

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 19, 2008

SUBJECT: Petition No. 400-06-31 – First Industrial Development Services, Inc., requesting to close a portion of 300 South Street (between approximately 5100 West and 5200 West)

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 2

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Nick Britton, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

KEY ELEMENTS:

- A. A resolution has been prepared for Council consideration that would close a portion of 300 South Street between approximately 5100 West and 5200 West and declare the portion surplus property for sale to the petitioner and abutting property owner to the South. (Staff note: Council Staff will work with the Administration to obtain an ordinance rather than a resolution. A resolution was prepared because when this petition was processed in the Planning Division, State law had temporarily required that street closures be processed through resolution rather than by ordinance. State law has since changed back to requiring adoption by ordinance).
- B. Key points from the Administration's transmittal are the following:
1. The subject property was deeded to the City as a condition of subdivision approval for a radio tower facility in 1994. The use no longer exists and the subject property has never been used as a public right-of-way or developed as a street. The area has been developed in such a way that this right-of-way will not be needed in the foreseeable future.
 2. The portion of 300 South is a 66 foot x 627 foot right-of-way (.95 acres). It is currently unimproved and is not scheduled for improvement.
 3. The petitioner owns the property directly to the north of the subject portion of 300 South. The petitioner is not associated with the 1994 subdivision approval.
 4. The petitioner is also not associated with the previous street closure petition for this stretch of right-of-way (Petition #400-04-43), which was submitted by Menlo Associates, LLC in October of 2004. The City Council held a public hearing on April 12, 2005 regarding the previous petition, at which time the property owner to the South (SorTech, LLC) submitted a letter objecting to the closure. Menlo Associates, LLC subsequently withdrew the previous petition.
 5. After the current petitioner acquired the property to the north from Menlo Associates, LLC, they reached an agreement with SorTech, LLC. Both adjoining property owners are now in favor of the petition, and have each agreed to purchase half of the surplus property, should the Council ultimately vote to close the street.
*UPDATE: Since the Transmittal was submitted to Council Staff, Planning Staff has indicated that First Industrial Development Services has purchased the

property to the South from SorTech, LLC. They are now the only abutting property owner, aside from Kern River Gas to the east.

6. Kern River Gas Transmission abuts the property to the east, and is supportive of the proposal but is not interested in purchasing any of the surplus property.
 7. The petitioner is requesting the portion of the street be closed, the property declared surplus and the property be sold to them at a fair market value to incorporate the property as part of a future development.
- C. The petitioner's property is zoned Light Industrial M-1. The surrounding properties are also zoned Light Manufacturing.
- D. Surrounding land uses include:
1. Utilities to the east (Natural Gas Transfer Station and Electric Utility Substation)
 2. A distribution warehouse to the west.
 3. Vacant land to the north and the south.
- E. The Planning staff report notes the following findings:
1. The proposed street closure will not deny access to adjacent properties.
 2. The right of way will be sold at fair market value.
 3. The subject right-of-way is not currently utilized as a street, and its sale will not impact traffic flow in the area.
 4. The Salt Lake City Transportation Master Plan does not identify this portion of 300 South and there are no plans to extend or otherwise improve it.
 5. No other property owners would be impacted in any way by this closure.
- F. The Transportation Division, Public Utilities Department, Property Management, and Engineering all reviewed the previous petition. Only Public Utilities commented on the current petition, and voiced no objections. The other departments and divisions did not comment on the current petition but were supportive of the previous petition (#400-04-03) for the closure of this section of 300 South.
- G. On December 13, 2006, the Planning Commission voted to forward a positive recommendation to the City Council to declare the property surplus and close the street.
1. The petitioner (the property owner to the North) spoke at the hearing and indicated that they need this property for future development needs.
 2. No negative comments were received at the Public Hearing.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

Council Members may wish to consider adjusting the Council's street closure policy to ensure a consistent policy direction with streets and alleys. (Please refer to the next section for the Council's street closure policy.) Planning staff has indicated to Council staff that the current street closure procedure does not require Community Council notification and review. (Currently, the Planning Commission agenda is mailed to Community Council Chairs. A Planning Commission hearing notice is mailed to property owners within a 300-foot radius of a proposed street closure.) It should be noted in this case however, that Planning Staff contacted the Poplar Grove Community Council regarding this petition, requesting input. No response was received from the Community Council.

During the Council's alley policy discussions, Council Members adopted the following modifications for alley closures or vacations:

1. Shift the focus to consideration of a proposed request with demonstrated public benefit rather than supporting closure/vacation whenever possible.
2. Require an evaluation and documented demonstration of public interest versus private interest. The standard should be to demonstrate an over-riding public purpose, rather than an over-riding private interest.
3. Include neighborhood and community council review and comment as part of the public process prior to the Administration formalizing their recommendation to the City Council.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Council's street closure policy includes the following:
 1. It is Council policy to close public streets and sell the underlying property. The Council does not close streets when that action would deny all access to other property.
 2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential or commercial.
 3. There are instances where the City has negotiated with private parties to allow the parties to make public improvements in lieu of a cash payment. The Council and the Administration consider these issues on a case-by-case basis.
 4. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the petitioner that the sale and/or closure of the street would accomplish the stated public policy reasons.
 5. The City Council should determine whether the stated public policy reasons outweigh alternatives to the sale or closure of the street.
- B. The subject property is located in an industrial area in the Northwest Quadrant which does not have a specific master plan.
- C. The Transportation Master Plan (adopted 1995) called for an eastward extension of 300 South beyond the RC Willey distribution center site to provide access to surrounding properties not yet developed. The Major Street Plan of the Transportation Master Plan was amended in 1996 and the designation of 300 South east of 5200 West was changed to a local street classification. Local streets and areas are allowed to be developed as needed to access surrounding properties and are not mapped on the Major Street Plan. Since the Kern River Gas Transmission Company developed the entire abutting property to the east, it eliminated any need to extend 300 South farther east.
- D. The purpose of the Light Industrial District M-1 is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.
- E. State Code states the following with regard to alley or street vacations.

"72-5-105. Highways, streets, or roads once established continue until abandoned -- Temporary closure.

 - (1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until abandoned or vacated by order of a highway authority having jurisdiction or by other competent authority.
 - (2) (a) For purposes of assessment, upon the recordation of an order executed by the proper

authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road assessed to each of the adjoining owners.

(b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).

(3) (a) In accordance with this section, a state or local highway authority may temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D road or R.S. 2477 right-of-way.

F. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

1. is aesthetically pleasing;
2. contributes to a livable community environment;
3. yields no negative net fiscal impact unless an overriding public purpose is served; and
4. Forestalls negative impacts associated with inactivity.

BUDGET RELATED FACTS:

Property management has not yet determined a value for this property in the case of this petition. However, when this segment of City right-of-way was considered for street closure previously (Petition #400-04-43, Menlo Associates LLC), Property Management estimated that the City would receive approximately \$17,300. This estimate will be updated for the current petition.

The City-owned property to be sold is a 66 foot x 627 foot right-of-way (.95 acres). Consistent with City policy, the Property Management Division recommended that the property be declared surplus and sold at fair market value. The Administration found the following:

1. Ownership interest in these two streets is minimal.
2. Fair market value of the land contained in these two private streets is also minimal.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- | | |
|---------------------|--|
| • August 22, 2006 | Petition received by Planning Division. |
| • October 30, 2006 | Petition assigned to Planner |
| • December 13, 2006 | Planning Commission Hearing |
| • January 26, 2007 | Resolution requested from City Attorney's Office |
| • February 5, 2007 | Resolution received form City Attorney's Office |

cc: David Everitt, Esther Hunter, Lyn Creswell, Sam Guevara, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Mary De La Mare-Schaefer, Doug Wheelwright, Cheri Coffey, Nick Britton, Barry Esham, Janice Jardine, Russell Weeks

File Location: Community Development Dept., Planning Division, Street Closures, First Industrial Development Services, Inc., 300 South (between approximately 5100 West and 5200 West)

MAR 15 2007

LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS G. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TRANSMITTED
MAR 15 2007
COUNCIL

TO: Lyn Creswell, Chief Administrative Officer **DATE:** March 13, 2007

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-06-31: Request by First Industrial Development Services, Inc., that 300 South from approximately 5200 West to approximately 5100 West be closed and sold to the abutting property owners

STAFF CONTACTS: Nick Britton, Principal Planner, at 535-7932 or
nick.britton@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Resolution

BUDGET IMPACT: Property Management has not yet determined the value of the street property.

DISCUSSION:

Issue Origin: First Industrial Development Services, Inc., represented by James Merrill, has requested that a portion of 300 South from 5200 West to approximately 5100 West be closed and sold at fair market value to the abutting property owners. The applicant abuts the subject right-of-way to the north and SorTech, LLC, abuts the right-of-way to the south. Kern River Gas Transmission abuts the property to the east and is supportive of the proposal but is not interested in purchasing any of the surplus property. As a result, only First Industrial Development Services, Inc. and SorTech, LLC will have the opportunity to purchase the surplus property. Both have agreed to purchase their half of the surplus property at fair market value and are currently working with the Property Management Division to determine this value. The property owners wish to use the right-of-way to access their properties from the southern and northern side of their properties respectively.

The subject right-of-way is approximately 66 feet in width and 627 feet in length, an area of 0.95 acres. The subject right-of-way ends at approximately 5100 West and does not connect with any other rights-of-way. This segment of 300 South is an unimproved right-of-way and is not scheduled for improvement. The Mayor of Salt Lake City has authority to approve street closures.

This closure was originally requested by the previous owner, Menlo Associates, LLC, on October 22, 2004 (Petition #400-04-43). The Planning Commission heard the petition on January 12, 2005, and forwarded a favorable recommendation to the City Council for the street closure and for the sale of the surplus property to the applicant. The City Council held a public hearing for the matter on April 12, 2005, at which time a letter of protest was filed by an adjacent property owner (SorTech, LLC) objecting to the closure. In September of 2005, Petition #400-04-43 was withdrawn by the applicant. Subsequently, the new owner, First Industrial Development Services, Inc., filed a new petition, #400-06-31, renewing the request for street closure (see Exhibit 6 for the letter from First Industrial Development Services, Inc., requesting the closure). With this request, First Industrial Development Services, Inc., sought and received support from SorTech, LLC.

Analysis: As a result of this proposed closure, all traffic heading eastbound on 300 South would head north along 5200 West to 150 North or turn around and head westbound on 300 South. The closure would provide First Industrial Development Services, Inc., and SorTech, LLC, with the ability to further develop their properties efficiently, as their access would not be hampered by the existence of a dirt road at the western entrance to their properties. The closure of this segment of 300 South would not prevent any property owners in the vicinity from accessing their property. This portion of the road is not used by regular vehicular traffic or pedestrian traffic as it does not currently provide access to any property. The Salt Lake City Transportation Master Plan does not include this segment of 300 South and there are no plans to upgrade or improve it in any way.

The City Council has adopted the following policy considerations to guide the decision-making process for requests to close and vacate City-owned street rights-of-way (Section E.2 of the Salt Lake City Council Policy Guidelines):

1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.
2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.
3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.
4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

The Planning Commission staff report includes discussion and findings relating to each of these policies. Staff found that the proposed street closure met all four policy considerations outlined above (see Exhibit 5b, page 4).

All of the comments received by Planning Staff from other City Departments and Divisions were supportive of the proposed closure. No issues were raised.

Master Plan Considerations: There is one Master Plan document that is applicable to this area. The Transportation Master Plan's Major Street Plan does not identify this subject portion of 300 South, but 300 South west of the proposed closure is classified as a collector street; 5200 West north of the proposed closure is also classified as a collector street and the Transportation Master Plan proposes the extension of 5200 West southward to 500 South. It is not anticipated that this portion of 300 South will be extended eastward past 5200 West. There currently is no land use Master Plan document for this area of Salt Lake City.

PUBLIC PROCESS:

Notice of this request was sent by Planning Staff to the Poplar Grove Community Council on November 2, 2006, requesting input; Staff had not received a response from the Community Council representatives prior to the Planning Commission meeting on December 13, 2006. Planning Staff received no calls from the public regarding this proposal.

Abutting property owners were notified of the closure and invited to attend the Planning Commission public hearing on the matter held on December 13, 2006. The Planning Commission requested that Kern River Gas Transmission Corporation be involved in the valuation discussions along with SorTech, LLC and the applicant. No other issues were raised. The Planning Commission unanimously voted to forward a positive recommendation to the City Council regarding the closure of 300 South from 5200 West to approximately 5100 West, a right-of-way measuring 627 feet in length by 66 feet in width, and to declare the subject property surplus.

RELEVANT ORDINANCES:

Salt Lake City Code, Chapter 2.58 regulates the disposition of surplus City-owned real property.

Utah State Code, Title 10-8-8 to 10-8-8.5 includes regulations regarding Street Vacations.

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6. Original Petition

Exhibit 1
Chronology

Petition #400-06-31
Chronology

- August 22, 2006:** Petition received by Planning Division.
- October 30, 2006:** Petition assigned to Nick Britton.
- October 30, 2006:** Information routed to applicable city staff.
- November 2, 2006:** Notice was sent to Poplar Grove Community Council Chairperson.
- November 29, 2006:** Notice of Planning Commission public hearing mailed to abutting property owners.
- December 13, 2006:** Planning Commission voted to declare the subject right-of-way surplus and to forward a positive recommendation to City Council regarding the closure of 300 South from 5200 West to approximately 5100 West
- January 26, 2007:** The resolution was requested from the City Attorney's Office.
- February 5, 2007:** The final stamped resolution was received from the City Attorney's Office.

Exhibit 2
Proposed Resolution

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(Closing and abandoning a portion of 300 South between 5100 West and 5200 West)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 300 SOUTH BETWEEN 5100 WEST AND 5200 WEST, PURSUANT TO PETITION NO. 400-06-31.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that the City's interest in the portion of the street described below is not necessary for use by the public as a street and that closure and abandonment of the portion of the street will not be adverse to the general public's interest; and

WHEREAS, the title to the closed portion of the street shall remain with the City until sale for fair market value or its equivalent.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Closing and Abandoning Street. A portion of 300 South between 5100 West and 5200 West, which is more particularly described on Exhibit "A" attached hereto, and the same hereby is, closed and abandoned and declared no longer needed or available for use as a street.

SECTION 2. Reservations and Disclaimers. The above closure and abandonment is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the City's water and sewer facilities. Said closure and abandonment is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Conditions. This street closure is conditioned upon payment to the City of fair market value of the portion of the street, or its equivalent, and title to the portion of the street shall remain with the City until sale for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the condition identified above has been met, as certified by the Salt Lake City Property Manager.

SECTION 5. Time. If the condition identified above has not been met within one year after adoption, this ordinance shall become null and void. The City Council may, for good cause shown, by resolution, extend the time period for satisfying the condition identified above.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date February 19, 2008
By Melanie Rife

HB_ATTU-#3228-v1-Closing_a_portion_of_300_South_Between_5100_West_and_5200_West.DOC

Exhibit 5-b
Planning Commission Hearing
Staff Report: December 13, 2006

DATE: December 7, 2006
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: Staff Report for the December 13, 2006 Planning Commission Meeting

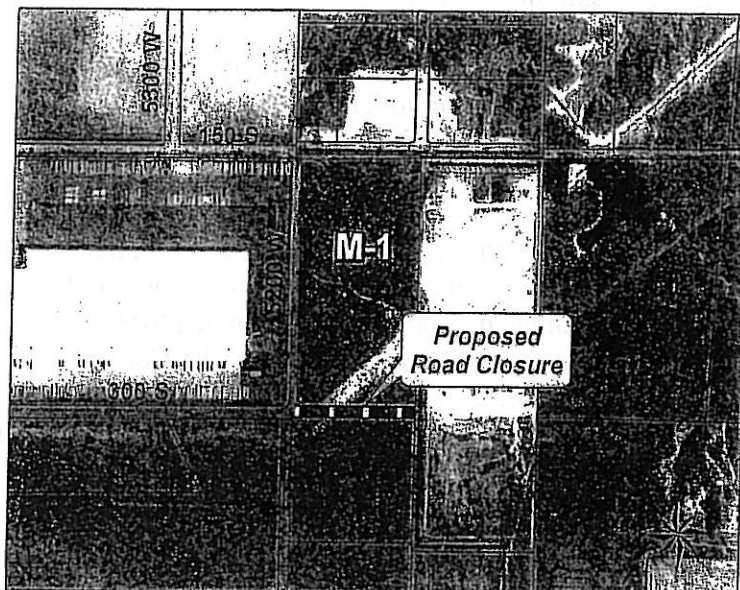
CASE #: 400-06-31

APPLICANT: First Industrial Development Services, Inc.

STATUS OF APPLICANT: The applicant is the owner of the property north of the proposed street closure.

REQUESTED ACTION: The applicant is requesting that a portion of 300 South from 5200 West to approximately 5100 West be closed, declared surplus property, and sold to the two adjacent property owners. The Planning Commission's role in this process is to forward a recommendation to the City Council regarding the closure and to determine whether or not the property will be declared surplus.

PROJECT LOCATION: 300 South from 5200 West to approximately 5100 West



PROPERTY SIZE: 0.95 acres (66 feet by 627 feet)

COUNCIL DISTRICT: District 2, Councilmember Van Blair Turner

COMMUNITY COUNCIL: Poplar Grove Community Council

SURROUNDING ZONING DISTRICTS:

North	M-1 (Light Manufacturing)
South	M-1 (Light Manufacturing)
East	M-1 (Light Manufacturing)
West	M-1 (Light Manufacturing)

SURROUNDING LAND USES AND OWNERS:

North	Vacant (First Industrial Development Services, Inc.)
South	Vacant (SorTech, LLC)
East	Industrial (Kern River Gas Transmission Company)
West	Distribution Warehouse (RC Willey)

PROJECT DESCRIPTION:

James Merrill, Regional Director for First Industrial Development Services, Inc., is requesting that the City close a portion of 300 South east of 5200 West. The proposed closure would extend eastward from 5200 South to the end of the segment at approximately 5100 West. The segment is an unimproved right-of-way measuring approximately 66 feet in width and 627 feet in length. The applicant is also requesting that the City declare the property surplus and allow both the applicant and the land owner to the south, SorTech, LLC, to each purchase the abutting 33 feet of the right-of-way of the property at fair market value (see Exhibits A and B).

This closure has been requested so that the applicant and the property owner to the south can have access to the eastern portion of their properties and so that they may properly develop their sites. The two property owners, First Industrial Development Services and SorTech LLC, have agreed to divide the right-of-way and purchase it at fair market value.

A similar request was made by the previous owner, Menlo Associates, LLC, on October 22, 2004 (Petition #400-04-43). The Planning Commission heard the petition on January 12, 2005 and forwarded a favorable recommendation to the City Council for the street closure and for the sale of the surplus property to the applicant. The City Council held a public hearing for the matter on April 12, 2005 at which time a letter of protest was filed by an adjacent property owner objecting to the closure. In September of 2005, the petition was withdrawn by the applicant. The current property owner has had discussions with adjacent property owner who original opposed the closure (SorTech, LLC) and has secured their support contingent upon their opportunity to purchase one-half of the surplus property.

APPLICABLE LAND USE REGULATIONS:

Salt Lake City Code:

Chapter 2.58 regulates the disposition of surplus City-owned real property.

Utah Code:

Section 10-8-8 regulates a request for action to vacate, narrow, or change the name of a street or alley.

MASTER PLAN SPECIFICATIONS:

There is no master plan document for this area. The Transportation Master Plan's Major Street Plan does not identify this portion of 300 South as a street but 300 South west of the proposed closure is classified as a collector street. 5200 West north of the proposed closure is also classified as a collector street and the Transportation Master Plan identifies the extension of 5200 West southward to 500 South. Therefore, this portion of 300 South would be classified as an industrial local street. Local streets are created to benefit the development of adjacent properties by providing vehicle access, connection with necessary utilities, and to create zoning-required street frontage. It is not anticipated that this section of 300 South will be extended eastward past 5200 West because such extension would ultimately bisect the developed property of the Kern River Gas Transmission Company.

COMMENTS:

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comment and concerns received (comments received for the prior Petition #400-04-43 are also listed):

City Department/Division Comments

A. Airport (Allen McCandless)

Mr. McCandless noted that this site is in Airport Influence Zone C and any new development in this zone would require an aviation easement. However, a street closure does not require this easement and this proposal did not create any observed impacts to airport operations. No comments were received from the Airport for Petition #400-04-43.

B. Building Services Division

No comments were received on the current petition from Building Services. No comments were received from the Building Services Division for the prior Petition #400-04-43.

C. Engineering

No comments were received on the current petition from Engineering. In response to the prior Petition #400-04-43, Engineering noted that it was unlikely that 300 South would be extended eastward because it would bisect the Kern River Gas Transmission Company's property and that this closure would not impact the surrounding transportation network. They did not object to the petition.

D. Fire Department

No comments were received on the current petition from the Fire Department. The Fire Department had no objection to the prior Petition #400-04-43.

E. Police Department

No comments were received regarding the current petition from the Police Department. No comments were received in response to the prior Petition #400-04-43.

F. Property Management

No comments were received from Property Management but the applicant has been in contact with Property Management regarding the valuation of the surplus property.

G. Public Utilities Department (Jason Brown)

The Public Utilities Department noted that they do not have any utility lines located within the proposed closure area and had no other comments on the closure. In regards to the prior Petition #400-04-43, Public Utilities supported the proposed street closure.

H. Transportation Division (Barry Walsh)

The Transportation Division forwarded their response to Petition #400-04-43 in which they approved of this closure. They indicated at that time the closure addressed the standard development requirements of the frontage on a dedicated 300 South right-of-way and it provided an option for approved driveway access for the properties along 300 South.

Community Council Comments

A. Poplar Grove Community Council

Mike Harman, Chairperson of the Poplar Grove Community Council, was notified via e-mail on November 2, 2006 of the petition and asked if he wanted the Community Council to review this petition. Street closures do not require Community Council notification. No response was received from the Poplar Grove Community Council.

ANALYSIS AND FINDINGS:

The subject portion of the right-of-way, 300 South, is not identified in the Salt Lake City Transportation Master Plan because it is unimproved right-of-way. Currently, it is a rough dirt road that provides construction access to the applicant's property. Because 300 South is not used by traffic and does not lead anywhere, it is believed that the proposed closure will have virtually no impact on traffic circulation in the area. Traffic heading eastbound on 300 South will have the opportunity to turn left and head north on 5200 West. The paved portion of 300 South is wide enough to also provide room for a u-turn.

The Planning Commission will need to review the street closure request as it relates to the following Salt Lake City Council Policy Guidelines for Street Closures and Findings.

Salt Lake City Council Policy Guidelines for Street Closures and Findings:

- 1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Discussion: No property owners would be denied access to their property. The applicant and SorTech, LLC, the property owner to the south, would both have access with a private drive at the location of the subject right-of-way. Kern River Gas, the property owner east of the subject right-of-way, has access to their property from 150 South. Both the applicant and SorTech, LLC have agreed to purchase their half of the closed street.

Finding: The proposed street closure will not deny access to adjacent properties and the underlying property will be sold.

- 2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.**

Discussion: Both the applicant and the property owner to the south have agreed to purchase their half of the property at fair market value. The applicant is currently discussing the valuation of the property with John Spencer of Property Management.

Finding: The right-of-way will be sold at fair market value.

- 3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Discussion: The portion of 300 South in question is unimproved and is not scheduled for improvement. The right-of-way does not connect 5200 West to any other road and is thus only used to access the two properties adjacent to the right-of-way. This closure will allow the adjacent property owners to access their properties from both 5200 West and 300 South.

Finding: This right-of-way is not utilized as a street and its closure and sale will not impact traffic flow in the area. There is sufficient public policy to justify the closure and sale of the subject right-of-way.

4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

Discussion: The alternatives to closure are to leave the right-of-way as is (unimproved) or to improve the right-of-way to its terminus at approximately 5100 West. Either alternative provides the applicant with access to his property. However, the road is not scheduled for improvements and the continuation of the unimproved right-of-way may lead to increased sediment pollution if the road is used for site access by heavy trucks or other traffic. Furthermore, allowing the applicant and the other adjacent property owner to close the street and purchase the property will allow for better development of their properties.

Finding: While the alternatives still provide the applicant with access to his property, it is the finding of Staff that the public policy reasons outweigh those alternatives. This request complies with this standard.

Staff finds the following regarding petition 400-06-31, requesting 300 South to be closed from 5200 West to approximately 5100 West:

1. The Salt Lake City Transportation Master Plan does not identify this portion of 300 South and there are no plans to extend or otherwise improve it.
2. Closing and selling the right-of-way will provide the applicant, First Industrial Development Services, Inc., and the adjacent property owner, SorTech, LLC, with the means to better develop the property.
3. No other property owners would be impacted in any way by this closure.
4. This segment of 300 South is not used by general traffic because it does not serve as a through route and it dead ends at the western boundary of the Kern River Gas Transmission Company's property.
5. This segment of 300 South is unimproved and, if used in its current state for access to the two aforementioned properties, may lead to increased sediment pollution.

RECOMMENDATION:

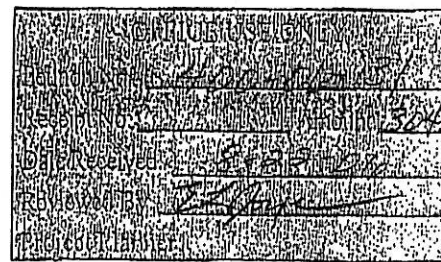
Staff recommends that the Planning Commission declare the property surplus and forward a positive recommendation to the City Council regarding the closure of 300 South from 5200 West to approximately 5100 West.

Attachments: Exhibit A – Application Materials
Exhibit B – Maps of Proposed Closure
Exhibit C – Departmental/Division Comments
Exhibit D – Communication with the Community Council
Exhibit E – Photographs

Exhibit A
Application Materials



Street Closure



68

Date

7/20/06

300 South street east of 5200 West.

Name of Applicant

First Industrial Development Services, Inc.

Phone

801-886-2711

Address of Applicant

1270w. 2320s. Suite C West Valley City, UT 84119

E-mail Address of Applicant

jmerrill@firstindustrial.com

Cell/Fax

801-252-4119 / 801-886-2711

4.68 postage

Please include with the application:

1. A letter explaining why you are requesting this street closure. Please include a statement explaining why the street closure is consistent with proposed public policy. If applicant is not a property owner adjacent to the street, please include the applicant's interest in the request.
2. The names and addresses of all property owners within four-hundred fifty (450) feet—exclusive of streets and alleys in any direction—from the border of the subject street. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. Additional names and addresses may be required. The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.
3. The name, address and signatures of all abutting property owners who support the petition. You may use the sample petition accompanying this application or provide your own. Please note that the property owners must sign and not occupants who rent.
4. A property ownership map (known as a Sidwell map) showing the area of the proposed street closure. On the map please:
 - a. Highlight the subject section of street.
 - b. Indicate with a list of the property owners and write their name on the Sidwell map identifying the property they own.
5. Filing fee of \$300.00 due at time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Signature of Property Owner or authorized agent

James Merrill - Regional Director.
Title of agent

SALT LAKE CITY PLANNING



FIRST INDUSTRIAL REALTY TRUST, INC.
1270 West 2320 South
Suite C
West Valley City, Utah
84119
801-886-2711
Fax 801-886-2710

July 17, 2006

Mr. Doug Wheelwright
Salt Lake City Corporation, Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Re: Street Closure

Dear Doug:

Enclosed is the Street Closure application for 300 South east of 5200 West that you have been discussing with Corbin Bennion of Dominion Engineering and myself.

The neighbors within 450' of the closure are as follows: 1) RC Willey; 2) Kern River Gas; and 3) Sortech, LLC.

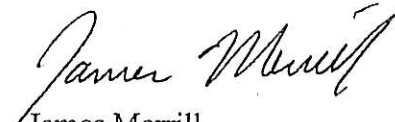
Due to the previous owners approvals on the vacation/closure and our tight timeline with the HK Systems build-to-suit, we would greatly appreciate moving this forward in a timely manner.

We have an agreement from SorTech, L.L.C. to divide the property down the middle. For access into the eastern sections of the property.

Please let me know immediately if I have made any errors and keep me posted on any meetings or other action I need to cover so we might move through this process as quickly as possible.

Sincerely,

First Industrial Realty Trust, Inc.


James Merrill
Regional Director

Enclosures

Exhibit B
Maps of Proposed Closure

Exhibit C
Department/Division Comments

ALEXANDER D. IKÉFUNA
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

M E M O R A N D U M

DT: October 30, 2006

TO: Craig Smith, Engineering
Brad Larson, Fire
Brad Stewart, Public Utilities
Barry Walsh, Transportation
John Spencer, Property Management
Kim Guess, Police

FR: Nick Britton, Principal Planner

RE: ~~Petition #400-06-31~~, a request by First Industrial Development Services, Inc., to close the segment of 300 South east of 5200 West

The Salt Lake City Planning Division is reviewing a street closure request from First Industrial Development Services, Inc. The requested closure is a portion of 300 West east of 5200 South. This closure was requested by a previous owner in 2004 (Petition #400-04-43) and went to the City Council on April 12, 2005, where it was protested by a neighboring property owner. It was subsequently withdrawn by the petitioner. A new property owner has requested the closure and has the signatures of the neighboring property owners. If the request is approved, the surplus property would be divided down the middle between First Industrial Development Services, Inc. and SorTech, LLC.

Please review the enclosed materials and respond with comments by Monday, November 13, 2006. If I do not receive a response by this date, I will assume that you have no comments or concerns regarding the proposal. If you require additional information, I can be reached at 535-7932 or nick.britton@slc.gov. Thank you.

Britton, Nick

From: Britton, Nick
Sent: Thursday, November 02, 2006 2:21 PM
To: Boskoff, Nancy; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Pack, Russ; Querry, Chuck; Rutan, Ed; Williams, Matthew; Zunguze, Louis
Cc: Coffey, Cheri; Paterson, Joel; LoPiccolo, Kevin; Wheelwright, Doug
Subject: Street Closure Petition
Categories: Program/Policy

The Planning Division is currently reviewing Petition #400-06-31, a request for a street closure for 300 South east of 5200 West. The subject right-of-way is unimproved and approximately 0.95 acres in size. The applicant is also requesting that the City surplus the right-of-way and allow the applicant to purchase the property. Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have. If you would like to review the details of the proposed street closure, please let me know by November 9th and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-6260.

Thank you.

Nick Britton
Planning Division
451 South State St. Room 406
Salt Lake City, UT 84111
(801) 535-7932

Britton, Nick

From: McCandless, Allen
Sent: Wednesday, November 08, 2006 1:48 PM
To: Britton, Nick
Cc: Pack, Russ
Subject: FW: Street Closure Petition

Nick,
Thank you for the notice regarding petition 400-06-31, Street Closure at 300 South east of 5200 West. This address is in Salt Lake City airport influence zone C. Zone C requires avigation easements for new development. A street closure will not require an avigation easement unless it is proposed along with a new development project. This project does not create any observed impacts to airport operations. -
Allen McCandless

From: Pack, Russ
Sent: Thursday, November 02, 2006 3:04 PM
To: McCandless, Allen
Cc: Domino, Steve; Britton, Nick
Subject: FW: Street Closure Petition

From: Britton, Nick
Sent: Thursday, November 02, 2006 2:21 PM
To: Boskoff, Nancy; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Pack, Russ; Querry, Chuck; Rutan, Ed; Williams, Matthew; Zunguze, Louis
Cc: Coffey, Cheri; Paterson, Joel; LoPiccolo, Kevin; Wheelwright, Doug
Subject: Street Closure Petition

The Planning Division is currently reviewing Petition #400-06-31, a request for a street closure for 300 South east of 5200 West. The subject right-of-way is unimproved and approximately 0.95 acres in size. The applicant is also requesting that the City surplus the right-of-way and allow the applicant to purchase the property. Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have. If you would like to review the details of the proposed street closure, please let me know by November 9th and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-6260.

Thank you.

Nick Britton
Planning Division
451 South State St. Room 406
Salt Lake City, UT 84111
(801) 535-7932

Britton, Nick

From: Brown, Jason
Sent: Monday, November 13, 2006 9:56 AM
To: Britton, Nick
Cc: Garcia, Peggy
Subject: Petition # 400-06-31 Request by First Industrial Development to close a portion of 300 South east of 5200 West
Categories: Program/Policy

Nick,

Public Utilities does not have any utility lines located within the proposed portion of 300 South to be closed. We have no other comments on the closure.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE
Development Review Engineer
483-6729

Britton, Nick

From: Walsh, Barry
Sent: Thursday, November 02, 2006 2:40 PM
To: Britton, Nick
Cc: Young, Kevin; Smith, Craig; Larson, Bradley; Stewart, Brad; Spencer, John
Subject: Pet 400-06-31
Categories: Program/Policy

November 2, 2006

Nick Britton, planning

Re: Petition 400-06-31, Closure of 300 South east of 5200 West by First Industrial Development Services, Inc.

The Division of transportation review comments and recommendations are as follows:

The closure and vacation of the 300 South 66 foot right of way from 5200 West to the east 627 feet is approved per past review issues for petition 400-04-43. Per our design review comments for the HK Systems project, the closure addresses the standard development requirements of the frontage on a dedicate 300 South right of way. This also provides an option for the approved driveway access for the CK Systems project to be located in line with 300 South to the west.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Larson, Fire
Brad Stewart, Public Utilities
John Spencer, Property Management
File

Exhibit D
Communication with the
Community Council

Britton, Nick

From: Britton, Nick
Sent: Thursday, November 02, 2006 11:00 AM
To: 'Harman@xmission.com'
Cc: Coffey, Cheri; Paterson, Joel
Subject: Closure of 300 South at approximately 5200 West
Categories: Program/Policy

TO: Mike Harman, Poplar Grove Community Council Chair

FROM: Nick Britton, Salt Lake City Planning Division

DATE: November 2, 2006

RE: Closure of 300 South at approximately 5200 West

James Merrill, representing First Industrial Development Services Inc, is requesting the closure of 300 South at approximately 5200 West. The portion of 400 West proposed for closure is a short stub that extends east of 5200 West to approximately 5100 West; it does not connect to any other roads. If the road were to be closed, the surplus property would be divided and sold to adjacent property owners.

As part of this process, the applicant is required to solicit comments from the Poplar Grove Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not as important to the City Council as relevant issues that are raised by the Community Council.) The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them at the November meeting, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the City Council. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the City Council, via the Planning Division, for their review prior to the City Council Public Hearing.. I will attend the meeting to answer any questions and listen to the comments made by the Community Council members if so desired.

Following are City adopted criteria that the City Council will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

1. Consistency with the adopted policies of applicable Master Plans.
2. Adequacy of circulation including access to property, traffic congestion, parking, circulation (both vehicular and non-vehicular including pedestrian) and design issues such as safe and accessible sidewalks, pedestrian friendly emphasis and enhancements that encourage walking, street design and interconnections for pedestrians and cyclists, crosswalks, park strip landscaping, and traffic calming solutions;
3. Adequacy of existing or proposed utility services to accommodate the proposed use;
4. Compatibility with the neighborhood surrounding the proposed closure and avoidance of any

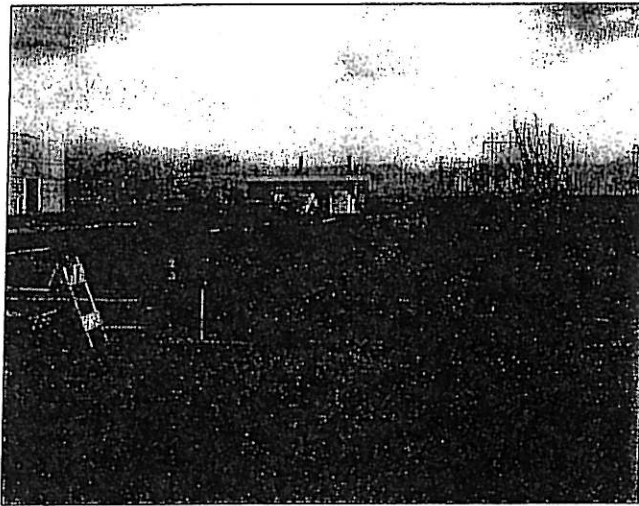
negative impacts on the neighborhood or the City as a whole;

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111, by Fax at (801) 535-6174, or via e-mail to me at nick.britton@slcgov.com.

If you have any questions, please contact me at 535-7932 or via e-mail.

Nick Britton
Planning Division
451 South State St. Room 406
Salt Lake City, UT 84111
(801) 535-7932

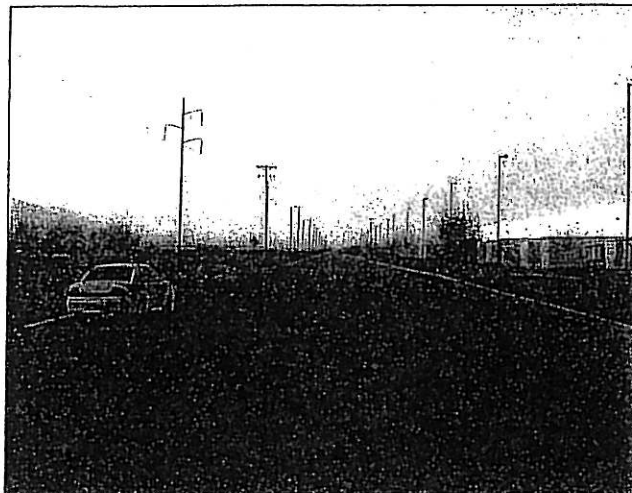
Exhibit E
Photographs



The subject right-of-way; 300 South east of 5200 West.



5200 West looking north; all traffic heading east on 300 South would make the left on 5200 West at this point.



Looking west on 300 South; the proposed street closure is behind the photographer.

Exhibit 5-c
Planning Commission Hearing
Minutes: December 13, 2006

PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, December 13, 2006

Present for the Planning Commission meeting were Tim Chambless, Robert Forbis, Mary Woodhead, Frank Algarin, Susie McHugh, Prescott Muir, Kathy Scott, Matthew Wirthlin Vice Chair, and Peggy McDonough Chairperson.

Present from the Planning Division were Doug Wheelwright, Deputy Planning Director Cheri Coffey, Deputy Planning Director; Nick Britton, Principal Planner; Doug Dansie, Principal Planner; Joel Paterson, Planning Programs Supervisor, and Tami Hansen Planning Commission Senior Secretary.

Community Development Director; Louis Zunguze was present.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Staff Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were, Frank Algarin, Tim Chambless, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, and Mary Woodhead. Salt Lake City Staff present were: Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Doug Dansie, Senior Planner; and Nick Britton, Principal Planner.

APPROVAL OF MINUTES from Wednesday, October 25, 2006.
(This item was heard at 5:48 p.m.)

Vice Chair Wirthlin noted that on Page 13 of the November 29, 2006 minutes, in reference to the motion made in regards to the language for the Master Plan amendment. Reference to "The City" in the last line means the typical process that would come before the Planning Commission in order to review input and design.

Chairperson McDonough noted that in the City Councils review of these procedures they should also consider audio recordings of the Planning Commission meetings along with the written minutes.

Commissioner Woodhead noted that Lynn Pace, City Attorney, had specifically mentioned that the above language would reflect the traditional City process, where design approvals would be made through the Planning Commission.

Mr. Louis Zunguze noted that the language, "City" included the intentions of the Planning Commission to control the design elements, and was a conformation that the Commission would be handling that aspect of all projects. He noted that it was not a change to the November 29, 2006 minutes, but a clarification.

Commissioner Scott noted that she would like the entire motion typed in full when added to the minutes for reference purposes.

"View Corridors: Views from Downtown to the mountains and major landmarks should also be preserved. Skywalks or other obstructions that would block view corridors are prohibited on Main Street, State Street, South Temple, 200 South, and 300 South, and are discouraged on other streets. The City Council may consider circumstances that justify an exception to the policy prohibiting and discouraging skywalks or other obstructions, when a finding that a compelling public interest exists through substantial demonstration that:

1. All other alternatives for creating a successful link between major developments on both sides of a street have been evaluated and conclusively found not to be feasible or effective; and
2. The design of a skywalk is such that it would not substantially impair or impact a view corridor;
and
3. A skywalk would not materially detract from pedestrian and commercial activity at the street level.

The City shall have significant design input and final design approval of the skywalk.

Commissioner Woodhead moved to approve the November 29, 2006 minutes, Commissioner Forbis seconded the motion. All voted "Aye". The motion passed with changes noted.

REPORT OF THE CHAIR AND VICE CHAIR.

(This item was heard at 5:55 p.m.)

Chairperson McDonough noted that on December 7, 2006, she attended a briefing by the City Council regarding the City Creek Project hearings, which was also televised on Chanel 17 for purposes of outreach and public awareness. Property Reserve Inc. (PRI) gave a briefing of their schedule and she reviewed the process of the Planning Commission and the public involvement in the project and noted how there had been extended time limits for groups to come and organize their testimony. She noted that she made clarifications in regards to the Master Plan text vote due to the circumstance that members of the public were under the impression that the Planning Commission had already given approval for the skybridge. She had clarified that only a suggested amended text had been forwarded at this time.

REPORT OF THE DIRECTOR.

(This item was heard at 5:57 p.m.)

Chairperson McDonough recognized Ms. Marilyn Lewis as representative Staff. She addressed a Minor Amendment to 410-06-13 relating to the Planned Development for Sorenson Unity Center

Ms. Lewis noted that Salt Lake City had the opportunity to take advantage of new market tax credits in the amount of 2 million dollars for the proposed Sorenson Unity Center and in order to accomplish this task, Staff had to legally describe the area of the ground lease to be used for the Unity Center and not for the Sorenson Multicultural Center. She noted that based on the City Attorney's interpretation, he had suggested taking the ground lease through a minor subdivision process. She noted that Staff Doug Wheelwright noted in a memo that a section of the subdivision code states that any lots, parcels, units, or plots, other than immediate or future land lease must go through this process.

The Planning Commission previously approved the planned development conditional use and there were two principal buildings on the site. Ms. Lewis noted that the lease line existed between the two buildings, which typically in this type of situation there would be a required 20 feet between each building and the lot line, but in this case as a planned development the buildings were closer together.

Ms. Lewis noted that the reason the Planning Commission was seeing this again was due to the minor amendment to the original decision.

Commissioner Woodhead made a motion to accept the new interior lease line that is now located 2'8" from the proposed Sorenson Unity Center structure, and 20 feet from the existing Sorenson Multicultural Center structure as a minor adjustment to the previously approved Conditional Use Planned Development for Petition 410-06-13.

Commissioner Algarin seconded the motion.

All in favor voted, "Aye", and the motion passed unanimously.

PUBLIC NOTICE AGENDA

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

- a. Rocky Mountain Power and Salt Lake City Public Utilities Department—Rocky Mountain Power is requesting that Public Utilities provide an easement for an existing portion of an overhead power line, located on Public Utilities owned property. The approximate address of the subject overhead power line is 657 East 18th Avenue. The zoning is Open Space (OS) abutting Foothill Residential (FR-3). The request is to legitimize an existing overhead power line which does not have an existing easement and to add a new midpoint pole to facilitate upgrading power capacity in the area. The requested easement area is 10 feet wide by 137 feet. Public Utilities staff intends to approve the request as proposed.

Chairperson McDonough noted that there were no comments or questions from the public or Commissioners, and the matters were approved.

PUBLIC HEARINGS

(This item was heard at 6:15 p.m.)

a. Petition 410-06-35 — by Glenn Ingersoll for a Planned Development at approximately 1330 South 700 West in an R-1/7000 zoning district within a Transitional Overlay. The request also requires conditional use approval for development on non-residential uses in the Transitional Overlay Zone.

Chairperson McDonough recognized Doug Dansie as Staff Representative.

Mr. Dansie noted that this property, along with the residential homes that front 1300 South, are located in a transitional overlay. The zoning to the south of the Parcel is M-1 Industrial. He noted that the transitional overlay was placed on residential properties where the City had acknowledged that there would be a transition from residential use to other uses, whether commercial or industrial. He noted that the applicant had asked to change the use of an existing garage building, located along the west property line, into commercial uses and then to construct a second building along the south property line. The existing building material is cinder block and it has a pitched roof. This building is used as storage for the homes that currently exist in the area. The applicants would like to use the building as a possible woodworking shop or some other commercial activity.

He noted that there was an older home on the lot that would need to be demolished in order to build the second phase of the project. Initially, the project was heard by the Planned Development Sub-Committee, which recommended that the proposed landscaping be done as part of the first phase. The Subcommittee also recommended the a second phase would include changing the layout of the new building, facing the retail to 700 West and moving it closer to the street frontage.

Mr. Dansie noted that most of the setback requirements had been met, some exceptions would be the existing building would be within 20 feet of residential buildings, but the new building would comply with the zoning ordinance. The interior side yards would be 15 feet on the north property line and the interior side yards that abut nonresidential uses would be built to the property line. Staff was supportive of the idea, because the adjacent properties to the south were industrial and the project would be concurrent with the theme of the area.

Mr. Dansie noted that Staff recommendations included the following conditions:

1. The Planning Commission waives the interior side yard in the rear of the property along the north property line to accommodate the existing noncomplying building.
2. The Planning Commission waives the rear yard setback to accommodate the existing noncomplying building and waives the interior side yard on the south property line to accommodate the proposed building.
3. The applicant erects a decorative, solid masonry wall along the portion of the north property line where no wall currently exists. The wall should match the existing wall.
4. The public way improvements must be constructed, or SID waiver signed, on 700 West.
5. If the project is phased, the landscaping is to be included in the first phase.
6. The final landscaping plan approval authority be delegated to the Planning Director or his/her designee.
7. The final design approval of the modifications to the existing structures and the design of the structure proposed as Phase II are delegated to the Planning Director or his/her designee.

The Chair requested the applicant approach the Commission.

Mr. Glen Ingersoll the applicant noted he would like to upgrade the area by demolishing the old home on the property.

Commissioner Scott inquired about the time frame between phase one and phase two.

Mr. Ingersoll noted that it would be approximately five years.

Commissioner Chambless inquired if there were residents on the property.

Mr. Ingersoll noted there were not.

Chairperson McDonough inquired if when the second structure was built, the commercial side doors and windows would face the street.

Mr. Ingersoll noted that would be possible.

Chairperson McDonough opened the meeting for public comment. There were none.

Commissioner Algarin made a motion, based on the comments, analysis and findings regarding Petition 410-06-35 be approved for a conditional use and planned development with the following conditions:

1. The Planning Commission waives the interior side yard in the rear of the property along the north property line to accommodate the existing noncomplying building.
2. The Planning Commission waives the rear yard setback to accommodate the existing noncomplying building and waives the interior side yard on the south property line to accommodate the proposed building.
3. The applicant erects a decorative, solid masonry wall along the portion of the north property line where no wall currently exists. The wall should match the existing wall.
4. The public way improvements must be constructed, or SID waiver signed, on 700 West.
5. If the project is phased, the landscaping is to be included in the first phase.
6. The final landscaping plan approval authority be delegated to the Planning Director or his/her designee.
7. The final design approval of the modifications to the existing structures and the design of the structure proposed as Phase II are delegated to the Planning Director or his/her designee.

Also, to include the recommendation of the Planned Development sub-committee, that the office/public portion of the proposed property face 700 West.

The motion was seconded by Commissioner Forbis.

All in favor voted, "Aye" and the motion passed unanimously.

b. Petition 400-06-25 — A request by Jonathan Hodge to vacate a portion of an alley running east-west located between approximately 1420 E. Roosevelt Avenue and 1419 E. Emerson Avenue. The property is located in the R-1/5,000 (Single Family Residential) Zoning District.

Commissioner McDonough recognized Nick Britton as Staff representative.

Mr. Britton noted that the subject alley was approximately .03 acres in size and was entirely surrounded by single family residences in the R-1/5,000 zone. The portion of the alley was separated when there was a prior vacation in 1981, which was approximately 3 parcels wide.

Mr. Britton noted that the alley served as access to the two adjacent properties including the applicant's property, and the property to the south. The alley has been used mainly for storage and not a thoroughfare. Currently, there is a garage located on the southern property and the applicant is proposing another garage on the northern property. He also noted that both of the adjacent property owners were in support of the petition, and the north/south alley would not be impacted by the closure, and would still be open for public use.

Mr. Britton noted that Staff recommended that the Planning Commission forward a favorable recommendation to the City Council.

There were no comments from the applicant or the public, therefore the Commission went into executive session.

Commissioner Forbis moved that based upon the analysis and findings identified in the Staff Report, the Planning Commission forward a favorable recommendation to the City Council to vacate the subject alley, running east/west between approximately 1420 E. Roosevelt Avenue and 1419 E. Emerson Avenue, subject to the following condition:

1. The proposed method of deposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Commissioner McHugh seconded the motion.

All in favor voted, "Aye" and the motion passed unanimously.

c. Petition 400-06-31 — A request by First Industrial Development Services, represented by James Merrill, to close 300 South between approximately 5100 West and 5200 West. The property is located in the M-1 (Light Manufacturing) Zoning District.

Chairperson McDonough recognized Nick Britton as Staff Representative.

Mr. Britton noted that the property should be closed, declared as surplus property, and sold in two halves to the two adjacent property owners to the north and south. The applicant currently owns the property to the north and SorTech LLC owns the property to the south. He noted the property is approximately 627 feet in length and 66 feet wide, and is currently unimproved. As of three weeks ago the property was being used as construction access to the property being developed.

Mr. Britton noted that the original request for the closure in 2004, from a different applicant, was approved by the Planning Commission on January 12, 2005 at which time it was forwarded with a positive recommendation to the City Council. At that time the property owner to the south, objected to the street closure, resulting in a withdrawal of the request by the applicant. The new owner of the north property has come to an agreement with the southern property owner and both are in agreement with the petition.

Chairperson McDonough invited the applicant representative to the table.

Mr. Jim Pivirrotto with First Industrial noted that they would use the northern property for HK Systems a company relocating from Bountiful, and that this property would provide access for future development needs.

There was no public response for the petition.

Commissioner Muir questioned the statement on Page 6 in the Staff Findings where it indicates that, "No other property owners would be impacted in any way by this closure". He noted that Kern River would be impacted because it owns the property to the east and should be included in the item which states, "Closing and selling the right-of-way will provide the applicant, First Industrial Development Services, Inc., and the adjacent property owner, SorTech, LLC, with the means to better develop the property". The language should include that Kern River Gas could be impacted.

Mr. Britton noted that Kern River Gas accessed their property from 150 South and their development was obscured by the call out box.

Mr. Wheelwright noted that Kern River Gas was notified of the petition both currently and previously, and that they have developed their site so they don't need access from this point.

Commissioner Muir moved that based upon the afore mentioned adjustments to the Staff's findings the Planning Commission recommend that the property be declared surplus and forward a positive recommendation to the City Council to close the street.

Commissioner Chambless seconded the motion.

All in favor voted, "Aye" the motion passed unanimously.