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Walmart likely to lose big Salt Lake City Council vote

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Walmart's uphill, four-year slog to finesse City Hall to allow it to build a new big box on Salt Lake City's east bench appears doomed.

Neighbors, energized against rezoning 2705 E. Parleys Way for a Walmart, have persuaded the City Council to follow suit, a majority of council members say.

That formal rejection is expected Sept. 6.

But besides curbing Walmart's retail dreams for the Sugar House area, the denial could shift the District 6 council race — one week before a Sept. 13 primary — by effectively ending the campaign bid of lobbyist Charlie Luke.

That's because Luke, a member of the city's Planning Commission, was the sole vote for the rezoning proposal in February. Another District 6 contender, Tracey Harty, opposes the rezoning, and incumbent J.T. Martin hints he, too, will vote no.

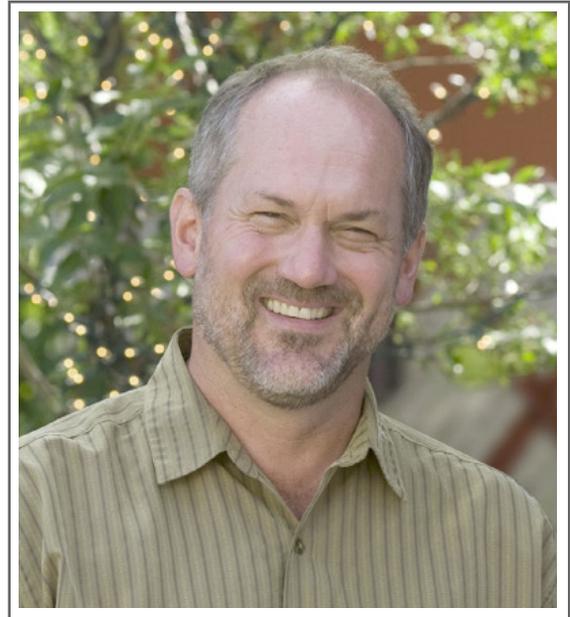
While stumping door to door, Harty notes residents have opposed the Walmart rezone "four- or five-to-one."

All three candidates say Walmart has been the biggest issue in the race. And Luke concedes his favorable commission vote "could absolutely swing the election."

The primary will winnow the three candidates to two.

This week's packed public hearing seems to have sealed Walmart's fate. For three hours, dozens of residents complained that amending the master plan and granting a zoning change would guarantee nuisance traffic and an out-of-scale mega-store for decades to come.

Walmart, which owns the site's vacant Kmart, could still renovate that store and move in — which the retail giant has pledged to do. Even so, many residents think the company is bluffing. But Walmart insists it is there to stay. The retailer already has a permit, which expires at year's end, to remodel the Kmart.



Stan Penfold

Either way, this looming vote is the buzz of the east bench. Council Chairwoman Jill Remington Love ranks it among the top 10 decisions of the past decade.

“This neighborhood has spoken pretty loudly and clearly,” says Love, who is “leaning no.” “You really have to listen to the neighborhood and what they want. Separately, I’ve always been concerned about the impact it would have on other businesses in the area.”

Six of the seven council members say they either will vote against the zoning change or are leaning that way. Some are not at all subtle.

“I’ll be voting hell no,” says Councilman Luke Garrott, explaining that he would oppose any vehicle-dependent big box along the city’s eastern gateway.

Councilman Soren Simonsen took away any guessing when he planted a “Say No to Walmart” sign in his front yard. Then, before this week’s hearing, he posted a lengthy Walmart rebuttal on Facebook.

“They promise a newer, greener, smaller building. But what Walmart is offering to build is exactly the same kind of strip mall that we have today,” Simonsen writes. “Their plans for another big, ugly concrete box will simply not be an improvement. Not even close.”

Councilman Stan Penfold says he wants to honor the community’s “clear message” and stresses that he doesn’t take zoning changes lightly.

“Anyone can promise us the world before the zoning changes,” he says. “But once the zoning’s changed, we have nothing to restrict the development that’s allowed. I am really conscious of that.”

Walmart has promised to build an “energy efficient” 92,000-square-foot store to replace the 43-year-old, 120,000-square-foot Kmart. But the retailer would not be bound by that vow to build a smaller store — or to eschew a gas station — without a clearly defined development agreement.

Councilman Carlton Christensen, the panel’s lone rezoning supporter, says he would like to see the council grant a zoning change then insist on a development agreement. “But if we don’t have four votes, I don’t want to go through the brain damage of trying to put something together.”

Starting in 2008, the Planning Commission has twice rejected Walmart’s rezoning requests. Except for Luke’s vote, the opposition was unanimous.

Luke explains that he endorsed the zoning change because it would be the only way the city could control the conditions of the design through what is called a “planned development” agreement. That would include leveling the grade of the parking lot, fixing drainage problems and insisting on landscaping. He has distributed that message with campaign literature, a necessary move, he says, to combat fliers maligning him and his vote.

“If we’re going to have a Walmart,” Luke says, “I’d like to have the best product at the east gateway to the city.”

Luke is frustrated by the “misinformation” swirling about the zoning request and alleges Martin’s campaign has repeatedly made an issue of Luke’s pro-Walmart vote.

“J.T. is trying to play both sides. That’s unfortunate,” Luke says. “J.T. should tell people today where he comes down on this. If, for four years, you can’t make a decision on something this big, that says a lot about your leadership.”

Martin denies raising Luke’s vote on the stump and says he is trying to process the zoning request information “as quickly as possible.”

“Why do I feel like I’m the only adult in the room,” Martin counters. “There is no smoke and mirrors here. We are very deliberate in our process. We want to make sure everyone is heard.”

Martin says he only speaks about Walmart if asked. “When people ask me about his vote specifically, I say that I find it very interesting that over four years this has been reviewed by two commissions — and all of the commissioners, except one, have voted no. That’s very powerful.”

So which way is Martin leaning?

“For me to change zoning is very, very difficult. It’s hard to get me there,” he says. “I do not like unraveling our predecessors’ work. This also sets up for something undesirable in the future. And I don’t think Mister Luke’s thought that through.”

Harty, who says the Walmart decision will affect the election “for sure,” says her focus is the future. “Walmart could pick up and leave one day and then we’d be stuck with zoning that we really didn’t want in the first place.”

Council members, to be sure, still could switch positions — or delay a vote until after the primary. But Councilman Van Turner says that is unlikely.

“The public hearing did a lot of good in terms of lining us up more,” Turner says. “We were all kind of on the bubble, but we’re ready to roll off the bubble.”

For Walmart, its bubble is about to burst.

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Where council stands on Walmart rezone

Jill Remington Love • “I am leaning no for the main reason that you have to listen to the community. They know the neighborhood.”

Van Turner • “At the end of the day, they can make that big Kmart box into anything they want [so the rezone isn’t needed]. Why couldn’t they? Why shouldn’t they? A 120,000-square-foot building in retailing is like a dream.”

Stan Penfold • “The community’s pretty clear on what they want. That’s where I am.”

Luke Garrott • “I’ll be voting hell no.”

Soren Simonsen • “We don’t want a store that’s just like hundreds of nameless, characterless and failing strip malls across the country. Especially not as the gateway to our city.”

J.T. Martin • “All the planning commissioners, except one, have voted no. That’s very powerful.”

Carlton Christensen • “It just strikes me that allowing them to rebuild makes more sense. It allows them to correct some of the mistakes on that site.”