
MEMORANDUM

DATE: June 27, 2003

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Petition No. 400-01-03 – Wal-Mart
Request for a time extension to meet conditions for closing a portion of
Albermarle Avenue (1370 South) between 300 and 400 West

CC: Rocky Fluhart, Dave Nimkin, Ed Rutan, Lynn Pace, Alison Weyher, David Dobbins,
Louis Zunguze, Roger Evans, Harvey Boyd, Brent Wilde, Doug Wheelwright, Greg
Mikolash, Jan Aramaki, Marge Harvey, Barry Esham, Annette Daley

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt the proposed resolution to extend the time to satisfy conditions required to close a portion of Albermarle Avenue (1370 South) between 300 and 400 West to July 10, 2004.
2. ["I move that the Council"] Not adopt the proposed resolution.

Additional options may be identified during the Council's Work Session on July 1, 2003.

KEY ELEMENTS:

- A. On June 19, 2003, Wal-Mart requested an additional time extension in order to receive final environmental clean-up and mitigation approval from the State. A resolution has been prepared by the City Attorney's office for Council consideration. The petitioner's letter notes that all conditions have been satisfied except one relating to property acquisition. Please see the petitioner's letter for additional details.
- B. On July 10, 2001, the City Council adopted the original street closure ordinance. This action was intended to facilitate commercial redevelopment of the surrounding properties for a regional discount retail goods and services type facility. The original development proposal was changed in 2002 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. The abutting properties are zoned General Commercial CG. The proposed development is located on the southwest corner of 1300 South and 300 West.
- C. The original ordinance included specific conditions to be completed and certified by the City's Property Manager and Community and Economic Development Director prior to the ordinance becoming effective. The ordinance included a one-year time limit for completion of the conditions.
- D. 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 completion of the conditions required as part of the street closure have been delayed.

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- E. On January 14, 2002, the petitioner requested an extension of the deadline to meet the conditions of the street closure due to the complexity and length of time necessary to complete the soil clean-up and mitigation.
- F. On July 2, 2002, the Council adopted an ordinance extending the time frame for completion of the conditions. The deadline was extended to July 10, 2003. *(Please note, the City Attorney's office recommended a new ordinance rather than a resolution in order to address aspects of a 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 ordinance contained changes consistent with State Statute to specifically address right of way interests of third parties. The conditions specified in the original ordinance remained the same.)*

ADDITIONAL BACKGROUND INFORMATION PREVIOUSLY PROVIDED FOR THE ORIGINAL STREET CLOSURE REQUEST :

- A. The original development plan included a surface parking lot on the north side of the property along 1300 South between 300 and 400 West. A revised development plan relocated 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. The Administration noted that a change in the site plan does not require a public hearing.
- B. Discussion at the City Council and Planning Commission meetings focused on:
 - 1. Providing an appraisal for the street property prepared by a licensed appraiser to establish fair market value. *(This was a City Council request.)*
 - 2. Requiring a site plan that provides safe, clearly marked pedestrian circulation, appropriate landscaping and directional lighting. *(This was a City Council condition.)*
 - 3. Traffic access, impacts and safety concerns relating to the immediate neighborhood and the potential for future impacts to the neighboring streets.
 - 4. The need for an access easement for the abutting property located at 1388 South 300 West.
 - 5. Proposed development plans must comply with City standards and requirements prior to recordation of the street closure ordinance.
 - 6. 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. *(A traffic impact analysis report, approved by the City Transportation and Planning Directors prior to building permit issuance, was required as a condition of the street closure by the Planning Commission to address this issue.)*