
MEMORANDUM

DATE: June 26, 2002

SUBJECT: Petition No. 400-01-03 – John Owens of Colliers International, representing Sam’s Real Estate Business Trust - request for a time extension to meet conditions for closing a portion of Albermarle Avenue (1370 South) between 300 and 400 West

REPORT BY: Jan Aramaki, Constituent Liaison & Policy Analyst

CC: Rocky Fluhart, David Nimkin, Roger Cutler, Lynn Pace, Margaret Hunt, David Dobbins, Stephen Goldsmith, Doug Wheelwright, Marge Harvey, Annette Daley, Janice Jardine

Options and Motions:

1. [“I move that the Council”] Adopt an ordinance to close and abandon a portion of Albermarle Avenue (1370 South) between 300 and 400 West and extend the time to satisfy conditions to July 10, 2003.
2. [“I move that the Council”] Not adopt an ordinance to close and abandon a portion of Albermarle Avenue (1370 South) between 300 and 400 West and extend the time to satisfy conditions to July 10, 2003.

Additional options may be identified during the Council’s meeting on July 2, 2002.

Key Elements:

- A. The City Council adopted the original street closure ordinance on July 10, 2001. This action was intended to facilitate commercial redevelopment of the surrounding properties for a regional discount retail goods and services type facility. The abutting properties are zoned General Commercial CG. The proposed development is located on the southwest corner of 1300 South and 300 West.
- B. The Administration’s transmittal notes that due to the discovery of environmental contamination on the former Rick Warner Ford Truck Land dealership site, requiring soil clean up and mitigation, the sale of the property to Wal-Mart Stores, Inc. and fulfillment of the conditions required as part of the street closure have been delayed.

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- C. On January 14, 2002, the petitioner requested an extension of the deadline to meet the specified conditions. The original ordinance contained specific conditions to insure that the proposed retail store use contemplated actually occurred. The ordinance also included a one-year time limit for completion of the conditions.
- D. The City Attorney's office has prepared a new ordinance for Council consideration (in lieu of extending the date by resolution as stated in the original ordinance). The Administration's transmittal notes that the City Attorney's office is recommending a new ordinance to address aspects of a recent Utah Supreme Court decision that related to the Family Center commercial development on Fort Union Boulevard and closure of several streets for that project by Salt Lake County. The new ordinance contains changes consistent with State Statute and to specifically address right of way interests of third parties. The conditions specified in the original ordinance remain the same. Please refer to the attached ordinance included with the Administration's paperwork for details.

Additional information:

- A. The Administration's transmittal provides a detailed discussion of the time extension and original street closure request. Key elements are summarized below.
 - 1. The development proposal has changed from a Sam's Club warehouse/discount facility to a Super Wal-Mart that would include a grocery store and a two-level parking structure.
 - 2. The original development plan included a surface parking lot on the north side of the property along 1300 South between 300 and 400 West. The revised plan relocates the parking from the north side of the property (1300 South) to a two-level parking structure on the southeast corner of the property (Hope Avenue/400 West). The back portion of the Super Wal-Mart store will be located along 1300 South. Please refer to the attached revised site plan for details.
 - 3. The Administration notes that a change in the site plan does not require a public hearing.
 - 4. The Planning Division, City Property Management and the City Attorney's Office support the new revised ordinance.
- B. Discussion at the Planning Commission hearing on April 5, 2001 focused on:
 - 1. Traffic access, impacts and safety concerns relating to the immediate neighborhood and the potential for future impacts to the neighboring streets.
 - 2. The need for an access easement for the abutting property located at 1388 South 300 West.
 - 3. A traffic impact analysis and Transportation Division approval must be provided prior to building permit issuance.
 - 4. Proposed development plans must comply with City standards and requirements prior to recordation of the street closure ordinance.
 - 5. The People's Freeway Community Council representative expressed the Council's support for the proposed Sam's Club. The concern expressed by members of the community at that time focused on traffic impacts. One of the conditions specified for the street closure ensures that a traffic impact analysis be submitted to the City and approved by the City Transportation and Planning Directors.

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