainfully and happily employed by Wal Mart; and the list of this companies virtues go on and on. The citizens in the City of Sandy voted for Wal Mart, the citizens of Heber City voted for Wal Mart, and so should you.

Please, vote to approve their conditional use; make it feasible for them to upgrade and renew what is a terrible decrepit Kmart, a virtual neighborhood blight. Living just South of the Parley gully, I patronize the retailers in this area frequently. A new super Wal Mart will revitalize and invigorate this beautiful neighborhood, and I'm convinced they will again be an excellent corporate citizen for the Parley's Way neighborhoods.
Sincerely,

Personal Regards,

Curtis W. Dowdle, *MIRM, CMP, CAASH*

Executive Officer

Salt Lake Home Builders Association

Office: (801) 748-4134

Mobile: (801) 301-0028



SALT LAKE
HOME BUILDERS
ASSOCIATION

9/3/2008

Britton, Nick

From: cawdancer@comcast.net
Sent: Wednesday, September 03, 2008 2:56 PM
To: Britton, Nick
Subject: WalMart

We wish to voice our support for the rezoning of the property presently occupied by KMart at Parleys Way and Foothill. We feel that the present building is in too much need of substantial repair, and that WalMart should have the zoning necessary to tear down the existing building, and rebuild a new and EARTHQUAKE PROOF building. After all, we on the east side in all these brick homes may need their building as an emergency shelter in case of earthquake!

Carleen A. Wallace
2532 East 1700 South
SLC, UT 84108-2704

Exhibit G
Minutes from Planning Commission Issues Only Hearing
June 25, 2008

He noted that he and Vice Chair Woodhead had the opportunity to visit with the Chair and Vice Chair of the City Council and discussed issues regarding the Northwest Quadrant. He noted that the Commission would have a fact finding meeting in August to discuss how this could move forward. They also discussed a Futures Plan, which the City had derived and he requested that the Commissioners receive copies of this to become familiar with this material.

Mr. Paterson noted that the Futures Plan was developed under Mayor DeeDee Coridini's administration, and was a strategic plan by the City that had a lot of input from various groups throughout the community and a lot of public input as well.

Chair Wirthlin noted there was also a draft of the Citywide Preservation Plan that was being worked on, and the City Council Chair had also felt it would be beneficial to share their list of outstanding petitions with the Planning Commission and vice versa.

Vice Chair Woodhead added that there was also a discussion on moving forward with the revisions to the Conditional Use Ordinance, and she felt that the consultants and planning staffs work on this was close enough to being completed to be able to continue on with that.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

Mr. Paterson introduced Frank Gray, the new Community and Economic Development Director.

Mr. Gray stated he was looking forward to working with Planning Staff and the Planning Commission and noted that his first order of business was to hire a new Planning Director.

Mr. Paterson noted that regarding the Conditional Use petition, the City Council had hired a consultant to help review that application, this consultant was Frank Gray prior to becoming the CED Director. He noted that the City Council was still in the process of reviewing those recommendations and the information that Mr. Gray had provided, and they were working within the scope of the original ordinance. Mr. Paterson noted that if it became necessary the Planning Commission would have a chance to again review it.

ISSUES ONLY HEARING

(This item was heard at 6:01 p.m.)

Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment—a request by CLC Associates, Inc. on behalf of Wal-Mart for a zoning map amendment and a master plan amendment to the East Bench Master Plan located at approximately 2705 East Parleys Way. The parcel is currently zoned Community Business (CB) and the site is developed with a non-complying use (supercenter) in a non-conforming structure. CLC Associates, Inc. is requesting that the property be rezoned to CS Community Shopping to allow for the construction of a new supercenter. The property is located in City Council District Seven represented by Council Member Søren Simonsen.

Vice Chair Woodhead stated that she had a potential conflict with this petition because as an attorney she had represented clients in matters against Wal-Mart, never land use related, and currently she was not representing any Wal-Mart affiliated clients.

The Commissioners agreed that they had no objection, and Vice Chair Woodhead did not need to recuse herself.

Chair Wirthlin recognized Nick Britton as staff representative.

Mr. Britton stated that the reason there would be a master plan amendment was because the future land use for this parcel in the East Bench Master Plan was for Community Business (CB) intensity. He noted that staff had determined that some of the issues the Commission might want to consider tonight were: the elements of the development agreement proposal, the potential long term impacts of rezoning the property to Community Shopping (CS), which would include compatibility with the East Bench Master plan, the compatibility of this proposal with the surrounding neighborhood, and the impact of the presumed additional traffic.

He noted that staff would also like guidance from the Commission in terms of other issues identified upon reading the staff report and from public comment, which would be received tonight. He noted that there was a correction within the memo on point A. where it stated, *in early 2005*; it should read, *in November 2005*—which is when the ordinance was passed.

Chair Wirthlin invited the applicant forward.

Ms. Karieanne Fallow, Senior Manager of Public Affairs and Government Relations for Wal-Mart, stated that this property was purchased in February of 2005 at that time the building was zoned Community Business (CB) and did allow various retail uses, she noted that they were aware that the old K-Mart lease expired in 2008, and at the time of purchase Wal-Mart had planned to demolish the 40-year-old building and replace it with a new energy efficient and improved development. Ms. Fallow noted that the current building was a noncompliant structure, because of the lack of glass, it was set back to far, and it was larger than 15,000 square feet without conditional use approval.

Ms. Fallow stated that Wal-Mart had met with surrounding Community Councils, City Council members, area business owners, and residents and had also hosted two community open houses. Based on the input received the design team reworked the look of the store to meet the requests received from these meetings, for example, lowering the roofline and creating a more modern facility. She noted that they felt that the community would be better served if this property was allowed to be rezoned; the alternative would be to remodel the existing. She noted that a rezone would be more beneficial because first, development of the property would go through the public input process; second, the parking lot would be redeveloped to include new lighting, landscaping, and parking; and third, a new building would contain the new environmentally sustainable features, which would not be feasible in a remodel of the old building.

Troy Harold, Project Manager, stated that this rezone would be tied to some specific set guidelines that Wal-Mart was willing to cooperate with in order to produce a better building for the customers and the community. Mr. Harold gave a PowerPoint presentation.

Presentation Highlights:

- The new building would be reduced in mass, and would be more harmonious with the existing surrounding neighborhood.
- The site would be an asset to surrounding businesses.
- The current property was bland and needed more site buffers, pedestrian access and landscaping, which Wal-Mart intended to create.
- Service access would be improved with a rezone.
- An internally fed trash compactor system would be installed, instead of dumpsters on site.

Michael Crotone, architectural consultant, gave a PowerPoint presentation.

Presentation Highlights:

- Building would engage the community and will be innovative.
- A pedestrian canopy would be designed to be inviting and to bring customers into the store, while providing essences of safety and protection from the elements.
- A Pedestrian plaza would be created
- Refrigeration technologies would be energy efficient

Joe Parron, Project Engineer, stated that he was hired to look at the traffic in the area and possible impacts. He noted that some were under the impression that the same size K-Mart and Wal-Mart would generate the same amount of traffic, but considering the K-Mart in this location was not successful, this was not the case.

Presentation Highlights:

- Additional traffic would mean an eleven (11) percent traffic increase on Parley's Way.
- Access to the property would be from Wilshire Drive and Parley's Way.
- There was a Foothill Drive study currently going on to look at ways to ease the traffic and planning on Foothill Drive, Wal-Mart was willing to have those study groups decide where the access from Foothill Drive

would be, and Wal-Mart would like to direct a lot of this traffic to Parley's Way, which was at one third of its capacity.

- Apartments on Stringham Avenue might become denser in the future, and cross-access should be considered and incorporated in this case.

Chair Wirthlin opened up the public hearing portion of this petition.

Commissioner Algarin recused himself.

G. Kevin Jones (2500 Skyline Drive), East Bench Community Council, stated that many neighbors have commented that they do not want Wal-Mart to be granted a rezone because the proposed change was inconsistent with the East Bench master plan, Wal-Mart purchased the property knowing what the zoning status was and was further granted approval to operate under the conditional use, and the rezone would increase traffic along Foothill Drive and Parley's Way. He noted that a considerable amount of neighbors have shared their support for the rezone, because K-Mart is currently operating with marginal success, but a superstore could not continue under the current zoning designation, and rezoning would allow Wal-Mart to create a better and more environmentally conscious building. He noted that Wal-Mart's proposal was still missing a lot of pieces, for example could a successor use the rezoning for their future development plan.

Grace Sperry (2660 South Highland Drive) Sugarhouse Community Council Chair stated that the Community Council did not see a lot of public comment before they voted and that possibly could have changed their negative vote.

Commissioner McHugh stated that she understood that the Sugarhouse community council voted on this petition three separate times.

Ms. Sperry noted that they voted twice, but they were not aware of the various people they represent and what their opinions were.

Ellen Reddick (2177 Roosevelt Avenue) Bonneville Hills Community Council and the President of the Vest Pocket Alliance stated that the community felt that granting spot zoning set a bad precedent and ignored the interest of local communities; it also undermined the value and respect of the master plan.

Jan Brittain (2751 Wilshire Drive) representing Foothill Development Watch, which was a group of residents in the southwest quadrant of the City, who were concerned about development and traffic in the Foothill Corridor and included: Søren Simonsen, Roz McGee (2552 East 1700 South), Rosalie and Robert Neville (2700 Parley's Way), Leslie Read-Stewart (2785 Wilshire Drive), Douglas D. Stewart, Jr. (2785 Wilshire Drive), Boyer Jarvis (2357 East Blaine Avenue), Diane Creamer (2575 Maywood Drive), Cherry Ridges (2444 Wilshire Drive), and Heather Barth (2516 Wilshire Circle). Ms. Brittain gave a presentation in behalf of the Foothill Development Watch.

Presentation Highlights:

- Problems identified with the K-Mart property were: it was difficult to access by vehicle, by public transportation, and on foot. It was visually unattractive and wasted ten (10) acres of prime real-estate with a 360 degree panoramic view on asphalt and concrete.
- The property was currently not compatible with the surrounding neighborhoods or the East Bench master plan.
- She noted that a community design workshop was formed to discuss the vision of what that property could be; first it was envisioned to extend Wilshire Drive to connect with Stringham Avenue, which would take care of the access problems to Foothill Drive. Neighbors would also like to see more live/work spaces and residential mixed-use. Neighbors would like gathering places on the property where patrons could enjoy the view.
- A Conditional Use review study revealed that most neighbors would like five minute access to TRAX, small markets and grocery stores, and neighborhood retail, only four (4) percent felt that they need a supercenter in their neighborhood, ninety-four (94) percent stated they were willing to drive ninety (90) minutes or more to get to a supercenter and eighty-nine (89) percent did want small businesses in the area.
- Wal-Mart had developed a new format to compete with Tesco's Fresh and Easy concept, which residence stated they would like to see in the area, and would fit into the current zoning; Wal-Mart had responded that this only worked if it was supported by nearby supercenters.

- Conclusion: Rezoning solved none of the problems inherent with the site; Wal-Mart had made no effort to solve any of the access problems, it brought additional traffic to an area already overloaded, the plan did not consider the long range effects of surrounding property owners, and ignored the East Bench Master Plan.

Søren Simonsen (2155 South 2100 East) Council representative for Council District 7 City and resident, stated that it was a myth that the current building could not be renovated to fit current ordinance standards and LEED certification, and this option was usually more economically. He noted that the second myth is that rebuilding is an improvement, it is the development pattern that is the fundamental flaw. He noted that Wal-Mart had not presented an important option that should have been looked at which was how to develop the retail store within the existing zoning—it could be done and it should be done.

Chris Terry (3125 Kennedy Drive) stated that he supported the Wal-Mart in the neighborhood, it would save him a lot of time and money, and he would like to see the existing K-Mart torn down and a new and modern building built on the site.

Elaine Brown (1781 East Blaine Avenue) stated she appreciated the wish list of some residence presented by Ms. Brittain, but to accomplish an aesthetically pleasing building the City Council needed to approve the rezoning.

Peter Barth (2516 Wilshire Circle) stated that the current zoning intended to service local neighborhoods, and there was a hope that in the future this property would be used in a way that was more compatible with the interest of the neighborhood.

Jerry May (1934 East Michigan Avenue) stated he was in support of the rezoning, there seemed to be some anti-Wal-Mart mentality, and he supported the rezone because for the City Council to not allow the rezone seemed to be vindictive and anti-business.

Judy Short (862 Harrison Avenue) stated she did not see an advantage to a huge supercenter in the neighborhood, and felt that this would only take away from the stores that already existed.

Doug McDonald (2205 East 1700 South) economic consultant for Wal-Mart, stated that this location would provide the neighborhood with shopping for those who were on a limited budget.

Cameron Carpenter (2816 East 2100 South) stated that a Wal-Mart was not needed, there were already stores in the area which provided adequate support to the community and the money generated from these local businesses stayed in the neighborhood.

Fred Fairclough (2550 Maywood Drive) stated he was pro-development and would like to see the zoning changed to make it the best site possible.

Clark Wood (1865 Harvard Avenue) stated that he supported the rezoning and appreciated that Wal-Mart was going to build environmentally friendly.

Sarah Carlson (1917 East 2700 West) stated she was in opposition to this rezone and that Wal-Mart should abide by the current zoning ordinance, because Wal-Mart bought the building knowing what it was zoned.

Jill Burke (2701 Wilshire Drive) inquired about the view corridor from this site, and would this prevent Wal-Mart from erecting a pole sign.

Chair Wirthlin noted that staff could address that after the public hearing.

Scott Kisling (2409 Lynwood Drive) stated he was in opposition of the rezone and noted that the community had worked on the master plan over the past twenty years and had given input on what they would like to see, which should be respected.

David Holbrook (2415 Lynwood Drive) stated he was concerned about the traffic changes and additional congestion in the neighborhood.

Bret Jordan (2175 South Texas) stated he objected the rezone and felt it would effect traffic in the area.

Brad Gygi (2569 Sage Way) stated that he did not want to see a rezone, and would like to see the space used as more live/work spaces.

Don Lewan (2748 Wilshire Drive) stated that he was not in favor of box-type stores, he felt this was a choice piece of property and it was a mistake to have K-Mart put in originally, he would hope that the City would not make another mistake by bringing Wal-Mart in.

Chair Wirthlin closed the public hearing and invited the applicant back up to speak.

Mr. Harold stated that in regards to rebuilding without a zone change, honestly if there was a way for Wal-Mart to develop a building to encompass new technology and environmental features without changing the zoning, it would have already been pursued. He noted that when Wal-Mart purchased this property they had the rights to redevelop this site with a new building, unfortunately because of some text changes, which were completed ten months later that right was lost. He noted that Wal-Mart was proposing more buffering and pedestrian access along the back of the store in a safe landscaped area versus the service area.

Mr. Parron stated that some of the traffic problems that the public was concerned about were that Wal-Mart would prefer to have a full access ingress and egress from Foothill Drive, and yes some traffic could increase through the surrounding neighborhood. Pedestrian access was being enhanced and the bus service should be looked at and improved.

Mr. Tom Bennett with Ballard, Spar legal counsel, noted that the new store would incorporate new technology used for daylight harvesting, the old store could have that, but it would directly impact the functionality of the store. He noted that the new store would use high energy efficient refrigerator equipment, and a remodeled store could use only some of those technologies.

Ms. Fallow noted that some of the public was concerned that they had not seen plans for the remodeled building, because Wal-Mart was concentrating only on the rezone right now. She noted that at least one of the community councils early on had decided to oppose the rezone application without inviting Wal-Mart as the property owner in to give details; she noted that an inclusive and open process had been encouraged by Wal-Mart from the beginning. Ms. Fallow also noted that Wal-Mart did do local business with over 800 vendors in Utah, so a lot of revenue was being generated and kept locally.

Commissioner Forbis noted that the comment was made that the Wal-Mart team did not have the capability of making some of the decisions discussed tonight and it was up to the corporate shareholders, he recommended that the team get somebody from corporate Arkansas to address this community and their concerns.

Ms. Fallow stated that Wal-Mart had a real estate committee that met once a month, which included the CEO and his entire executive team, they had decision making authority about what happened to each Wal-Mart property, and they have decided that with this property they would like to see a rezone to serve the customers in the area with a fresh and much improved development.

Commissioner McHugh noted that the CEO and real estate committee were not really experiencing the concerns of the community.

Ms. Fallow noted that she was providing feedback to them including the concerns and desires of the community; however, their job was to run the business and meet the needs of the shareholders.

Commissioner Forbis noted that he would suggest that their job was to hear first hand accounts as to what the communities concerns were.

Mr. Britton stated that in regards to the public's question if a pole sign would be part of the development, it would not be allowed if the rezoning was allowed; however, if the rezoning was not allowed a pole sign would be included with the development.

Vice Chair Woodhead inquired of staff if this property was not rezoned, could Wal-Mart still sell groceries.

Mr. Paterson noted that grocery stores were not defined in the ordinance and they were considered under the land use tables as retail sales when it was a stand alone use, and it would be permitted.

Mr. Bennett noted that the continuation of the selling of grocery stores in this building was an acceptable legal use.

Commissioner Muir noted that one of the underlying conceptual challenges was that the wish list that was presented by members of the community was usually not supported by the market place, which tends to be informed by certain site dynamics. He noted that he was concerned that the neighborhood community wanted a community shopping center with small retailers that he was not convinced was necessarily supported by the dynamics of this site.

He noted that this kind of consideration depended upon convenience and upon a critical mass of neighbors within a certain convenient distance, which really did not exist around this site. He noted he would like more information from staff about the market/demand in this area, what was the critical mass of residential to support a type of 900 South 900 East development. He noted that it seemed that there was not enough residential and there was limited visibility to create the type of zoning the residents desired.

Commissioner Chambless stated that he agreed with Commissioner Muir.

Commissioner Scott noted to staff that it would be helpful for the applicant to come up with some more concrete information in regards to the design and appearance of the building, lighting in the parking lot area, etc.

Chair Wirthlin stated that it would be helpful to see more about the compatibility of the rezone from the current Community Business (CB) zone to the Community Shopping (CS) zone and why it fits with the neighborhood.

Chair Wirthlin thanked the applicant for their presentation, and called for a break at 8:13 p.m.

Chair Wirthlin reconvened the meeting at 8:28 p.m.

Commissioner McHugh stated that she would like to see the survey by Frank Gray that Jan Brittain had mentioned.

Mr. Paterson noted that could be provided in the next packet.

PUBLIC HEARING

Petition 410-08-17, a Construction Waste Landfill—a request for a Conditional Use submitted by Central Valley Water Reclamation FAC, located at approximately 7301 West 1300 South. The property is located in City Council District Two represented by Council Member Van Turner.

(This item was heard at 8:28 p.m.)

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that this site was kitty corner to a current landfill and zoned agricultural, but was also under the landfill overlay. He noted that in terms of the master plan, there was currently not one for the northwest quadrant of the City so the zoning adopted in 1995 functioned as such. There was a composting facility on the site, and it was the county's intent to build a new facility to the southwest of this site. He noted that this site would become a construction waste landfill, which meant that it basically was for construction debris from large projects and a lot of recycling would be done onsite so the only material that would actually end up in the landfill would be material that could not be recycled.

Chair Wirthlin invited the applicants forward.

Greg Bland, Central Valley Water Reclamation facility, stated that the reason for this request was so the landfill site could be joined with Central Valley Water, because currently they were processing twenty tons of sludge a day in the mixing facility, and they were having to haul forty tons of sludge a day to landfills, when they could make a product out of. He noted that the new facility could mix and compost the sludge with the wood material, and the facility would also eliminate odors. He noted that a lot of the landfills around would bury whatever they received, but recycling would be used to the fullest extent on this site.

Commissioner Scott inquired how high the landfill was allowed to be filled, and if it would be landscaped in phases.

Mr. Bland stated 200 feet, and it would be landscaped in 50 foot high layers.

Exhibit H
Conditional Use Survey Results

SALT LAKE CITY CONDITIONAL USE SURVEY Results

Sample size: 708 interviews (equally divided by council district)
 Conducted: April 2008
 Error: \pm 3.7%

Hello, I'm _____ from Dan Jones & Associates. We are conducting a survey for Salt Lake City on some important local issues. May I speak with someone 18 years of age or older?

Do you live within the boundaries of Salt Lake City?

Yes 100%
 No --
 Don't know (DO NOT READ) --

(INTRO QUESTIONS)

1. How do you define the word "neighborhood?" (What does "neighborhood" mean to you?)

(All comments typed)

Thinking about your own neighborhood now...

2. What do you like most about your neighborhood?

Don't know	1%
People/neighbors/friendly	23%
Diversity	7%
It is quiet/peaceful	12%
Location (not specific)	7%
Close to a park/parks	2%
Mature trees/big, old trees	3%
It is safe	3%
Walkability	4%
Convenient/close to everything - stores/schools	10%
Homes/yards kept up	2%
Proximity to freeway	2%
Older/historic/older homes/design of homes	4%
Close to downtown/city	5%
Scenery/view	1%
Close to my work	1%
Lots are roomy/homes are far apart	1%
It is nice/pretty	1%
Access to bus/transportation	1%
It is clean	1%
Nothing/not too much/I don't like it	2%
Miscellaneous	7%
My house/home/where I live	1%

3. What do you like least about your neighborhood?

Don't know	15%
Nothing / I like it	4%
Crime/gangs/graffiti/drugs	13%
Property/yards not kept up/houses run-down	7%
Traffic/speed	12%
Apartments/rental properties	4%
Miscellaneous neighbor comments	7%
Parking issues	2%
Building monster homes	1%
Dogs/dogs barking/loose dogs	1%
Noise	3%
Taxes	1%
It isn't safe	1%
Miscellaneous comments on immigrants/Hispanics	1%
Air quality/smog	1%
Lack of shopping	1%
Miscellaneous road and street comments/street lights	1%
Cost/expense of living here	1%
High price of homes	1%
Getting old/older homes/aging/declining	2%
Too close to the freeway	1%
Snow comments	1%
Miscellaneous	16%
City government comments	1%
Lack of public transportation/access to bus system	<1%
Houses too close together	1%
Sidewalk issues	1%
Lack of diversity	1%

4. When you think about your quality of life *in the neighborhood where you live*, which ONE of the following factors is MOST important to you personally. (READ ALL AND ROTATE)

Safe community/low crime	42%
Being close to family	8%
Jobs	2%
Less traffic congestion	4%
Good schools	7%
Easy access to parks	3%
Friendly people	10%
Social gathering places like coffee shops, cafes etc)	5%
Small businesses/easy access to shopping	7%
Other (SPECIFY)	10%
Don't know (DO NOT READ)	2%

When you think about your 'ideal' neighborhood – how close would you like to be to the following...
(ROTATE)

	<u>Walking Distance = 5 min.</u>	<u>Short drive 10 min.</u>	<u>Longer drive more than 1</u>	<u>Don't Know</u>
5. Access to buses and TRAX	70%	21%	4%	4%
6. Access to highways	14%	68%	15%	3%
7. Open-spaces or natural lands	54%	31%	12%	3%
8. Parks and recreational fields	64%	30%	5%	1%
9. Community Center (pool, fitness center)	30%	52%	12%	6%
10. Elementary, middle, and high schools	49%	29%	9%	12%
11. Library	46%	46%	6%	2%
12. Small markets	56%	36%	6%	2%
13. Grocery stores	40%	54%	5%	1%
14. Large super center stores	4%	36%	58%	3%
15. Neighborhood retail shops – like coffeeshops and cafes	50%	35%	11%	4%
16. Shopping malls and shops	7%	39%	51%	3%
17. Entertainment and restaurants	14%	57%	28%	2%
18. Your place of work (14% not employed)	17%	49%	18%	3%
19. Senior Center	18%	39%	30%	14%
20. Hospital	9%	64%	26%	2%
21. Larger clinics like doctors offices	9%	63%	26%	3%
22. Small doctor/dentist offices	13%	64%	21%	3%
23. Other professional services – like banks, and CPA's (Certified Public Accountants)	17%	63%	18%	1%

Now I would like to ask you some questions about your existing neighborhood and then what you would like to see in your 'ideal' neighborhood.

(HOUSING)

First about housing....

Are the following types of housing currently available in your neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
24. Single family houses	98%	3%	1%
25. Duplexes & townhomes	79%	23%	2%
26. Apartments	72%	28%	0%
27. Condos	51%	44%	4%
28. Accessory dwellings – that is owner occupied residences with a renter (mother-in-law apartment)	69%	20%	11%
29. Are there any other types of housing currently available in your neighborhood? (SPECIFY)	14%	82%	4%

What are the positive things about the types of housing in your neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not Ment.</u>
30. Variety of people	19%	81%
31. Affordable housing (lower cost)	9%	91%
32. Variety of housing types	17%	83%
33. Variety of architecture housing/designs	12%	88%
34. Walkability	4%	96%
35. Density / number of houses	3%	97%
36. Historical homes / preservation of homes	11%	89%
37. Landscaping related / tree-lined streets	13%	87%
38. Other positive (SPECIFY)	49%	51%
39. Don't know (SPECIFY)	6%	94%

What are the negative things about the housing types in your neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not Ment.</u>
40. Crime	6%	94%
41. Housing types	6%	94%
42. Design issues	7%	93%
43. Density issues	5%	95%
44. Noise and light	2%	98%
45. Parking	2%	98%
46. People	7%	93%
47. Property values	8%	92%
48. Traffic congestion	1%	99%
49. Other (SPECIFY)	87%	43%
50. Don't know	18%	82%

Now what types of housing you would have in your "ideal" neighborhood...? (READ OPTIONS)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
51. Single family houses	97%	2%	1%
52. Duplexes & townhomes	69%	28%	3%
53. Small apartment buildings (individual buildings)	47%	52%	2%
54. Large apartment complex	13%	86%	1%
55. Condos	59%	39%	2%
56. Accessory dwellings	67%	30%	4%
57. Any there any other types of housing you would have in your "ideal" neighborhood (SPECIFY)	12%	85%	2%

(RETAIL BUSINESS)

This next set of questions is about office and retail facilities...that is stores or restaurants.
Are the following types of retail facilities currently in your neighborhood?

	Yes	No	Don't Know
58. Small neighborhood-oriented businesses	83%	17%	1%
59. Large retail or super center stores	29%	70%	1%
60. Small groups of businesses that create a cluster like on 9 th East and 9 th South	68%	31%	1%
61. A mix of small and large retail facilities	47%	51%	2%
62. Office buildings	48%	48%	3%

63. Overall, would you say it that having retail facilities in your neighborhood is more positive or negative?

Definitely positive	41%
Probably positive	27%
Neither positive nor negative	8%
Probably negative	9%
Definitely negative	11%
Don't know (DO NOT READ)	5%

64. IF POSITIVE: What are the positive aspects of having retail facilities in your neighborhood?
(Number responding - 480)

Don't know	2%
Reduces driving/saves gas	10%
Convenience/easy access/things close by	44%
Gathering place/community feeling/get to know people	7%
Walkability	16%
Locally owned	3%
Places to shop/local services	4%
Creates jobs	1%
Bring revenue to community/increase tax base	3%
Bring people to the area/brings more people in	2%
Get to know merchants/store owners	1%
More life to the area/provides energy	1%
Miscellaneous	5%
Keeps property value up	1%

65. IF NEGATIVE: What are the negative aspects of having retail facilities in your neighborhood?
 (Number responding – 139)

Don't know	2%
More traffic/congestion	56%
Draws crime	6%
Undesirable	8%
Parking problems	3%
Destroy feeling of "neighborhood"/residential	9%
Get crowded/get lots of crowds	3%
Miscellaneous	6%
Neighborhood is too small/no room for them	4%
None – it would be good	1%
Take away peace/quiet	2%

What general types of retail businesses would you like to have in your 'ideal' neighborhood...?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
66. Small neighborhood-oriented businesses	89%	10%	1%
67. Large retail or super center stores	18%	82%	0%
68. Small groups of businesses that create a cluster like on 9 th East and 9 th South	81%	18%	1%
69. A mix of small and large retail facilities	40%	58%	2%
70. Are there other types of retail businesses you would like to have in your "ideal" neighborhood? (SPECIFY)	25%	74%	1%

And which of the following specific types of retail and services would you like in your ideal neighborhood? (MARK ALL THAT APPLY)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
71. coffee shop/juice bar	74%	25%	2%
72. dry cleaner	68%	30%	2%
73. small gift/clothing shops	73%	26%	1%
74. neighborhood grocery store/market	92%	7%	0%
75. pharmacy	85%	14%	1%
76. full-service restaurant	73%	24%	1%
77. drive-through or fast food restaurant	35%	63%	2%
78. bakery/deli	88%	12%	1%
79. gas station	71%	28%	2%
80. book store	84%	18%	1%
81. video/music store	58%	40%	2%
82. beauty salons/barber shops/day spa	72%	26%	2%
83. small professional. offices (accountant, dentist, designer, vet, etc.)	68%	30%	2%
84. Are there other retail business you would like in your neighborhood? (SPECIFY)	20%	80%	1%

Now a question about locally owned businesses and national chains.

85. Which of the following best describes your feelings...? (READ OPTIONS)

I prefer locally owned businesses in my neighborhood	52%
I prefer businesses who are national chains in my neighborhood	2%
I like both locally owned and national chains	40%
Neither	5%
Don't know (DO NOT READ)	1%

86. Why prefer locally owned? (UNAIDED)
(Number responding – 369)

Don't know	1%
Keeps money in neighborhood/community	22%
Smaller more community oriented/more sense of neighborhood	19%
More unique/charming	5%
Personal service/responsive to needs of neighborhood	12%
I want to support locally owned businesses	16%
Friendlier	2%
Better quality	2%
I don't like big chains/big box	5%
Doesn't cause traffic/less traffic	1%
Good for environment/better environmentally	2%
To know the owner/nice to know who you are buying from	2%
More intimate feel/better feeling	3%
Miscellaneous	7%

87. Why prefer national chains? (UNAIDED)
(Number responding – 11)

Don't know	0%
I get a better price	20%
More selection/larger variety	18%
They have more money	20%
Miscellaneous	41%

In your opinion, what positive things might there be in having some retail businesses in your 'ideal' neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not Ment.</u>
88. Close to work / employment	9%	91%
89. More energy / vitality in area	6%	94%
90. Shopping / dining close	16%	84%
91. Drive-up windows / convenience	36%	64%
92. Design / look / appearance	2%	98%
93. Density / number of businesses / size	1%	99%
94. Other (SPECIFY)	51%	49%
95. Don't know	8%	92%

What negative aspects might there be with having retail business in your 'ideal' neighborhood?
(UNAIDED - MARK ALL THAT APPLY)

	<u>Ment.</u>	<u>Not Ment.</u>
96. Parking	13%	87%
97. Traffic congestion	31%	39%
98. Noise and light	8%	92%
99. Drive-up windows / traffic for windows / noise of window	1%	99%
100. People	12%	88%
101. Design / look / appearance	3%	97%
102. Density / number of businesses / size	6%	94%
103. Other (SPECIFY)	28%	72%
104. Don't know	10%	90%

(OFFICE BUILDINGS)

Now a few questions about office buildings...

Are there any of the following types of commercial buildings, like office buildings, currently in your neighborhood? (AIDED)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
105. Large buildings (5 or more stories)	19%	81%	0%
106. Medium (2-5 floors)	62%	37%	0%
107. Small building (1 floor) - size of a single story	87%	12%	1%
108. Professional services like medical, dental, accounting offices	65%	34%	1%
109. No commercial buildings	18%	75%	7%
110. Are there any other types of commercial buildings in your neighborhood? (SPECIFY)	37%	60%	3%

What types of commercial buildings would you like to see in your 'ideal' neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
111. No commercial buildings	40%	55%	4%
112. Large buildings (5 or more stories)	12%	86%	2%
113. Medium (2-5 floors)	62%	36%	3%
114. Small building (1 floor) - size of a single story	94%	5%	1%
115. Professional services like medical, dental, accounting offices	84%	14%	2%
116. Are there any other types of commercial buildings you would like to see in your "ideal" neighborhood? (SPECIFY)	20%	78%	1%

117. Overall, would you say it is a positive or negative thing to have commercial buildings in your neighborhood?

Definitely positive	23%
Probably positive	27%
Neither positive nor negative	8%
Probably negative	19%
Definitely negative	17%
Don't know (DO NOT READ)	6%

142. What additional rules and regulations, if any, would you like to see on institutional facilities in your 'ideal' neighborhood?

Don't know	55%
None-it is fine now	8%
Parking comments	6%
Ordinance regulating size and/or height	8%
Noise restrictions/noise ordinance	2%
Traffic control/slower traffic/lower speed limits	3%
Buildings would fit in neighborhood/character of neighborhood	3%
Good landscaping and upkeep/kept up/looking nice	1%
Limit operating hours	1%
Miscellaneous zoning comments	1%
Don't want them in my neighborhood/should stay residential	1%
Neighbors should have a say/have a vote	1%
Nothing dangerous to neighborhood/child molesters/no halfway houses no shelters for sex crimes – drug abuse / prisoners	2%
Miscellaneous	8%

How important is it to you that the following rules and regulations be used when various housing, retail, commercial, or institutional buildings are in a residential area? Please rate on a 1-5 scale with 1 meaning 'not at all important' and 5 meaning 'very important.'

How important do you think regulation of...(READ OPTIONS)

	<u>Not at all</u> <u>Important</u>		<u>Very</u> <u>Important</u>			<u>Don't</u> <u>know</u>	<u>Mean</u>
143. parking in neighborhoods is?	4%	9%	14%	22%	51%	1%	4.09
144. location of driveways that go in and out of streets is?	5%	10%	19%	26%	38%	3%	3.83
145. noise in neighborhoods is?	3%	4%	15%	22%	56%	0%	4.25
146. the size and design of buildings in neighborhoods is?	4%	5%	14%	21%	55%	1%	4.21
147. landscaping around buildings in neighborhoods is?	3%	6%	19%	28%	43%	1%	4.02
148. of hours of operation of businesses and services in neighborhoods is?	5%	8%	24%	25%	37%	1%	3.82
149. the number of retail stores, restaurants or office buildings in any one area is?	4%	5%	22%	25%	43%	2%	4.01
150. signs and advertising on buildings is?	7%	7%	16%	21%	49%	1%	3.99

(INSTITUTIONAL SECTION)

The next few questions are about institutional facilities ...

Are the following types of institutional facilities **currently** in your neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
118. Elementary school	91%	8%	1%
119. Middle school	55%	41%	4%
120. High school	47%	52%	1%
121. Private or charter school(s)	46%	48%	5%
122. Police station	27%	67%	7%
123. Fire station	67%	30%	2%
124. Library	70%	30%	0%
125. Community center	48%	45%	7%
126. Churches	97%	3%	0%
127. Senior living facility	48%	45%	7%
128. Daycare facilities	49%	35%	16%
129. Are there any other types of institutional facilities currently in your neighborhood? (SPECIFY)	20%	75%	5%

And, thinking about those same institutional facilities, what you would like to see in your 'ideal' neighborhood

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
130. Elementary school	86%	12%	2%
131. Middle school	71%	26%	3%
132. High school	56%	41%	3%
133. Private or charter school(s)	58%	36%	6%
134. Police station	72%	25%	3%
135. Fire station	85%	14%	2%
136. Library	90%	9%	1%
137. Community center	73%	25%	3%
138. Churches	81%	15%	4%
139. Senior living facility	68%	26%	5%
140. Daycare facilities	73%	22%	5%
141. Are there any other types of institutional facilities you would like to see in your "ideal" neighborhood? (SPECIFY)	10%	89%	1%

Now, just a few questions about yourself in order to categorize the data:

151. Gender (DO NOT ASK)

Male	45%
Female	55%

152. What is your age category?

18-25	5%
26-35	16%
36-45	18%
46-55	21%
56-65	20%
Over 65	20%
Refuse (DO NOT READ)	1%

153. Which of the following best describes your ethnic background?

Caucasian/White	91%
African-American/Black	1%
Asian or Pacific Islander	1%
Hispanic/Latino	4%
Other (specify _____)	2%
Refuse (DO NOT READ)	2%

154. How long have you lived in Salt Lake City?

Less than 2 years	2%
2 - 5 years	7%
5 - 10 years	12%
More than 10 years	80%
Refuse (DO NOT READ)	0%

155. Do you rent or own your home?

Homeowner	85%
Renter	13%
Other	1%
Refuse (DO NOT READ)	1%

156. What is your political party affiliation?

Republican	21%
Democrat	40%
Independent voter	21%
Other (specify _____)	9%
Refuse (DO NOT READ)	9%

157. And, which of the following, if any, describes your religious preference?

Catholic	8%
Protestant.....	6%
LDS	40%
Other	15%
None	27%
Refuse (DO NOT READ).....	4%

158. What is your approximate annual family income category?

Less than \$15,000	4%
\$15,000 - \$24,999	6%
\$25,000 - \$34,999	11%
\$35,000 - \$44,999	10%
\$45,000 - \$54,999	9%
\$55,000 - \$64,999	9%
\$65,000 - \$100,000	17%
Over \$100,000.....	22%
Refuse (DO NOT READ).....	12%

159. City District:

District 1	14%
District 2	14%
District 3	14%
District 4	15%
District 5	15%
District 6	13%
District 7	14%

160. Zip code:

8 4 _ _ _

Exhibit I
Ordinance No. 26 of 1995

SALT LAKE CITY ORDINANCE
No. 26 of 1995
(Repealing the existing Title 21 of the
Salt Lake City Code
and the associated zoning maps
except for Chapter 21.82
and the associated zoning maps;
enacting a new Title 21A Zoning Ordinance
including Chapter 23, Signs, which is
enacted as a Temporary Regulation;
adopting a Zoning Fee Schedule;
and terminating Legislative and
Administrative Moratoriums)

AN ORDINANCE REPEALING THE EXISTING TITLE 21 OF THE SALT
LAKE CITY CODE AND THE ASSOCIATED ZONING MAPS, EXCEPT FOR CHAPTER
21.82; ENACTING A NEW TITLE 21A ZONING ORDINANCE AND ASSOCIATED
ZONING MAPS, INCLUDING CHAPTER 23, SIGNS, WHICH IS ENACTED AS A
TEMPORARY REGULATION; ADOPTING A ZONING FEE SCHEDULE; AND
TERMINATING LEGISLATIVE AND ADMINISTRATIVE MORATORIUMS.

WHEREAS, in the decades since the City last comprehensively
rewrote the City's zoning ordinance and redrew the City's zoning
maps, the City, Salt Lake County, the State of Utah and the
United States have changed significantly in land-use development
and land-use planning policies and practices. These changes
include the following:

- a. The City has more than doubled in geographic size,
taking in the Northwest Quadrant and new property in the

foothills and elsewhere;

b. Land which was vacant has now been developed or is presently being considered for development;

c. The City's daytime population has dramatically increased as commuters travel from the expanded suburbs to employment in the downtown core and to the University of Utah;

d. The City's resident population has also fluctuated and the distribution of the residential population has shifted as new areas have been developed and the character of old areas changed;

e. The types of employment and the manner and times in which such employment is performed have been altered by a calculus of factors including technology, demographics and the ever-changing world economy;

f. The areas surrounding the City have also changed in character from primarily agricultural and small communities to large suburban communities with their own commercial and employment centers;

g. The pattern of retail shopping has been impacted by the rise of regional shopping centers, strip malls, discount stores, power centers and other changes;

h. Technology, primarily advances in computers and telephony, has centralized some employment functions while, at

the same time, providing telecommuting and dispersion in other ways;

i. Use of the private automobile has increased to the point where other transportation modalities such as mass transit systems, have become more necessary;

j. Educational opportunities have expanded for both the young and the old as education has become ever more essential to a functioning civil society;

k. Patterns of residential, industrial and commercial development have changed on their own in response to the inexorable and unpredictable movements and desires of developers, business people and residents; and

l. The statutory and common law rules governing planning, zoning and development have been repeatedly modified by the courts and the legislature; and

WHEREAS, over the intervening decades, the City has attempted to deal piecemeal with the changes by modifying zoning maps, amending zoning text, creating new zoning districts, changing processes for development review and altering the boundaries of districts; and

WHEREAS, in the early 1990's, the City realized that temporary or partial fixes to the Zoning Ordinance and maps were

becoming increasingly unable to meet the needs of the City; and

WHEREAS, the City therefore decided to comprehensively rewrite the City's Zoning Ordinance and remap the City's zoning districts; and

Chronological History of ZRC

WHEREAS, the City has conducted an extensive public comment and hearing process:

- a. In 1991, the City established a Zoning Rewrite Committee ("ZRC") representing all of the various interests and areas of the City;
- b. The ZRC established subcommittees to specifically review the Commercial, Industrial, Residential, Institutional, Urban Design and Staff/Interdepartment issues with extensive public representation;
- c. "Concepts" for the Zoning Ordinance were circulated to the public in the Fall of 1991 and the public was invited to comment on the concepts at a public forum on October 23, 1991;
- d. The ZRC and subcommittees held numerous public meetings and discussed various issues, concepts, conflicts and resolutions;
- e. The ZRC and Planning staff frequently briefed the Planning Commission and the City Council on all of the issues

related to the rewrite;

f. Numerous drafts of portions of the proposed Ordinance were written and circulated for comment to the ZRC, subcommittees, City staff, SLACC and others;

g. On August 23, 1994, a "Public Review Draft" dated June 28, 1994 was published, circulated to the ZRC, subcommittees, the City Council, the Planning Commission and staff, and also made available for public review;

h. A "Retreat" with the City Council, Planning Commission, Board of Adjustment, Historical Landmark Committee and ZRC was held on September 10, 1994 to discuss the proposed Zoning Ordinance;

i. On September 13, 1994, an informal open house for SLACC and other community-based organizations and other was held to review the proposed Zoning Maps;

j. On September 22, 1994, an open house/Planning Commission hearing was held for the Sugar House and East Bench Planning Districts;

k. On September 29, 1994, an open house/Planning Commission hearing was held for the Avenues and Capitol Hill Planning Districts;

l. On October 13, 1994, an open house/Planning Commission hearing was held for the Central Community Planning District;

m. On October 18, 1994, the City Council adopted a temporary regulation regarding the construction of new buildings as they related to the proposed Zoning Ordinance for three areas of the City;

n. On October 27, 1994, an open house/Planning Commission hearing was held for the West Salt Lake, Northwest and Northwest Quadrant Planning Districts;

o. On November 3, 1994, the Planning Commission was formally briefed on the proposed Zoning Ordinance and Zoning Maps;

p. On December 1, 1994, and continuing on to December 8, 1994, the Planning Commission held a noticed public hearing regarding the proposed Zoning Ordinance and Zoning Maps;

q. As a result of these hearings and briefings, the Planning Staff received over 1,600 comments regarding the Zoning Ordinance and Zoning Maps, and carefully considered each comment, making numerous modifications to both text and maps;

r. On approximately February 27, 1995, the City mailed notice to the owner of every parcel of land within the City, approximately 62,000 parcels with approximately 47,000 owners,

advising the property owners of the intent to adopt the new Zoning Ordinance and Zoning Maps and of the schedule for public comments;

s. On March 13 and 14, 1995, the City Planning Division held two public open houses;

t. The City established a "Zoning Rewrite Project Telephone Hotline" and operated it between March 1st and March 15th to respond to citizen inquiries and comments regarding the proposed Zoning Ordinance and map, and responded to approximately 450 calls;

u. The City Council held a properly noticed public hearing on March 15, 1995, on the proposed Zoning Ordinance and Zoning Maps;

v. The draft proposed Zoning Ordinance and Zoning Maps were extensively revised to address issues raised during the entire process;

w. On Tuesday, April 4, 1995, at a properly noticed public hearing, the City Council gave final consideration to the Zoning Ordinance, the associated Zoning Maps and Fee Schedule; and Findings Re. Major Changes

WHEREAS, the City's goals in rewriting the entire zoning ordinance and map are:

1. To implement the land use and growth management goals of the Salt Lake City Master Plans;
2. To recognize the existing development pattern of the City;
3. To simplify the development regulations and standards; and
4. To streamline the development review process; and

WHEREAS, the City desires to protect the foothills from inappropriate land use development by providing specific development densities and land uses and properly balancing private development rights with legitimate City concerns regarding slope stability, fire protection, aesthetics, traffic, drainage and flood protection; and

WHEREAS, prior environmental and sensitive land studies, which are hereby incorporated by reference, provide the basis for special regulation of the foothills to protect the environment and citizens from excessive erosion, land slides, slope instability, wild fire, aesthetic insensitivity of manmade structures, traffic, drainage and flood protection; and

WHEREAS, the City desires to protect existing low-density residential neighborhoods and promote the development of new single-family residential neighborhoods that enhance the quality

of life, provide minimal traffic congestion, and provide a range of single-family housing opportunities for the population of Salt Lake City; and

WHEREAS, the historical pattern of development of the interior of ten-acre blocks require special regulation to enhance the quality of life and provide opportunity for residential development; and

WHEREAS, the City desires to provide a full range of housing density at well-planned locations to accommodate both owner-occupied and rental populations; and

WHEREAS, the City desires to implement the land use planning goals of the East Downtown Neighborhood Plan by providing an opportunity for a high-density urban residential mixed-use neighborhood that promotes residential uses and allows service, commercial and low-scale office uses that support the mixed-use residential neighborhood; and

WHEREAS, the City desires to have a full range of commercial activities at well-planned locations to serve neighborhood needs; community level needs, and regional needs; and

WHEREAS, the City desires to promote clean light industrial development to provide employment opportunities for its citizens; and

WHEREAS, the City recognizes the existing development pattern of heavy industry and encourages its continued improvement to higher environmental and aesthetic standards and recognizes its continued operation at specified locations not injurious to the City's residents; and

WHEREAS, the City desires to continue the development of the Downtown as the unique urban center of the Capitol City of Utah which requires specific urban design standards; and

WHEREAS, the City recognizes the importance of open spaces to an urban environment and its relationship to the Wasatch Mountain Range that provide the City with a unique urban design setting; and

WHEREAS, the City recognizes the importance of preservation of historical buildings and districts of architectural and cultural significance; and

WHEREAS, the City desires to protect the operations of the Salt Lake International Airport from encroachment by inappropriate land uses; and

WHEREAS, the City desires to protect the ground water quality by restricting certain uses prone to general water pollution within aquifer recharge areas; and

WHEREAS, the City desires to provide protection, preservation, proper maintenance and use of water courses, lakes, ponds, floodplains and wetland areas; and

WHEREAS, the City desires to meet the other purposes specified in the various provisions of the Zoning Ordinance; and

WHEREAS, based upon the public process specified above, the City Council makes the following findings:

WHEREAS, the City Council hereby finds that adoption of the new Zoning Ordinance and the accompanying Zoning Maps and Zoning Fee Schedule: (a) are in the best interests of the City; and (b) meet the goals and objectives of the City, as provided in the Utah Municipal Land Use Development and Management Act; and


WHEREAS, the City Council finds it appropriate to adopt Chapter 23, Signs, of the new Title 21A, Zoning Ordinance, as a Temporary Regulation pursuant to Section 10-9-404, Utah Code Annotated, which should expire on October 14, 1995, or such earlier date as the City may enact a final Chapter 23; and

WHEREAS, the City Council finds after detailed study and evidence that the fees reflected in the Zoning Fee Schedule reasonably reflect the actual costs incurred by the City in taking the actions for which a fee is charged;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Title 21 of the Salt Lake City Code and its accompanying Zoning Maps be, and the same hereby are, repealed in their entirety, except for Chapter 21.82.

SECTION 2. New Title 21A, dated April 4, 1995, and the accompanying zoning maps be, and the same hereby are, enacted and adopted as the City's new Zoning Ordinance and Zoning Maps.



SECTION 3. New Title 21A, Zoning Ordinance and the new Zoning Maps amend the land use and zoning policies of all previously adopted master plans of the City. All existing adopted master plans should be construed and interpreted to conform to the new Zoning Ordinance and Zoning Maps.

SECTION 4. The sign regulations of Chapter 23, Signs, of the New Title 21A, Zoning Ordinance, are specifically adopted as "Temporary Regulations", pursuant to Section 10-9-404, Utah Code Annotated, and their effectiveness shall expire at 12:00 midnight on October 4, 1995, or such earlier date as may be specified in any subsequent ordinance adopting the final Chapter 23, Signs.

SECTION 5. The Zoning Fee Schedule is hereby adopted.

SECTION 6. The City Attorney, following the opportunity for review and comment by the Planning Director, is hereby authorized

to make technical corrections, including corrections of style, grammar and punctuation that do not make substantive or procedural changes, up to and including October 4, 1995. The City Attorney shall, thereafter, identify the changes made and certify to the Mayor that any changes made by the City Attorney do not alter substantive or procedural rights.

SECTION 7. The Zoning Ordinance, Zoning Maps and Zoning Fee Schedule shall take effect at 12:00 midnight on April 12, 1995. The City Recorder is instructed to publish this Enacting Ordinance and to retain a copy of the new Zoning Ordinance, Zoning Maps and Zoning Fee Schedule.

SECTION 8. All Legislative and Administrative Moratoriums adopted pending the consideration of the Zoning Ordinance and Zoning Maps are hereby repealed and terminated contemporaneously with the effective date and time of the new Zoning Ordinance and Zoning Maps.

SECTION 9. EFFECTIVE DATE. This Enacting Ordinance shall take effect immediately upon the date of its being first published.

Passed by the City Council of Salt Lake City, Utah, this

4th day of April, 1995.

[Handwritten Signature]
CHAIRPERSON

ATTEST:

[Handwritten Signature: Christine Meeker]
CITY RECORDER

APPROVED TO BE ENLARGED
DATE 4/13/95
BY [Signature]

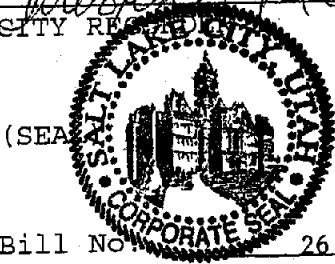
Transmitted to Mayor on 4-5-95.

Mayor's Action: X Approved Vetoed.

[Handwritten Signature] 4/11/95
Acting MAYOR

ATTEST:

[Handwritten Signature: Christine Meeker]
CITY RECORDER



Bill No. 26 of 1995.

Published: 4-12-95.

Exhibit J
Newspaper Notice

Britton, Nick

From: NAC Legal [naclegal@mediaoneutah.com]
Sent: Thursday, August 14, 2008 8:55 AM
To: Britton, Nick
Subject: RE: Notice for Salt Lake City Planning Commission

Ad #344596 is scheduled to run August 27 and the total cost is \$89.00.

Please check the ad in the papers on Wednesday.

Thank you.

Lynn Valdez
MediaOne of Utah,
a Newspaper Agency Company
4770 South 5600 West
West Valley City, Utah 84118
Ph.: 801-237-2720
Email: naclegal@mediaoneutah.com

From: Britton, Nick [mailto:Nick.Britton@slcgov.com]
Sent: Wednesday, August 13, 2008 6:03 PM
To: naclegal@nacorp.com
Subject: Notice for Salt Lake City Planning Commission

Lynn,

I have attached a notice to be run on August 27, 2008 in both the Salt Lake Tribune and the Deseret News. Let me know if you have any questions.

Thank you.

Nick Britton
Salt Lake City Planning Division
451 South State St. Room 406
PO Box 145480
Salt Lake City, UT 84114-5480
(801) 535-6107

Legal Notice Salt Lake City Planning Commission Public Hearing

Run Ad on Wednesday, August 27, 2008 (one time only) in the *Deseret News* and *Salt Lake Tribune*

Billing Address: Lucille Taylor
Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Account Number: S5356184L

Contact: Nick Britton at (801) 535-7932 or nick.britton@slcgov.com

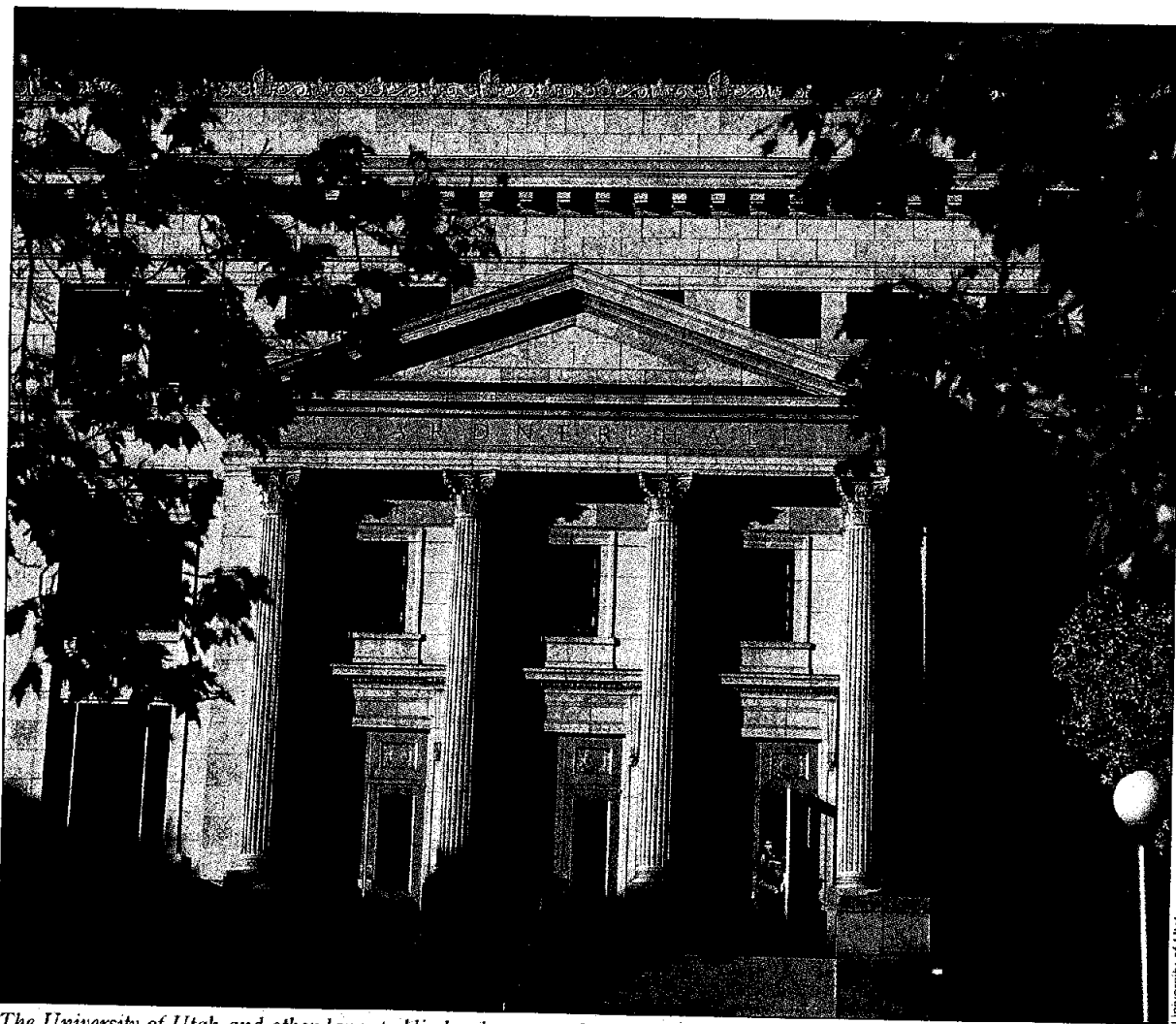
Project: Petitions 400-07-15 and 400-07-16

[Ad copy as follows]

SALT LAKE CITY PLANNING COMMISSION
MASTER PLAN AMENDMENT AND
REZONING PUBLIC HEARING

On **Wednesday, September 10, 2008 at 5:45 P.M.**, the Salt Lake City Planning Commission will hold a hearing to take comment on Petitions 400-07-15 and 400-07-16 and forward a recommendation to the Salt Lake City Council. The petitions are requests for an amendment to the East Bench Master Plan and an amendment to the zoning map. The proposed master plan amendment involves changing the future land use designation of **2705 East Parleys Way** from "Community Business" to "Community Shopping". All persons present will be given an opportunity to be heard. The hearing will be held in **Room 326 of the Salt Lake City and County Building, 451 South State Street**. Accessible parking and entrance are located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TOD service number, 535-6220, four days in advance. For further information regarding this hearing, call Nick Britton at 535-6107.

Exhibit K
Applicable Master Plan Information



The University of Utah and other large public land uses are located in the East Bench Community.

Non-Residential Land Use

Planning Goal. Provide for needed community services while minimizing the impact of non-residential land uses on the residential community.

Introduction

THIS section identifies actions and strategies for maintaining and improving East Bench land use patterns. It discusses how to provide adequate area for land uses necessary to support the residential community, and how to mitigate impacts of continued institutional growth around the University of Utah.

Business/Commercial Uses

Approximately two percent of total community acreage is occupied by business uses. Neighborhood Business "B-3" is the only zoning district in the East Bench Community that permits business or commercial uses, and with only one or two exceptions all "B-3" properties in the East Bench Community are developed. The "B-3" zone permits residential, office and retail uses. Wholesale, warehouse and other general commercial uses are not

Land Use Inventory

Use Type	Acres	Percent of Total
Single-Family	1,217.41	23.39
Duplex	131.45	2.53
Multiple-Family	98.96	1.90
General Commercial	44.68	.86
Service Commercial	52.87	1.02
Light Industry	5.80	.11
Institutional	903.46	17.36
Parks & Recreation	589.49	11.33
Utilities	5.63	.11
Transportation	616.37	11.84
Vacant Floor Area	5.51	.11
Vacant Land	1,508.83	28.99
Water Area	2.47	.05
Under Construction	21.31	.41
TOTAL*	5,204.24	100.00

Source: Salt Lake City Planning Commission Land Use Records.
*Note: Including Census Tract 14.

permitted. Most "B-3" properties are occupied by retail businesses. A few sites are occupied by offices and apartments.

Many residents desire additional services in the community. A hardware store and medical offices are among the uses most commonly mentioned. Since nearly all properties zoned for business are occupied, most new business development will require either redevelopment of existing sites or a change of zoning to accommodate business activities in locations previously zoned for residential use.

Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community. Two-level buildings, structured parking, and other provisions of the "B-3" zone provide considerably more development potential than present use levels at many sites.

Major zoning changes in the East Bench Community are neither anticipated nor encouraged. Changes involving expansion of existing business sites in response to documented needs should be reviewed cautiously and approved sparingly. The city should not approve any zoning change that will result in the removal of homes. The community is so completely developed that a change of zoning in most areas would negatively impact surrounding residential properties. Efforts to change residential zoning should be limited, and considerations should include impacts on the immediate neighborhood along with merits of the proposed change. More efficient use of existing business properties is the preferred approach to meet future business needs. More specific zoning compatibility considerations are outlined in Appendix I.

Expansion of non-conforming businesses is a related concern. The non-conforming use ordinance states that expansion of non-conforming uses is not permitted. The Board of Adjustment should reinforce this ordinance by carefully scrutinizing requests for expansion. In most cases, such expansions would be undesirable to surrounding property owners.

Public/Semi-Public Land Uses

The East Bench Community contains some of the city's largest public/semi-public land uses including the University of Utah, Research Park, Fort Douglas, the Veteran's Hospital, and a National Guard facility. Collectively they significantly influence the character of the community. This section evaluates traffic and land use implications associated with these major facilities and recommends actions to improve the relationship between these facilities and the community.*

Traffic

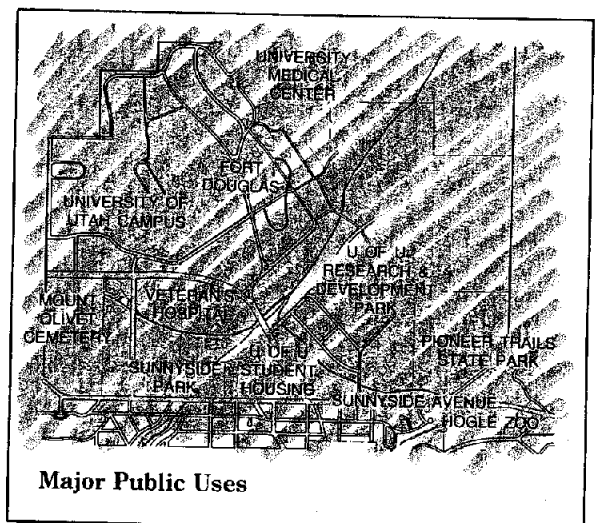
Traffic is one of the most significant impacts associated with the public institutions in the East Bench. The University alone has a student and employee population comparable to the total residential population of the

*These facilities are discussed in more detail in the Research Report.

community. As the public institutions grow, traffic will continue to increase.

The Transportation and Circulation chapter of this report identifies strategies to cope with the problems of increasing traffic. Not all of the traffic in the East Bench Community is generated by the University of Utah/Research Park complex. The Central Business District generates much of the traffic coming through the community. However, increasing student and employment levels at the University, Research Park, and neighboring public institutions, contribute significantly to increasing levels of traffic congestion. Unfortunately, traffic accessing these facilities through the East Bench Community is traveling through the city's most desirable residential neighborhoods. The need to move automobiles through the northeast quadrant of the city is in direct conflict with the city's policies of preserving the quality of its residential neighborhoods. The city must take an active role in protecting the quality of East Bench neighborhoods rather than waiting for traffic conditions to get so bad that there are no solutions other than major street improvements. The city should initiate the following steps to deal with traffic generated by the University of Utah/Research Park complex.

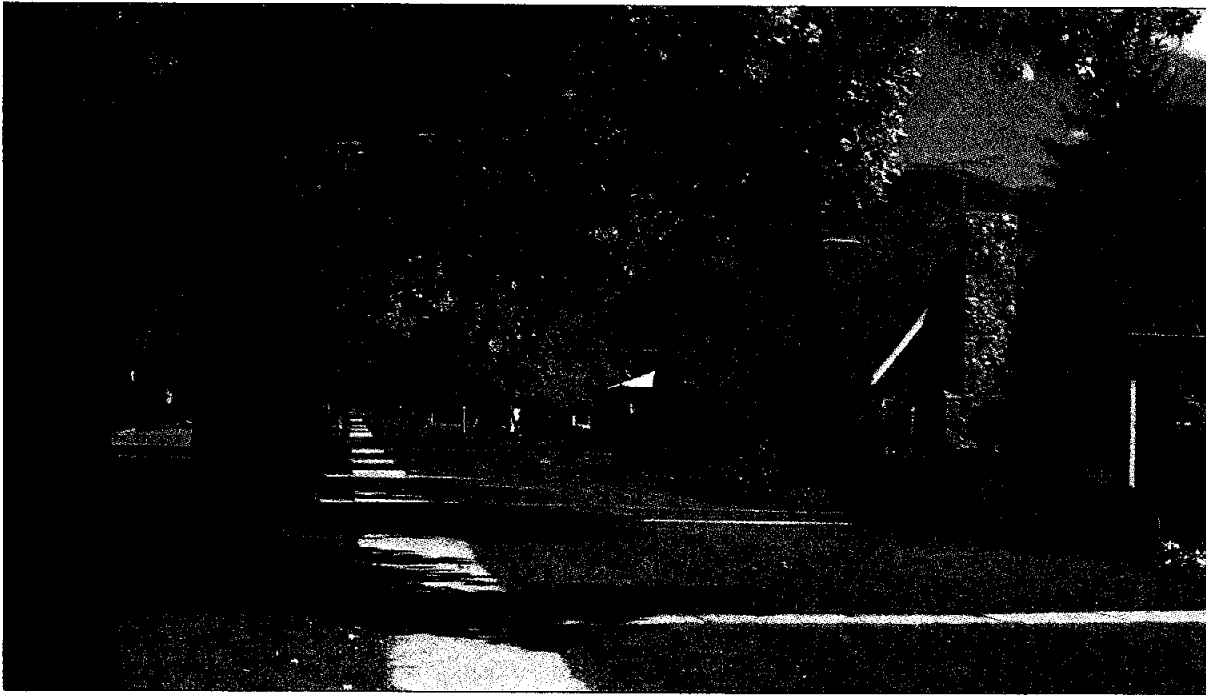
- Maintain coordination committees with all the major institutions in the University area to stay abreast of their plans and improvement proposals.
- Establish a city policy of not accepting any state proposal to acquire additional rights-of-way to widen 1300 East, Foothill Drive, or any other street in the East Bench Community.
- Limit institutional growth in the University of Utah/Research Park area to the capacity of 1300 East and Foothill Drive and other major streets serving these institutions. The city should conduct a study to determine maximum acceptable traffic volumes on 1300 East, Foothill Drive, and other affected streets. The study should take into account increased traffic volumes that could be accommodated through potential improvements within the existing rights-of-way and the point at which through-traffic will begin to filter through residential streets. The city should then instigate an interlocal agreement with officials of the University, Research Park, and other institutions in the area, outlining a policy of limiting growth to the predetermined capacity of the major streets serving these facilities. These institutions must also incorporate provisions for resolving traffic problems in their long range planning. They must plan for strategies such as a satellite campus in another area of the valley, a University sponsored park and ride program, or state involvement in other forms of mass transit that will reduce traffic volumes in the northeast quadrant of the city.
- Explore options such as denying water and sewer service to these institutions if they refuse to cooperate with the city in its efforts to seek alternatives to the private automobile and to protect its residential neighborhoods from negative impacts associated with commuter traffic.
- Take an aggressive position in the pursuit of transportation alternatives that will reduce the volume of commuter traffic traveling through the city's residential neighborhoods.



Major Public Uses

Housing

The increasing employee and student population adds to the already high demand and relatively high cost of housing in the East Bench. This high demand is an economic benefit to existing homeowners and the community in general. High property values provide incentives for property maintenance and generally attract occupants that are able to provide necessary maintenance. High housing demand, however, has resulted in illegal apartment conversions and associated congestion that is creating detrimental effects in some East Bench neighborhoods. The University of Utah must continue to provide on-campus student housing. Both dormitory and married apartment units have been very successful. Student housing greatly relieves housing pressures in nearby neighborhoods.



Maintaining the delightful character of East Bench neighborhoods requires vigilant city and community effort.

Urban Design

Planning Goal. Enhance the visual and aesthetic qualities and create a sense of visual unity within the community.

Introduction

URBAN design is concerned with the functional and visual relationships between people and their physical environment and the ways those relationships can be improved. The urban design process involves the following steps:

- Defining and assessing elements that help create the urban environment;
- Defining and assessing trends and pressures that may influence environmental change; and
- Formulating strategies that will help enhance visual and aesthetic qualities and create a sense of visual unity within an urban area.

Community elements that have created the East Bench urban environment and trends that may influence environmental change have been discussed throughout this study. This chapter concentrates on strategies to enhance the East Bench Community environment.

East Bench urban design analysis is structured around four major community elements:

- Natural Character;
- Residential Character;
- Business Character; and
- Public Facilities.

Strategies for Preserving the Community's Natural Character

The Wasatch foothills are a very important natural resource. The city must preserve the unique scenic beauty, environmental habitat, recreational use and accessibility of the Wasatch foothills. Issues relating to foothill preservation include the following:

- Foothill Residential Development;
- Off-road Vehicles;
- Hillside Graffiti;
- View Protection; and
- Gullies and Drainage Channels.

Foothill Residential Development. Residential development in upper foothill areas is probably the greatest threat to disrupting the natural foothill environment. As indicated in the Annexation and Foothill Development section, some additional development will occur. The majority of the foothills, however, will remain undeveloped. The city must take a firm position on restricting development to only those areas that are geologically sound. From the urban design standpoint, the city should instigate the following measures as a means of assuring that foothill development is as compatible as possible with the foothill environment.

- Comply with all provisions of the Site Development Ordinance.
- Permit planned unit developments (PUD's) wherein units may be clustered and open space maximized. The PUD approach will also require Planning Commission review, providing an opportunity for the city to critique plans before they are approved as well as an opportunity for public comment. The PUD approach should not be

viewed as a means of increasing density.

- Utilize non-reflective glass and building materials to lessen glare and color contrast.
- Keep cuts and fills to a minimum. Natural vegetation should be preserved, and structures should be tucked into hillsides rather than perched on knolls and other prominent, visible areas. Location and height of foothill development should be such that development blends into natural features to the extent possible.
- Require that foothill trail access and trailhead facilities, such as off-street parking and garbage receptacles, are designed into each new development at appropriate locations.

Off-Road Vehicles. Hillside scars resulting from off-road vehicles are a problem along the Wasatch Front. City and county regulations prohibit off-road vehicles from operating on the hillsides, but enforcement is difficult. The city and county should increase enforcement and prosecution efforts regarding off-road vehicles in the foothills. Property owners can assist by locking gates at the entrances to foothill trails and roads and reporting violations.

Hillside Graffiti. School letters and other hillside graffiti detract from natural character. Citizens recommend that school letters be removed and hillsides restored to natural conditions. School letters on hillsides is such a strong tradition that action by the city without good cause will only alienate students and school officials. The best approach for dealing with school letters is organized citizen efforts to communicate with the schools through the Parent Teacher Association. Any action should be citywide — all schools should remove letters.

View Protection. "View lots" in the East Bench are generally those that are well sited for views of the Salt Lake Valley to the west. Some lots are also suited for dramatic views of nearby mountains and canyons. It is impossible to guarantee unobstructed views from foothill lots without creating ordinances so restrictive that many lots may not be buildable. The city has addressed the view issue by adopting a view protection clause in the Foothill Overlay "F-1" Zone that will help protect views. This new ordinance limits building heights to a 25-foot maximum height for a flat-roofed structure and 30 feet to the peak of a structure with a pitched roof. Areas encompassed by the "F-1" Overlay are limited to foothill subdivisions along the urban fringe. If these height limitations prove to be successful in accomplishing their intended purposes in the "F-1" areas, similar height restrictions may be considered for other "R-1" and "R-2" areas in the East Bench Community.

The subdivision ordinance must also be re-evaluated with regards to view protection. Lot location, orientation, and grades are critical to view protection. In many cases, it is impossible to design homes with views if the subdivision has not been properly designed.

Gullies and Drainage Channels. Several deep gullies traverse the East Bench Community along the Red Butte and Emigration Creek channels. Miller Park is in one of these gullies, and other potential park sites are scattered along these channels. These natural undeveloped gullies add a unique character to East Bench neighborhoods that should be preserved. The city should adopt a policy of maintaining ownership of presently owned gullies, such as Miller Park, and keep them in their natural state for public recreation use. The city must strive, however, to solve all vandalism and burglary problems associated with these areas.

* Gateway View — Information Center

Salt Lake City does not have a gateway into the city that lets visitors know they have arrived. A rest stop along

one of the entrance roadways could orient visitors, provide visitor information, and be designed as an aesthetically pleasing amenity for the East Bench. The center could include picnic tables, restrooms, and an information booth containing information about visitor attractions in the Salt Lake Valley. Design and location of the gateway center should be similar to a small freeway rest area.

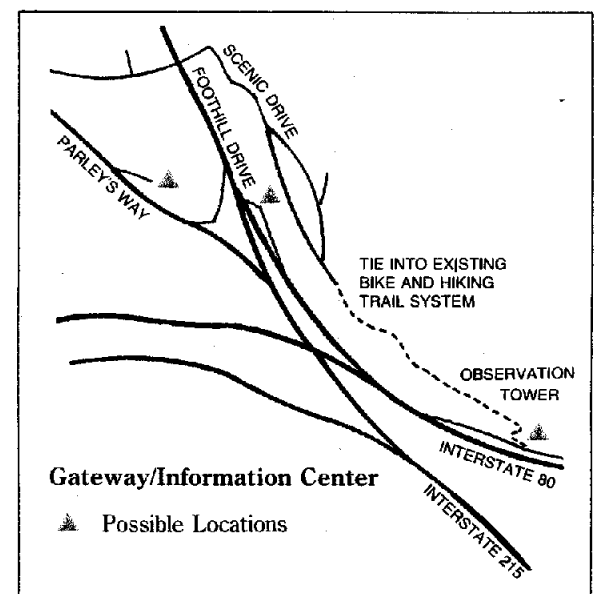
A gateway center should be located near the entrance to the city where panoramic views of the city and valley can be enjoyed. A location near the mouth of Parley's Canyon is ideal. The figure below identifies the three possible locations. The site along I-80 is preferred. It is owned by the state and is more spacious than the others, and access from I-80 is convenient for visitors.

A disadvantage to the I-80 site is that downtown Salt Lake City is not visible without a short walk. The facility layout would have to include a pedestrian trail onto a nearby ridge for a panoramic view of the valley.

The site on the east side of Foothill Drive is the second choice. This site provides a panoramic view. The disadvantage is that visitors must exit the freeway, then get back to the freeway by crossing Foothill Drive. This would be awkward and possibly unacceptable to city and state transportation officials.

The Parley's Way site involves acquisition of a portion of the K-Mart property. Views here would not be as good as from the east side of Foothill Drive and access problems are similar. The Parley's Way site should be considered only if the other sites prove unworkable.

A visitor's center at the Salt Lake Valley's eastern entrance is an amenity that should be provided by Salt Lake City, Salt Lake County, and the State of Utah with the shared financial participation. The county and state will benefit from the project, and the city should request their involvement in planning and development.



Strategies for Enhancing Residential Character

East Bench residential neighborhoods have a delightful character. Even though there is a wide variety of housing age, size, and style, most properties contribute to the community's quality environment. These desirable neighborhoods have not happened by chance. A strong sense of neighborhood identity along with proper application of subdivision, building, and zoning regulations have played an important role in establishing the community's character.

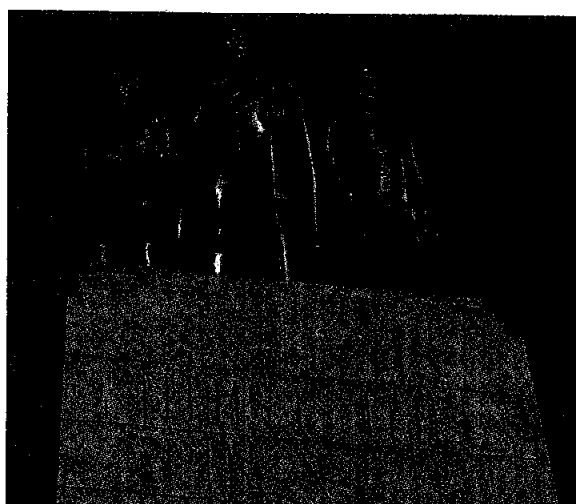
Maintaining quality neighborhoods requires vigilant effort. A lax attitude by the community or city could result in noticeable decline. The following are among the most noticeable negative elements detracting from residential character:

- Illegal curb cuts and hardsurfacing to accommodate front or side yard parking;
- Lack of parking strip, lawn and/or yard maintenance;
- The use of rocks, woodchips, paving, etc. in parking strips;
- Building remodeling or additions that are not compatible with the design of the original structure or neighboring homes;
- New structures that are not compatible with the design of surrounding homes;
- High fences or vegetation in front yards that create a traffic hazard and fortress-like appearance; and
- A lack of street trees.

Existing city ordinances adequately address problems with front and side yard parking, recreation vehicle storage and high fences. Inadequate enforcement, however, has permitted violations to exist in some areas. The solution to these problems is a commitment from city officials for increased zoning enforcement. Adequate funding and more enforcement personnel are needed; and a systematic, comprehensive enforcement program is necessary to adequately enforce the existing codes. Such a program could be very effective.

Summary

THE East Bench Community offers a promising future for its residents. A reasonable effort by the city and community residents will maintain and enhance the quality neighborhoods and life style that residents have enjoyed through the years. There are many challenges for the future. Streets and infrastructure must be upgraded in response to increased demands. The city must also respond to increasing traffic problems in a manner that will protect its residential neighborhoods. Housing and neighborhood maintenance will require effective regulations, such as increased zoning and building code enforcement; also a commitment from owners to



This Is the Place Monument, located near the entrance to Emigration Canyon.

maintain their properties. The city cannot maintain neighborhoods unless property owners are committed to maintenance of their properties.

Sites for new multiple-family housing and businesses are very limited. New developments must be sensitive to neighborhood scale and design, while satisfying needs and expectations of the developer. Compatibility with the immediate neighborhood is essential. New developments should not adversely impact residential neighbors.

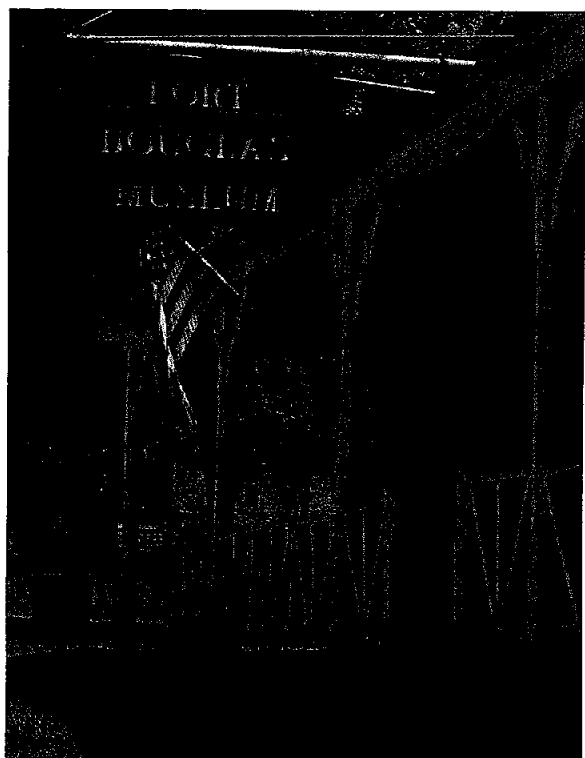
Urban design will play an increasingly important role in neighborhood maintenance and preservation. As the community finishes developing, emphasis will continue to shift from regulating new development to managing and preserving established neighborhoods. Even though neighborhood preservation has been an important concern since the last decade, tools to effectively manage neighborhood stability are continually being developed and refined. Innovative approaches to implementing urban design concepts and proposals may be the solution to many of the problems that the East Bench Community will continue to face.

Appendix I

Zoning Change Compatibility Considerations

PROPOSALS to change zoning for new multiple family residential, or business uses should be evaluated with the following considerations.

- Proponents must demonstrate that any zoning change is clearly justified by the substantive provisions of this master plan.
- There must be a demonstrated need for the new multiple-family/business proposal and documented community support. Property owners must address the issue of housing/business need in the whole city perspective and why the proposed site is the best location with regard to the best interest of the community and city.
- Property must be on a street that can handle the additional traffic.
- The site must be large enough for adequate open space and parking without overcrowding the lot.
- Multiple-family/business projects must be of a density, scale and design that will not negatively impact neighboring residential properties.
- Multiple-family units should not develop in areas with strong low density character. Multiple-unit structures should be combined with or be adjacent to non-residential activities such as retail centers, parks, and schools.
- Zoning should not be changed to accommodate a new business unless it is adjacent to an existing business.
- "Spot or strip" zoning to accommodate new businesses is strongly discouraged.
- New businesses should be designed to be a logical extension of adjacent businesses, maintaining complimentary building design and landscaping motifs.



Fort Douglas, an old but active army base, is located in the East Bench Community.

Appendix II

Capital Improvement Program Summary Tables

PROJECTS identified in the following tables are a combination of projects being presently planned by the city, and needs that have been identified through the planning process. Projects that include funding dates have been approved, and are included in the Capital Improvement Plan, or funded by the Public Utility Enterprise Fund. Projects that are not scheduled have not been funded.

Park Improvement and Development Proposals

Project	Cost Estimate	Year Funded
Miller Park	\$ 50,000	1987-1988
Bonneville Park	150,000	1989-1990
Sunnyside Park	250,000	1990-1991
1600 East-1700 South	461,000	1990-1991
Laird Park	40,000	1990-1991
Washington Park	250,000	1991-1992
Sunnyside Recreation Center	Two million	Not Funded
Foothill View Parks	Cost Unknown	Not Funded
Gateway Visitor Center	Cost Unknown	Not Funded

Street Improvement Proposals

Street Improvement Projects	Cost Estimate	Year Funded
Research Park Street Improvements	\$ 700,000	1986-1987
Sunnyside Avenue (Foothill-Wasatch)	1,900,000	1989-1990
Wasatch Drive (1300 South to Sunnyside Avenue)	Cost Unknown	Not Funded
Guardsman Way	Cost Unknown	Not Funded
Citywide Sidewalk Replacement Program	Cost Unknown	Ongoing

Transportation System Management

(TSM) Intersection Improvements

Project	Cost Estimate	Year Funded
1700 South-1300 East	\$ 30,000	1986-1987
Uintah School Turnout*	15,000	1986-1987
1300 South-Foothill	90,000	1987-1988
2100 South-2300 East*	25,000	Not Funded
Guardsman-Sunnyside	25,000	Not Funded
2300 East-Foothill	Unknown	Not Funded
Sunnyside-Wasatch	6,000	Not Funded
University-400 South	12,500	Not Funded
University-200 South	3,600	Not Funded

*Packaged together for construction in 1986 or 1987 subject to receipt of federal funds.

Other Street Needs

Project	Cost Estimate	Year Funded
Correct curb, gutter and sidewalk problems in the St. Mary's area	Cost Unknown	Ongoing
Inventory of local street conditions and needs	Cost Unknown	Not Funded
Sidewalk installation along all streets that do not have sidewalk	Cost Unknown	Not Funded

Water System Improvement Proposals

Project	Cost Estimate	Year Funded
Lakeline Drive line	\$200,000	1986-1987
1700 South feeder line	500,000	1988-1989
St. Mary's Reservoir	310,000	1988-1989

Sanitary Sewer System Improvement Proposals

New Lines	Cost Estimate	Year Funded
2396 South, 2750 to 2800 East	\$ 30,000	1986-1987
Parley's Way, 2400 to 2442 East	30,000	1986-1987
Sunnyside Ave., 1975 to 2000 East	30,000	1987-1988
2323 South, 2620 to 2640 East	30,000	Not Funded
2100 South, 2821 to 2860 East	35,000	Not Funded
Broadmoor, 1955 to 2025 South	50,000	Not Funded
2830 East, 2225 to 2270 South	40,000	Not Funded

Storm Drainage System Improvement Proposals

Project	Cost Estimate	Year Funded
Emigration Creek Detention Basin		
1700 South-1600 East	\$ 500,000	Not Funded
Red Butte Creek Detention Basin		
1500 East Detention Basin	300,000	Not Funded
Misc. Storm Drainage Construction	2,000,000	Ongoing-Not Specifically Funded

Fire Department Proposals

Project	Cost Estimate	Year Funded
Relocate Fire Station #4	\$ 830,000	1989-1990
Replace Fire Station #10	850,000	Not Funded

Miscellaneous Project/Program Proposals

Project	Cost Estimate	Year Funded
Increased Zoning Enforcement	Cost Unknown	Not Funded
Business Property Design Theme Program	Cost Unknown	Not Funded

East Bench Community Zoning Map



Map Legend

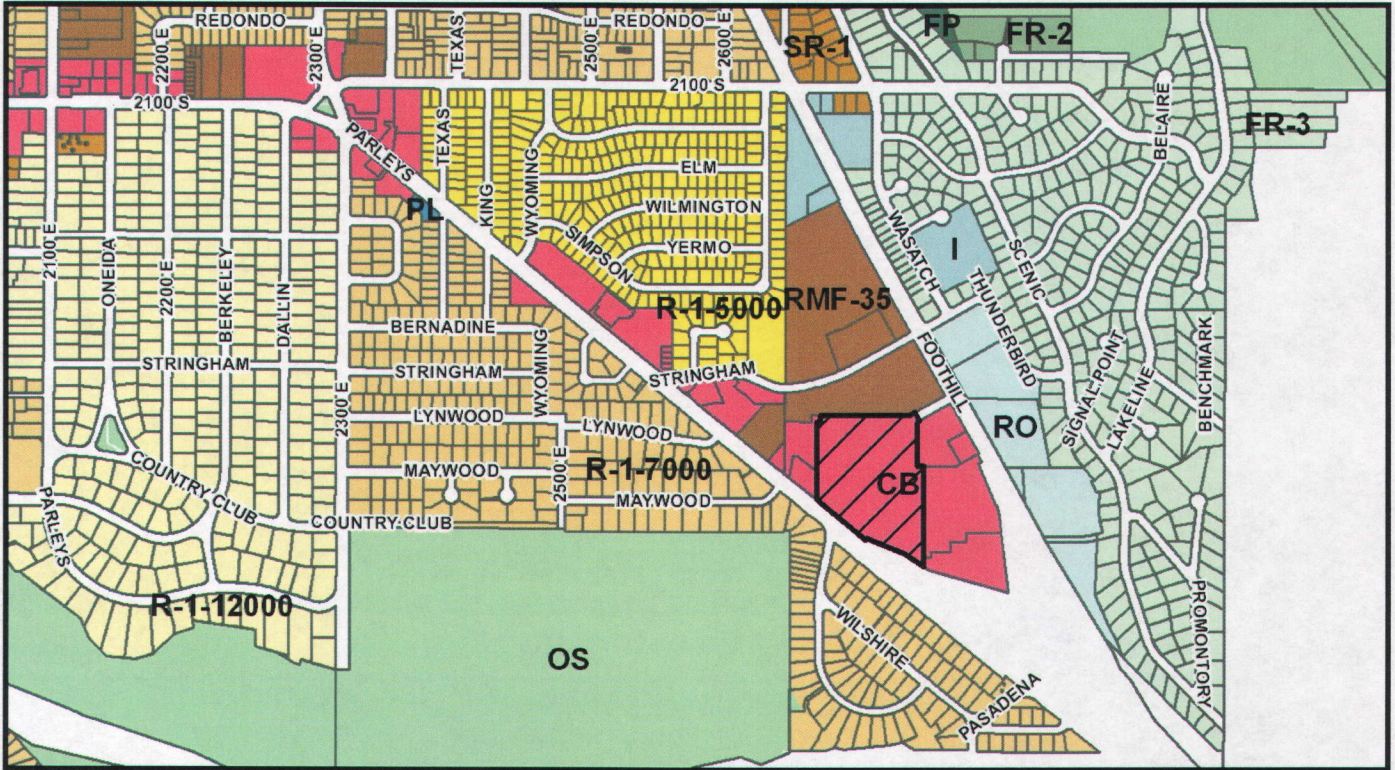
Valcrest Compatible Infill Overlay District

Zoning Districts

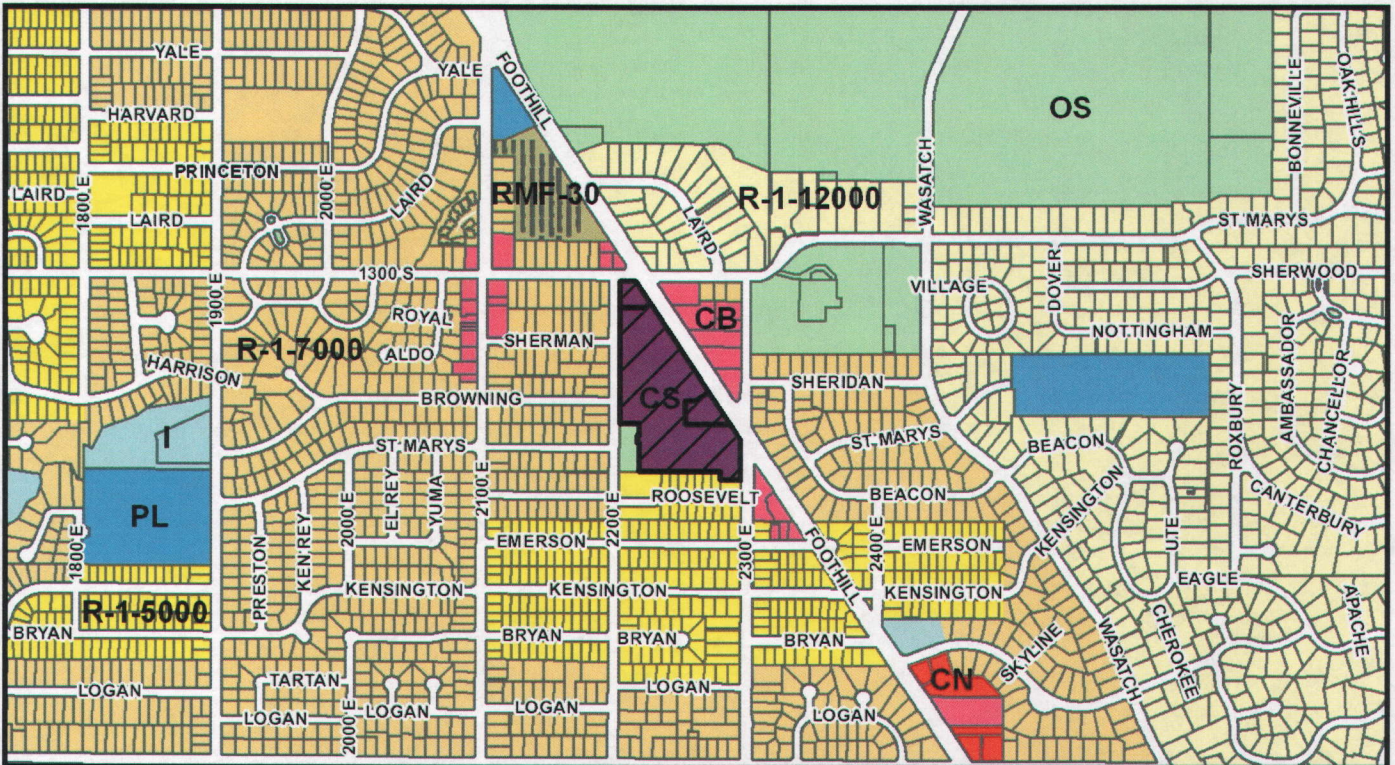
- CB, Community Business
- CN, Neighborhood Commercial
- CS, Community Shopping
- FP, Foothills Protection
- FR-1, FR-1/43,560 Foothills Estates Residential
- FR-2, FR-2/1,780 Foothills Residential
- FR-3, FR-3/12,000 Foothills Residential
- I, Institutional
- OS, Open Space
- PL, Public Lands
- R-1-12000, Single Family Residential
- R-1-5000, Single Family Residential
- R-1-7000, Single Family Residential
- R-1-7000, Single Family Residential
- RMF-30, Low Density Multifamily Residential
- RMF-35, Moderate Density Multifamily Residential
- RMF-45, Moderate/High Density Multifamily Residential
- RO, Residential/Office
- RP, Research Park
- SR-1, Special Development Pattern Residential



Exhibit L
Foothill Drive Land Use Maps



Subject Property (Kmart) and surrounding land uses.



Foothill Village and surrounding land uses.

CB, Community Business	R-1-12000, Single Family Residential	RC, Residential/Office
CN, Neighborhood Commercial	R-1-7000, Single Family Residential	OS, Open Space
CS, Community Shopping	R-1-5000, Single Family Residential	FP, Foothills Protection
FR-1, FR-1/43,580 Foothills Estates Residential	SR-1, Special Development Pattern Residential	I, Institutional
FR-2, FR-2/21,780 Foothills Residential	RMF-35, Moderate Density Multifamily Residential	PL, Public Lands
FR-3, FR-3/12,000 Foothills Residential	RMF-30, Low Density Multifamily Residential	



Exhibit M
Site Photographs



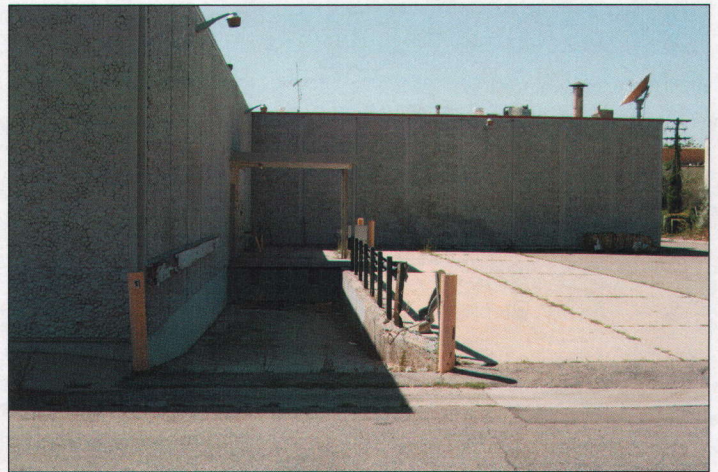
The Kmart building as viewed from the neighboring office building.



The Kmart building as viewed from the southwest corner of the property.



The west side of the parking lot, south of the building.



The loading dock area at the rear of the property.



Looking east along the front of the Kmart building; two office buildings and a restaurant are directly ahead.



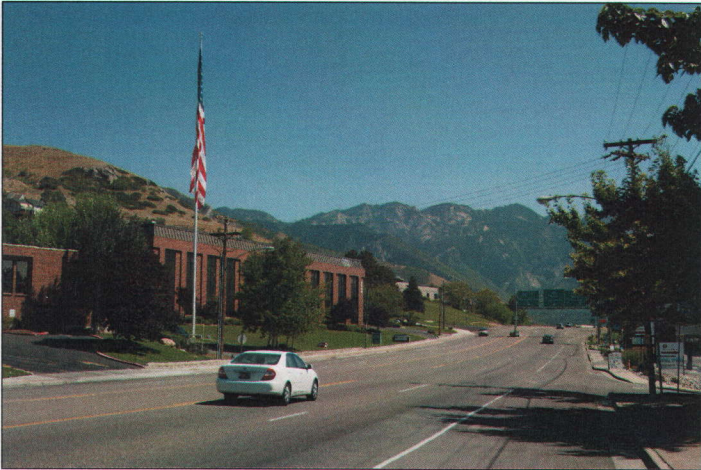
The small commercial shopping center with offices and restaurants to the east of the Kmart building.



The Foothill Place Apartments north of the subject property.



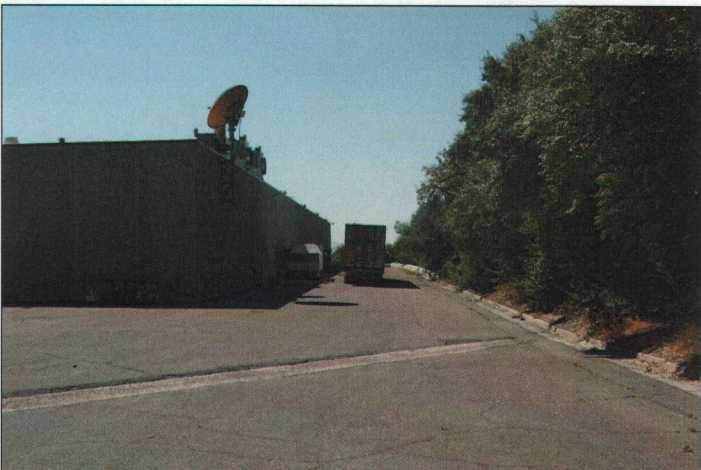
The stub of Stringham Avenue that connects the property with Foothill Drive. The Foothill Place parking lot is behind the fence.



Looking south on Foothill Drive north of the Stringham Avenue and Foothill Drive intersection. RO-zoned office buildings are on the east side of the road.



The commercial properties east of the subject property, including a gas station, restaurants, and offices as viewed from Stringham Avenue.



The rear of the Kmart building. Foothill Place Apartments are behind the trees on the right.



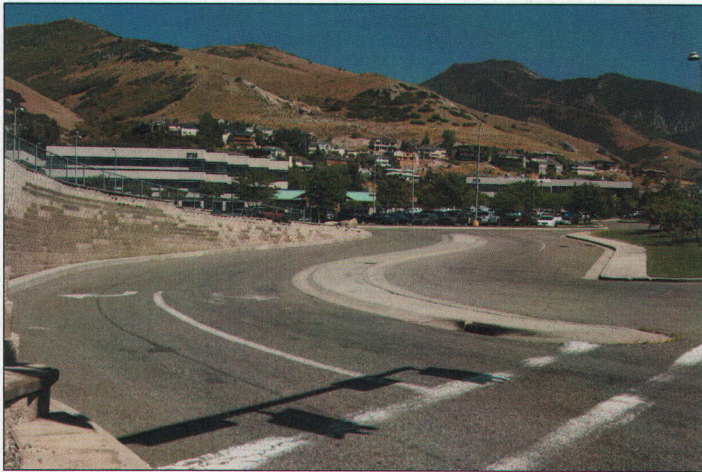
Looking southwest on Stringham Avenue. The Kmart building is partially obscured by the trees in the center of the picture.



The current development sign found east of the signalized Parleys Way and Wilshire Drive intersection.



Looking east on the north side of Parleys Way. The retaining wall on the right holds up the existing Kmart parking lot.



Looking northeast on the subject property's main access road, at the Parleys Way and Wilshire Drive intersection.



The Kmart property as viewed from the local street extension of Parleys Way, west of Wilshire Drive.



Looking east on Parleys Way from its intersection with Wilshire Drive. Traffic coming from this direction is from either Foothill Drive, I-80 or I-215. A single lane heads in this direction for access to I-80 or I-215.



Looking west on Parleys Way from its intersection with Wilshire Drive. Downtown is visible in the distance.

Exhibit N
Other Referenced Resources

The Walkability Survey

On the next page is a scorecard to use as a guide in determining how walkable areas in your city could be, based on current plans or those under consideration.

Source of pedestrians

One of the first decisions to make is where the pedestrian shoppers will come from. Choose the most prominent destination in the vicinity where pedestrians will most likely be coming from or areas where a source of pedestrians can grow; then score accordingly, not to exceed 4 points.

Transit service

Transit access and frequency can help determine the amount of pedestrian activity a development realistically can expect and reduces the need for parking. Since most riders walk to transit stops, pedestrian activity increases near transit service. Choose the following statement that best describes the development site, not to exceed 4 points.

Street connectivity

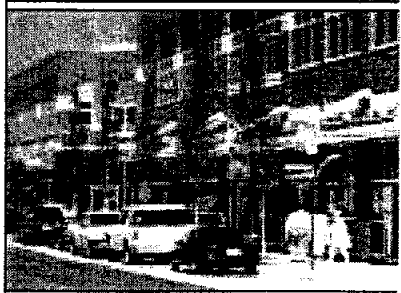
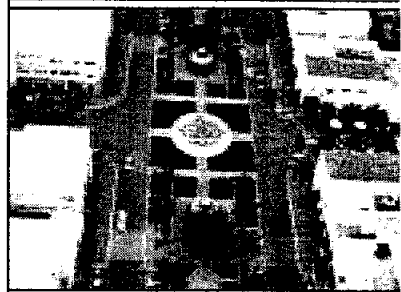
Determining the level of connectivity in an area will help establish a site's accessibility. Connectivity is the variety of ways and means available to reach a location. Calculate the number of intersections within a 1/2 mile radius that will exist after planned buildout of an area, not to exceed 4 points.

Traffic characteristics

It also is important to have traffic speeds that are conducive to safe walking. The faster traffic moves, the less pleasant the pedestrian environment. Choose the appropriate posted traffic speed, not to exceed 2 points.

Street characteristics

The physical make up of a street, such as sidewalks, street trees and on-street parking, is important in providing a safe and pleasant pedestrian environment. Add points for existing or proposed amenities, not to exceed 6 points.



<p>PROXIMITY TO PEDESTRIANS (Add together the points in this section)</p> <p>Proximity to a college or similar: within 2 miles 1 within 1 mile 2 within 1/2 mile 3 within 1/4 mile 4</p> <p>Employees within 1/2 mile radius (500 acres): 500 to 1000 1 1000 to 2000 2 2000 to 4000 3 over 4000 4</p> <p>Number of residences within 1/2 mile radius (500 acres): 500 to 1000 1 1000 to 2000 2 2000 to 4000 3 Over 4000 4</p>	<p>score: _____</p> <p><i>(6 points maximum)</i></p>	<p>STREET CONNECTIVITY Intersections within 1/2 mile (500 acres) 40 to 60 1 60 to 100 2 100 to 140 3 over 140 4</p>	<p>score: _____</p> <p><i>(4 points maximum)</i></p>
<p>ACCESS TO TRANSIT (Frequent = 15 minute headways)</p> <p>Frequent peak-hour transit service within 1/4 mile 1</p> <p>All day frequent transit service within 1/4 mile 2</p> <p>Adjacent to peak-hour frequent transit service 3</p> <p>Adjacent to all day frequent transit service or light rail within 1/4 mile 4</p>	<p>score: _____</p> <p><i>(4 points maximum)</i></p>	<p>APPROPRIATE TRAFFIC SPEEDS Posted traffic speeds on primary streets: 35 m.p.h. or less 1 25 m.p.h. or fewer 2</p>	<p>score: _____</p> <p><i>(2 points maximum)</i></p>
		<p>ROW CHARACTERISTICS Will connected sidewalks be present? 1 - 8 foot sidewalks? 2 - 12 foot sidewalks? 3 Will there be street trees? 1 Will there be on-street parking? .. 3 Will shared parking be available? 2 Will crosswalks be present and at minimum every 300 feet? 1 Will crosswalks be signalized or protected? 1</p>	<p>score: _____</p> <p><i>(8 points maximum)</i></p>
		<p>SCORING: 2-6 points Plan supports Ancillary Pedestrian Level 1</p> <p>6-12 points Plan supports Integrated Pedestrian Level 2</p> <p>12-18 points Plan supports Prevailing Pedestrian Level 3</p> <p>Over 18 points Plan supports Storefront Commercial Level 4</p>	

**Level 2:
Integrated Pedestrian
Design**

Integrated pedestrian design begins to treat pedestrians as equally important as the car. Although parking is still prevalent and visible from the street, walking distances have decreased substantially from Level 1 because the buildings are now adjacent to the street.

Building design has not changed substantially. There is still one primary entrance, and building architecture is similar to Level 1. However, the building has been modified to provide a comfortable pedestrian area along the street and sidewalk through display windows and appropriate landscaping. Parking most often is located to

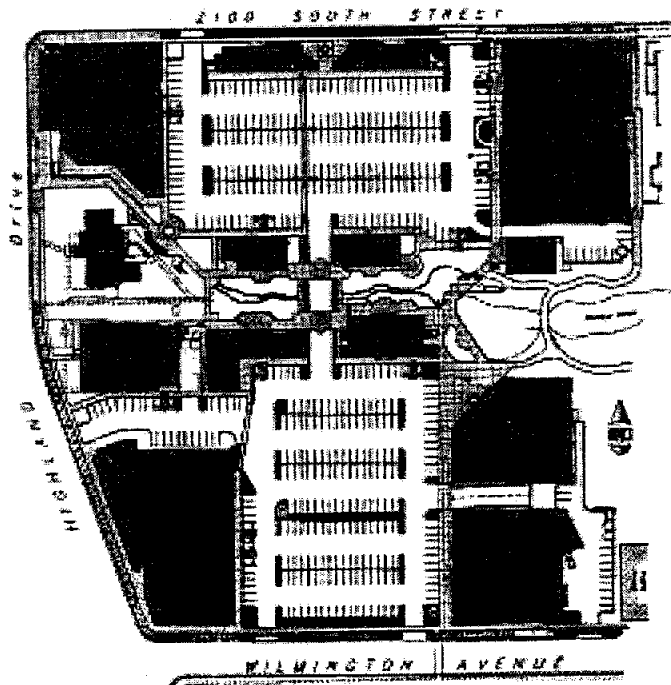
the side of the building, still fronting the street and sidewalk. Landscape buffers between parking and the sidewalk, such as shrubs or a low wall, are important to create a safe and pleasant environment for walking. Although parking is still prominent, fewer parking spaces are needed because there are more pedestrians in the area.

Integrated pedestrian design is realistic for areas with moderate pedestrian activity. It also can be a feasible solution for retrofitting existing commercial buildings. Adding smaller retail around the perimeter of a larger parking area can turn an under-utilized Level 1 commercial building into a more profitable and desirable retail environment.

**Sugarhouse Commons,
Salt Lake City, Utah**

- The Commons, located adjacent to Interstate 80, is a retail shopping center which covers one full city block.
- The design includes pedestrian circulation and amenities, such as outdoor dining and sitting areas, a small open space and stream, and sidewalks connecting buildings within the project and adjacent uses.
- The parking areas and sidewalks are landscaped with

attractive trees and shrubs.



The net effect of this building and site design is to create a built environment that is safer and much more convenient for walking.

Design Principles

- Appropriate locations include collectors and moderately busy arterials within walking distance to offices, business districts and residential areas, but not near freeway interchanges.
- Architectural details, such as walls facing the street, are broken up with openings.
- There usually is one entrance facing parking, but it often borders the sidewalk.
- Building orientation often is sideways, with one or more walls adjacent to the street.
- Parking is located on the side with buffers between parking and street.
- Parking supply: (3.5 spaces/1,000 sq. ft.), plus credits for on-street parking.
- Landscaping includes street trees and landscape buffers — in developed areas, short decorative walls often are more appropriate than trees or shrubs because they better maintain the character of a streetscape.
- It is necessary for the street network to include adequate access and connections should be provided to areas with high pedestrian volumes.
- Streets incorporate on-street parking, wide sidewalks and safe, efficient pedestrian crossings.

