

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 14, 2005

SUBJECT: Petition No. 400-04-49 – A petition by Jim Manion representing Lowe’s H.I.W., requesting the closures of: 1. Alley located between 1300 South and California Avenue; 2. Washington Street between California Avenue and 1400 South; 3. California Avenue (approximately 1350 South) between 300 West and the UTA/Trax right-of-way (200 West); and to declare the streets as surplus property, and to disclaim any interest the City or the public may have with these streets.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 5

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development Department, Planning Division
Neil Olsen, Principal Planner

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

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance closing and abandoning:
 - a. A portion of California Avenue between 300 West and the UTA Trax right-of-way at 200 West.
 - b. Washington Street between California Avenue and 1400 South.
 - c. The alley located between 1300 South and California Avenue (adjacent to and west of the UTA Trax right-of-way at 200 West)
2. **["I move that the Council"]** Not adopt ordinance closing and abandoning:
 - a. A portion of California Avenue between 300 West and the UTA Trax right-of-way at 200 West.
 - b. Washington Street between California Avenue and 1400 South.
 - c. The alley located between 1300 South and California Avenue (adjacent to and west of the UTA Trax right-of-way at 200 West)
3. **["I further move that the Council"]** express its intent to appropriate the funds paid for the street and alley closures associated with petition 400-04-49 to the Open Space Lands Fund account. *(note: this motion could be considered in addition to motion #1)*
4. **["I further move that the Council"]** examine the future policy of directing funds paid as a result of street and alley closures into the Open Space Lands Fund account. *(note: this motion could be considered in addition to any above motion)*

The following information was provided previously as an update for the Council Work Session on April 14, 2005. It is provided again for your reference.

PLANNING COMMISSION HEARING UPDATE:

On April 13, 2005, the Planning Commission held a public hearing regarding this petition. Attached is a draft of the minutes from that hearing.

The Planning Commission voted unanimously to forward a positive recommendation to the City Council, and approve the street and alley closures, subject to the following conditions:

1. That all the property necessary to implement the redevelopment activity as conceptually proposed is successfully acquired.
2. That the petitioner compensate the City for the fair market value of the street property, consistent with Salt Lake City Code 2.58.
3. That the petitioner work with the Planning Department and Property Management, to enter into a written "Conveyance Agreement" to guarantee that the development will move forward as conceptually proposed, and protect the City's interests in the property.

The subject street and alley property in total has been appraised at approximately \$1 Million.

- A. In addition to the above conditions, the petitioner agreed to work with the Planning Department, and sign an agreement in writing, that the sole purpose of acquiring these streets is for the redevelopment activity as conceptually proposed, and should this development not go forward as envisioned, ownership of the streets and alley would revert to the City.
- B. The Planning Commission opted not to forward recommendations 1, 3, and 4, as outlined in the planning staff report, as they would be satisfied through the standard permitting process, and the applicant would not be able to move forward with street and alley acquisition and demolition in the site preparation process. The Planning Commission opted not to forward recommendation 2c as outline in the planning staff report, as they felt this purpose would be satisfied in the written agreement, and would not preclude the applicant from going forward with site preparation. Recommendations 1, 3, and 4 from the original planning staff report are incorporated into the "conveyance agreement" agreed to by the applicant and the City, and will be enforced through the standard permitting process.
- C. The following are items that were discussed in the Planning Commission Hearing:
 - a. Planning staff indicated that Lowe's plan is to begin demolition sometime in the early summer, with the building constructed within 6 months. The building is expected to be roughly 140,000 square feet, and oriented with parking fronting 300 West.
 - b. Frank Granato's Imports will remain on the existing corner, and will have co-parking arrangements with Lowe's.
 - c. A traffic impact analysis will be done as a part of the building permit process, as required by the Transportation Division.
 - d. Jim Manion, representative for Lowe's Home Improvement Warehouse, indicated that the site in it's current state is a liability because of crime in vacant buildings, and that demolition needs to start as soon as possible.
 - e. Lowe's Home Improvement Warehouse has no problem entering into a written agreement with the City to guarantee that the development proceed as envisioned, in order to satisfy requirement 2c of the planning staff report.
 - f. Lowe's has spent \$12 Million on the acquisition of the property of for the site.

ORDINANCE UPDATE:

An ordinance has been prepared by the City Attorney's office, that closes and abandons and declares no longer needed or available for use as a street and/or alley, a portion of California Avenue between 300 West and the UTA Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 south and California Avenue, pursuant to petition No. 400-04-49, subject to the following conditions:

- a. Payment by the petitioner, to the City, of fair market value of that portion of the streets and alley.
- b. Title to the streets and alley shall remain with the City until sale for fair market value, or the receipt of the equivalent value, in accordance with Salt Lake City Code Chapter 2.58.
- c. Execution of a "Conveyance Agreement," the terms of which are acceptable to the City.

CONVEYANCE AGREEMENT:

Attached is the full conveyance agreement. Included in the conveyance agreement are conditions that were previously tied to the street closure action, including:

1. Lowe's will guarantee constructing, opening, and operating a Lowe's Home Improvement Warehouse store.
2. Lowe's will disconnect and remove public and private utility systems in a manner which is acceptable to the entities which own the utilities.
3. If Lowe's does not satisfy all requirements outlined in the conveyance agreement within twenty-four (24) months of the closing, Lowe's shall re-convey the City Property back to the City.

This agreement protects City interests that should the Council approve the street and alley closures, the petitioner would not be able to change the redevelopment plan substantially without violating the agreement, which would re-convey the streets and alley to the City.

The following information was provided previously in the Council staff report for the Council Work Session on April 14, 2005. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance will be prepared by the City Attorney's office subject to conditions of approval identified by the Planning Commission. The City Recorder is instructed not to record the ordinance until the conditions have been met and certified by the Planning Director and the City Property Manager.
- B. The requested street and alley closures would facilitate the development of a Lowe's Home Improvement Warehouse, on the block bounded by 1300 and 1400 South between 200 and 300 West. The site is zoned General Commercial (CG). The petitioner has already purchased the parcels necessary for complete block assemblage, and will complete the subdivision process to create two new parcels in a future administrative process. This will facilitate the redevelopment of a currently blighted and under-utilized block.
- C. The Administration's transmittal notes the following in regard to the requested street closures:
 1. California Avenue is a right-of-way located at approximately 1350 South, between 200 and 300 West, and is 1.04 acres in size. Washington Street is a right of way between California Avenue and 1400 South, parallel to 300 West, and is .77 acres in size.

2. The properties abutting both street closures are currently (and have historically been) industrial land uses. Many of these structures are vacant or abandoned.
 3. Frank Granato's Importing Company (1391 South 300 West), is located at the southwest corner of the proposed Lowe's development. This business will stay, as it has reached an agreement with Lowe's H.I.W. for development and parking arrangements.
 4. The Planning Staff report notes the following findings:
 - i. The street closures and proposed development are consistent with the applicable City Master Plans.
 - ii. All abutting property owners to the proposed closures have consented to the closure petition.
 - iii. As proposed, the street closures will not have a negative affect on the City's ability to deliver emergency services.
 - iv. Those streets to be closed can be declared surplus to the City's needs as public streets, and therefore can be purchased at fair market value by the abutting property owner consistent with City policy (SLC Code Chapter 2.58).
 - v. Property Management has recommended that the property be declared surplus.
- D. The Administration's transmittal notes the following in regard to the requested alley closure:
1. The alley requested to be closed runs parallel to 200 West, between 1300 South and California Ave. It is .09 acres in size.
 2. The alley is a remnant of the vacated right-of-way adjacent to the 200 West light rail transit line. Several commercial and industrial businesses previously required this as access to their properties. However, as the petitioner has purchased these properties and the businesses will be located elsewhere, there is no longer a need for this as an access point.
 3. Closing the alley will not deny sole access or required off-street parking to any adjacent property, nor will it result in any property being landlocked.
 4. The closure of the alley is consistent with three of the four City policy considerations regarding alley closures:
 - i. Lack of Use – The alley physically exists, but will no longer need to be used as access, as businesses will be relocated to facilitate the redevelopment of the site.
 - ii. Public Safety – The alley is unpaved, not maintained, and is in a blighted condition, presenting a potential threat to public safety.
 - iii. Urban Design – The alley does not contribute in a positive way to the urban design of the area.
- E. The surrounding zoning districts are all General Commercial (CG).
- F. The surrounding land uses are industrial to the north and south, commercial to the west, and the light rail transit corridor to the east.
- G. All necessary City departments and divisions reviewed the proposal and recommended approval of the street and alley closures subject to City standards and specific requirements.
1. The City Surveyor found all the areas that were still public have been addressed by this petition to close within the boundary of the proposed development
 2. The Engineering Division has no objection to the proposed street and alley closures.
 3. The Fire Department has no objection to the proposed street and alley closures.
 4. Property Management has reviewed the petition and has no objection to the proposed street and alley closures, subject to the petitioner's responsibility of acquiring an appraisal report and paying for the property at fair market value.
 5. Public Utilities has no objection to the proposed street and alley closures (which contain public water, sewer, and storm drainage systems), provided that Lowe's purchase and assemble all of the parcels and request, in writing, that all services be discontinued and the mains abandoned, and that no other property owners need service from these mains.

6. The Transportation Division has no objections to the proposed street closures subject to a traffic impact report, as well as a review of the sidewalk and street lighting upgrades. Transportation would also require the creation of a cul-de-sac turn around due to the creation of a dead end roadway of 1400 South.
 7. Zoning Enforcement has no objection to the proposed street and alley closures.
- H. On January 6, 2005, The People's Freeway Community Council reviewed the street and alley closures, recommended approval of the petition. The Community Council suggested that Lowe's work with the Police Department to ensure security while the site is under construction. They also suggested infrastructure improvements and possible anti-graffiti measures such as murals for the final development.
- I. On April 13, 2005, the Planning Commission will hold a public hearing, the recommendations of which will be provided to the Council in an updated staff report to be provided to the Council before the briefing on April 14, 2005. The Administration's transmittal recommends that Planning Commission approval be subject to the following conditions:
1. That the existing public and private utility infrastructure be properly disconnected or removed from the street area, acceptable to the utility entity owning infrastructure.
 2. That the street closure ordinance be conditioned upon:
 - i. The successful acquisition of all the property necessary to implement the redevelopment activity as conceptually proposed, and
 - ii. Payment to the City at fair market value of the street property, consistent with Salt Lake City Code 2.58, and
 - iii. Certification by the City Chief Building Official that the redevelopment project has obtained all necessary City approvals so that the building permit for the replacement redevelopment activity is ready to be issued by the City.
 3. That a traffic impact analysis be submitted to and approved by the City Transportation Director, relative to the adequacy of the proposed ingress and egress to the site of the replacement redevelopment activity, including provisions to implement any recommended or required transportation improvements on abutting public streets.
 4. That the applicant file an application for a subdivision amendment to combine all lots into a single legal lot of record.
- J. As noted by the Administration, both the Utah Code and local ordinances regulate review and approval of street closure applications and the disposition of surplus property. The Planning Commission must consider and make a recommendation to the Mayor regarding the disposition of the surplus property. According to Salt Lake City Code, the City shall retain title to the surplus property until the land is sold at fair market value or other acceptable compensation is provided. In addition, this section of the Code requires that the City Council be offered an opportunity to request a public hearing prior to the final disposition of the surplus property by the Mayor.

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.) 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 Council's Alley closure policy indicates that the City will not consider disposing entirely or partially of its interest in an alley unless at least one of the following items can be positively demonstrated:
 - a. Lack of Use – The City's legal interest in the property, for example, appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist.
 - b. Public Safety – The property is contributing to crime, or unlawful activity or unsafe conditions.
 - c. Urban Design – The property does not serve as a positive urban design element.
 - d. Community Purpose – The petitioners are proposing restricting the general public from use in favor of a community use such as a community play area or garden.
- C. The Central Community Development Plan, adopted by the City Council in 1974, identifies this property as a Light Industrial. No specific site development standards or guidelines were laid out by the Central Community Development Plan, but were directed to be made as part of the future "zoning ordinance revision program."
- D. 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.
- E. The City's Strategic Plan and the Futures Commission Report contain statements that support creating attractive conditions for business expansion including retention and attraction of large and small businesses, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The documents express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting.

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Closing and abandoning portions of California Avenue, Washington Street, and the alley between 1300 South and California Avenue)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF CALIFORNIA AVENUE BETWEEN 300 WEST AND THE UTA TRAX RIGHT-OF-WAY AT 200 WEST, WASHINGTON STREET BETWEEN CALIFORNIA AVENUE AND 1400 SOUTH, AND THE ALLEY LOCATED BETWEEN 1300 SOUTH AND CALIFORNIA AVENUE (ADJACENT TO AND WEST OF THE UTA TRAX RIGHT OF WAY AT 200 WEST), PURSUANT TO PETITION NO. 400-04-49.

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

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

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

SECTION 1. A portion of a street located at California Avenue between 300 West and the UTA TRAX right-of-way at 200 West, a portion of street located at Washington Street between California Avenue and 1400 South, and a portion of alley located between 1300 South and California Avenue (adjacent to and West of the UTA TRAX right-of-way at 200 West), which are the subject of Petition No. 400-04-49, and which are more particularly described below, be, and the same hereby are, closed and abandoned and declared no longer needed or available for use as a street and/or an alley.

The portion of street located at California Avenue between 300 West and the UTA TRAX right-of-way at 200 West is more particularly described on Exhibit "A" attached hereto.

The portion of street located at Washington Street between California Avenue and 1400 South is more particularly described on Exhibit "B" attached hereto.

The portion of alley located between 1300 South and California Avenue (adjacent and West of the UTA TRAX right-of-way at 200 West) is more particularly described on Exhibit "C" attached hereto.

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 and alley closure and abandonment is subject to the following conditions:

- a. Payment by petitioner, to the City, of fair market value of that portion of the streets and alley.
- b. Title to the streets and alley shall remain with the City until sale for fair market value, or the receipt of the equivalent value, in accordance with Salt Lake City Code Chapter 2.58.

- c. Execution of a "Conveyance Agreement," the terms of which are acceptable to the City.

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.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

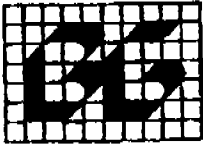
(SEAL)

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Apr. 15, 2005
By Melanie Reif

Bill No. _____ of 2005.

Published: _____.

G:\Ordinance 05\Closing a portion of California Avenue, Washington Street, and the alley between 1300 South and California Avenue 04-05-05 draft.doc



BUSH & GUGGELL, INC.
Engineers • Planners • Surveyors
655 South 300 East
Salt Lake City, Utah 84111
(801) 384-1212
FAX (801) 384-1225

November 12, 2004

For Lowes H.T.W.

Description of Streets to be Vacated

Washington Street from the North line of 1400 South Street to the South line of California Avenue and California Avenue from the East line of 300 West Street to the West line of 200 West Street being further described as follows: Beginning at a point on the West line of Washington Street said point being the Southeast corner of Lot 35, Block 1, Temple View addition located in Block 10, Five Acre Plat "A" Big Field Survey and running thence North $0^{\circ}01'17''$ East along said West line 508.20 feet to the South line of California Avenue and at the Northeast corner of Lot 1, Block 1, of said Temple View addition; thence North $89^{\circ}56'35''$ West along said South line, 309.04 feet to the East line of 300 West Street; thence North $0^{\circ}35'50''$ East along said East line 66.00 feet to the North line of California Avenue; thence South $89^{\circ}56'35''$ East along said North line, 704.37 feet to the West line of 200 West Street; thence South $0^{\circ}01'17''$ West along said West line 66.00 feet to the South line of California Avenue and at the Northeast corner of Lot 1, Block 2, of aforesaid Temple View addition; thence North $89^{\circ}56'35''$ West along said South line 330.00 feet to the East line of Washington Street and at the Northwest corner of Lot 13, of said Block 2; thence South $0^{\circ}01'17''$ West along said East line, 508.20 feet to the North line of 1400 South Street and at the Southwest corner of Lot 23 of said Block 2; thence North $89^{\circ}56'35''$ West along said North line 66.00 feet to the point of beginning.

Description of Alley to be Vacated

Beginning at the Southeast corner of Lot 56, New London Subdivision, located in Block 10, Five Acre Plat "A" Big Field Survey and running thence North $0^{\circ}01'28''$ East along the West line of an alley 253.80 feet to the South line of 1300 South Street; thence South $89^{\circ}43'35''$ East along said South line 25.60 feet to the East line of said alley; thence South $0^{\circ}09'35''$ West along said East line 253.74 feet to the North line of California Avenue; thence North $89^{\circ}56'35''$ West along said North line 15.00 feet to the point of beginning.

DRAFT
4-14-05

CONVEYANCE AGREEMENT

This Conveyance Agreement (the "Agreement") is made as of this ____ day of _____, by and between **LOWE'S HIW, INC.**, a California corporation ("Lowe's") and **SALT LAKE CITY CORPORATION**, a Utah municipal corporation ("City").

RECITALS

A. Lowe's has acquired fee title to nine separate parcels legally described on Exhibit A (the "Lowe's Property"). The City is the owner of certain real property legally described on Exhibit B which property is commonly known as that portion of California Avenue between 300 West and the UTA/Trax right-of-way (200 West) and that portion of Washington Street between California Avenue and 1400 South (the "City Property") which property is adjacent to and bordered by the Lowe's Property.

B. The City has adopted Ordinance ____ of 2005, pursuant to petition no. _____, which ordinance vacates the City's interest in the City Property and authorizes the City to sell the property subject to the terms and conditions contained in the Ordinance (the "Ordinance").

C. Lowe's desires to purchase the City Property, from the City. The City desires to sell the City Property to Lowe's.

NOW THEREFORE, in consideration of the premises and promises contained herein and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENTS

1. Accuracy of the Recitals. The parties hereby acknowledge the accuracy of the Recitals, which are incorporated herein by this reference.

2. Agreement to Sell. Subject to the conditions precedent contained in Section 3 below, the City hereby agrees to sell the City Property to Lowe's and Lowe's hereby agrees to purchase the City Property from the City. The purchase price for the City Property will be One Million Dollars (\$1,000,000.00) (the "Purchase Price"), which Purchase Price shall be paid to the City at Closing.

3. Conditions Precedent. The parties obligations pursuant to this Agreement are expressly conditioned upon satisfaction or waiver of each of the following conditions precedent:

(a) Lowe's must acquire fee title to the Lowe's Property. On the date hereof, Lowe's has satisfied this condition and holds fee title to the Lowe's Property.

(b) Lowe's must pay to the City the fair market value of the City Property, consistent with Salt Lake City Code 2.58.

Until such time as each of the Conditions Precedent have been met, the City shall have no obligation to convey the City Property to Lowe's and Lowe's shall have no obligation to pay the Purchase Price to the City.

4. Closing. The closing of the transactions contemplated by this Agreement (the "Closing") shall take place at a time and place mutually agreed to by the parties within ten days after the satisfaction of all of the conditions precedent set forth in Section 3 above.

5. Right of Entry. Prior to Closing, the City hereby grants to Lowe's the right to enter upon the City Property for any lawful purpose, including without limitation, making such surveys, site analysis, test borings and engineering studies as Lowe's may require. Lowe's hereby indemnifies and holds the City harmless from and against any and all claims, demands, cost and expenses and liabilities arising in connection with the exercise of their rights granted in this Section 6. Lowe's, to the extent that it has the contractual right to do so, shall provide the City with copies of any Phase I or Phase II environmental assessments commissioned by Lowe's and applicable to the City Property. All such reports shall be provided without representation or warranty of any kind including without limitation without representation or warranty as to the accuracy of the content.

6. Lowe's Covenants, Representations and Obligations. Lowe's hereby covenants represents and agrees as follows:

(a) Lowe's shall cause a building to be constructed on the Lowe's Property, fully fixtured and stocked with merchandise typical of a Lowe's home improvement store ("Lowe's Store"), complete with employees hired to work in Lowe's Store, and thereafter open for business to the general public as a Lowe's home improvement store for at least one full business day. Except for the foregoing opening covenant, this Section is not intended to, and does not, create or impose any obligation on Lowe's to continuously operate or cause to be operated a business on the Lowe's Property or to prevent Lowe's from closing its business on the Lowe's Property.

(b) Lowe's shall disconnect and remove the public and private utility systems currently located within the City Property in a manner which is acceptable to the entities which own the utility systems. Until such disconnection and removal Lowe's shall not undertake any actions which would result in the services provided by such systems being unreasonably interrupted.

7. Failure to Perform Covenants and Obligations/Reversion of City Property. In the event Lowe's fails to perform the covenants and obligations set forth in Section 6 above, within twenty four (24) months after the Closing, which failure continues for thirty (30) days after written notice thereof by the City to Lowe's, in addition to the other rights and remedies available to the City, City may elect, by delivering written notice to Lowe's, to terminate this Agreement. In connection with such termination and on the effective date of such termination, the City shall return to Lowe's the entire Purchase Price amount and Lowe's shall reconvey the City Property to the City in substantially the same condition as on the Effective Date.

8. Title and Deed. At Closing, the City shall convey the City Property to Lowe's by Quit Claim Deed in a form acceptable to Lowe's. Since all existing utility systems located in the City Property will be disconnected and removed by Lowe's, the deed shall contain no reservations of title in favor of the City, provided however, Lowe's shall be required to grant to the City easements over those portions of the Lowe's Property under which utility systems will be constructed in conjunction with the redevelopment project. All recording fees will be paid by Lowe's.

9. Representations and Warranties as to Capacity. Lowe's and the City represent and warrant that each for its part has the right, power, authority and capacity to enter into, and to perform all acts required by this Agreement, and that the individual(s) executing this Agreement on behalf of each are empowered to bind the party on whose behalf such individual is signing. The City further represents that it has obtained all consents and approvals and complied with all applicable laws and regulations as necessary to enter into and carry out the terms of this Agreement.

10. Remedies of the City. If Lowe's shall default in the performance of any of the terms and conditions of this Agreement, or if the Closing shall not occur through the fault of Lowe's, the City shall, as its sole and exclusive remedy, be entitled to rescind this Agreement without further claim against Lowe's, provided however, this remedies limitation shall not apply to a failure on the part of Lowe's to meet its obligations contained herein relating to the utility systems in the City Property (a "Utility Default"). In connection with a Utility Default, Lowe's shall indemnify and hold the City harmless from and against any damages or liabilities on the part of the City to third parties arising in connection with the Utility Default.

11. Remedies of Lowe's. If the City shall default in the Performance of any of the terms and conditions of this Agreement, or if the Closing shall not occur through the fault of the City, Lowe's may at its option, (a) rescind this Agreement, or (b) proceed with this Agreement, waiving the default, or (c) pursue a suit for specific performance.

12. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid, or by Federal Express, Airborne Express, or similar overnight delivery service, addressed as follows:

If to City:

Salt Lake City Corporation
Attn: Property Manager
451 South State Street, #245
Salt Lake City, Utah 84111

If to Lowe's:

Lowe's HIW, Inc.,
1530 Faraday Avenue, Suite 140
Carlsbad, CA 92008
Attention: Tom Maddox

With a copy to:

Lowe's HIW, Inc.,
1530 Faraday Avenue, Suite 140
Carlsbad, CA 92008
Jim Manion

With a copy to:
Jones Waldo Holbrook & McDonough
170 South Main Street, Suite 1500
Salt Lake City, UT 84101
Attention: Paul Harman

Notice shall be deemed to have been given upon receipt or refusal.

13. Entire Agreement. This Agreement contains the entire agreement between the City and Lowe's, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the sale contemplated by this Agreement.

14. Other Documents. Each of the parties agrees to sign such other and further documents as may be appropriate to carry out the intentions expressed in this Agreement.

15. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original.

16. Binding Effect. This Agreement shall be binding upon and inure to the benefit of Lowe's and the City and their respective successors and assigns.

17. Memorandum. A memorandum of this Agreement shall be recorded in the office of the Salt Lake County Recorder.

18. Modification of the Access Easement. Lowe's agrees that it shall not consent to any termination or modification to the Access Easement without the prior consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

LOWE'S HIW, INC.,
a Washington corporation

By _____
By:
Name:

SALT LAKE CITY CORPORATION, a
Utah municipal corporation

By _____

By:

Name:

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 13, 2005

Present from the Planning Commission were Chairperson Tim Chambless, Vice Chairperson Laurie Noda, and Commissioners Jennifer Seelig, Babs De Lay, John Diamond, Craig Galli, and Kathy Scott. Commissioners Prescott Muir and Peggy McDonough were not in attendance.

Present from the Planning Division Staff were Community Development Director Louis Zunguze, Deputy Community Development Director Brent Wilde, Deputy Planning Director Doug Wheelwright, Zoning Administrator Kevin LoPiccolo, Senior Planner Elizabeth Giraud, Principal Planner Doug Dansie, Associate Planner Janice Lew, and Planning Commission Secretary Andrea Curtis.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

Planning Commission Members voting during the meeting are as follows: Commissioner Noda, Commissioner De Lay, Commissioner Galli, Commissioner Scott, Commissioner Seelig, and Commissioner Diamond. Commissioner Chambless, as Chairperson, did not vote.

PUBLIC HEARINGS

(This item was heard at 6:17 p.m.)

Petition No. 400-04-49 – Lowe's Home Improvement and Warehouse, represented by Jim Manion, requesting that the City close California Avenue between 300 West and the UTA/Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 South and California Avenue (adjacent to the west of the UTA/Trax right-of-way [200 West]), and that the City declare the closed portions of these streets as surplus property and sell these properties to Lowe's as the abutting property owner. The purpose of this request is to consolidate ownership of a site prior to construction of a new retail establishment. All properties are zoned General Commercial (CG). (Staff – Kevin LoPiccolo at 535-6003)

Zoning Administrator Kevin LoPiccolo stated the request is for a street closure of California Avenue and Washington Avenue. He drew the Commissioners' attention to the map and explained that Washington Avenue runs north-south and California Avenue runs east-west. There is an alley to the east of California Avenue just west of the TRAX station. To the north of the site is 1300 South, with 300 West on the west. Lowe's requests that the Planning Commission forward a positive recommendation to City Council to close the streets and the alley so they can consolidate the properties and begin demolition of the vacant buildings in preparation for construction of their new retail establishment. They plan to begin demolition by early summer and to obtain a building permit for a new Lowe's Home Improvement Center, approximately 140,000 square feet, within 6 months.

Mr. LoPiccolo noted that the petitioner would like to discuss conditions of approval in the Staff report. Staff recommends approval of the petition subject to the conditions noted on page 11 of the Staff report. The applicant seeks to discuss the relationship between some of the proposed conditions. Their concern is that they need to purchase the streets and alley from the City; before the City will agree to make that transaction the applicant must meet the conditions of approval. However, meeting the conditions cannot be accomplished without consolidating the property – which in turn requires purchase of the streets and alley. Mr. LoPiccolo asked that the Commission consider some type of accommodation that would enable the petitioner to comply with the conditions while moving forward with the property consolidation.

Commissioner Diamond asked Mr. LoPiccolo to describe the impact this petition will have on the surrounding properties. Mr. LoPiccolo noted that Lowe's has purchased the entire block. Granato's is located on one corner and Goodyear Tire Store is at another. The remainder of the block is either vacant or the businesses have moved out and left the buildings vacant. The zone is General Commercial, which allows the proposed use by right. Wal-mart is west of the site.

Commissioner Diamond queried how close the future Sam's Club building will be to the proposed Lowe's site. Commissioner De Lay identified the location as 1800 South and 300 West. Commissioner Diamond asked what the plan is for Granato's. Mr. LoPiccolo assured the Commission that Granato's will remain. As part of the subdivision agreement, Granato's will remain at their present location with minor modifications to the building size but on their own parcel; Lowe's will own the rest of the property. The applicant will also have reciprocal parking with Granato's.

Commissioner Scott asked if the orientation of the Lowe's will be solely toward 1300 South or also toward 300 West. Mr. LoPiccolo deferred to the applicant and noted the applicant will be using their so-called "wide building" design due to the configuration of the lot and orientation of 1300 South, with the primary orientation along 300 West being parking. He noted that major circulation for trucks will be off from 1300 South; as part of the plan the numerous existing curb cuts along 300 West will be reduced to several driveway approaches.

Commissioner Scott asked who would have responsibility for the creation of the dead-end roadway at 1400 South. Mr. LoPiccolo noted that 1400 South currently dead-ends. Lowe's asked for the creation of a hammerhead or cul-de-sac for maneuverability of fire response equipment. He noted that 1400 South will be curb and gutter, which is the developer's responsibility, as are improvements along 300 West.

Commissioner De Lay asked what the fair market value of the property is. Mr. LoPiccolo deferred to the petitioner to answer that. Commissioner De Lay confirmed that the Planning Commission is only approving the recommendation for street closure and queried if Lowe's would return to the Commission with a subdivision amendment. Mr. Wheelwright noted that the subdivision would not likely require a hearing and the building permit in this zone is by right, so it would be an over the counter approval in the permit office.

Commissioner Galli asked if Granato's views the proposed development favorably, given that the lots are currently vacant and Lowe's will bring in more traffic and potential customers. Mr. LoPiccolo indicated his belief that Granato's is quite happy with the location and observed he has received no dissent from them. He noted one call was received because of a mistaken understanding that 1300 West would be closed; he assured the Commission that this matter was clarified and resolved.

Commissioner Diamond emphasized the need for a traffic impact analysis with the addition of Wal-mart, Sam's, Costco, etc., to the area. Mr. LoPiccolo reiterated that such a study is a requirement of the Transportation Department in order for the applicant to obtain a building and demolition permit; however, the street needs to be closed and consolidated before the applicant can make an effective study. Lowe's owns all of the lots but not the streets; they consider the traffic study to be more associated with the use of the property than with the closure of the streets and alley.

Chairperson Chambless invited the petitioner to speak to the Commission. Clint Boyle, with Landmark Engineering and Planning, spoke as a consultant for Lowe's. Jim Manyon, Site Development Manager for Lowe's, spoke as the applicant. Mr. Boyle noted the site is currently a blighted and dilapidated area with large vacant buildings, leading to concerns about safety and crime. He stated that while Lowe's hopes to proceed with the construction of the store as quickly as possible, there are also liability concerns about the vacant buildings on the site. Therefore, Lowe's prefers to have the demolition proceed as quickly as possible.

Mr. Boyle stated that Lowe's will be a benefit to the redevelopment of the area. In the interests of time, Mr. Boyle said he would limit his comments to the conditions of approval set forth in the Staff report. He stated that Lowe's is entirely willing to comply with the conditions per se; their concerns arise from incorporation of those conditions into the street closure approval. The items of specific concern are Conditions 2C, 3, and 4 (see page 11 of the Staff report). He assured the Commission that Lowe's is committed to completing a traffic impact study and noted such a study is a requirement of the building permit process. Before Lowe's can receive a permit to construct the actual store, a traffic impact study must be completed that examines approaches onto 1300 South, 1400 South, and 300 West, as well as any impacts that would require deceleration lanes or other improvements that might be necessary. The applicant's concern revolves around the need for such a study prior to closure of the streets and alley. Lowe's wants to purchase the streets quickly to provide demolition as soon as possible. Demolition will include removing utilities from the streets, removing asphalt, demolishing buildings, etc.; it is a large proposal that will require some time to complete.

In response to Commissioner De Lay's earlier query about the fair market value of the property, Mr. Boyle gave a rough estimate of \$1 million paid to the City for the right-of-way area. He noted that Lowe's has already spent approximately \$12 million purchasing the properties involved.

Mr. Boyle explained that Granato's will remain in its present location. A portion of the rear of that building which serves as a warehouse will be removed; Granato's will rearrange their inventory to other parts of the building. Parking and access agreements will be in place between Lowe's and Granato's to facilitate access and parking that is not presently available. He remarked that Granato's is extremely happy with the proposed development; they have received excellent value for their property and the development should improve their business. Mr. Manyon pointed out that Lowe's has acquired all of the abutting property to the streets they are asking to purchase. He expressed they are concerned about the liability with the vacant, damaged building and wondered if similar liability concerns would apply to the City as owner of the streets. He reiterated Lowe's desire to demolish the building as quickly as possible. Before the necessary funds can be made available to begin the demolition, Lowe's must own all the property. They cannot begin improvements until they own the property.

Commissioner Galli queried why Lowe's isn't using a development agreement in order to resolve the concerns about financing that would enable Lowe's to show the City they will move forward with the development and secure the needed permissions.

Mr. Manion responded that Linda Cordova, Property Management Manager, explained Lowe's cannot receive a deed to the property until the conditions are satisfied as they are written. That means the traffic study must be completed and all requirements for a building permit be completed prior to the consolidation of the properties. He expressed that Lowe's will readily complete a traffic study prior to obtaining the building permits, but the property cannot be sold until that condition has been met.

Director Zunguze suggested the Commission direct the Office of Community Development to work with Property Management in securing an accommodation that would expedite Lowe's ability to meet the conditions. He explained that City Council policy regarding street closures requires demonstration of public benefit as well as receipt of fair market value and elimination of private property access needs. At the moment the public benefit is a proposal only; the City needs some assurances that Lowe's will complete the proposal.

Mr. Manion rationalized that the acquisition costs of \$12 million demonstrates Lowe's commitment to the project. He cited their 1,000 stores and 58 years in business as examples of Lowe's stability. He assured the Director and Commissioners that Lowe's will provide whatever assurances are necessary to resolve the City's concerns about the project being completed for public benefit. Mr. Boyle noted that whatever development agreements are needed to secure the City's expeditious closure and sale of the street to Lowe's will be willingly completed.

Director Zunguze clarified that the only conditions of approval that are germane to the street closure are Conditions 2A, B, and C. Conditions 2A and B are part of the normal site plan review process; accommodations for meeting Condition 2C is therefore the only area of concern. Mr. Boyle concurred. Director Zunguze offered to work with the petitioner to achieve acceptable accommodations to comply with Condition 2C if the Commission so desires.

Commissioner De Lay asked if the recommendation should be removed from the conditions of approval. Director Zunguze clarified that the Conditions of Approval should remain as stated in the Staff report; the only requirement is demonstrating to the City Council assurances that Condition 2C will be met. He observed that this requirement isn't specific to Lowe's, noting that title wasn't released to Wal-mart until the project was sufficiently vested.

Commissioner Galli remarked that public policy review is triggered by the street closure and explained that what seems to the petitioner to be a disconnect between approval requirements and the street closure is actually closely tied together.

Mr. Manion assured the Commission that Lowe's is entirely committed to constructing and opening a store at this location and will eagerly provide whatever reassurances the City requires to confirm their vested interest in completing the project.

Commissioner Diamond expressed concerns that the Commission is unable to review any site plan proposals with building orientations and that Lowe's intends to simply use a standard approach to the building design. He encouraged Lowe's to consider a more creative approach that takes into account the specific qualities of the site, namely its corner location, proximity to the 1300 South TRAX station, and Granato's.

Mr. Manion assured the Commission that Lowe's had no intention of disappointing them by providing only minimal information. He stated that Lowe's was unaware of any need or desire to have site plans or elevations available for the Planning Commission during discussion of the street closures.

Commissioner De Lay concurred with Commissioner Diamond's encouragement that Lowe's consider building something beyond a large parking lot with a box store; however, she acknowledged that Lowe's is providing all of the information necessary and required for a street closure and noted that the ordinance does not require site plan and design approval.

Commissioner Noda agreed that while the Commissioners may not be pleased with recent construction in the area, the requirements of the ordinance are being met. She also encouraged Lowe's to consider a more creative building design and landscaping to enhance the area.

Mr. Manion expressed Lowe's desire to be a good community member and noted that current store designs are the result of years of study. He noted that Lowe's has met with Staff over a period of several months to discuss the location of the building, how the drives interact with the roadways, etc. He assured the Commission the final site design will be a very objective result of careful study and planning and will be a great addition.

Commissioner Scott asked where the main building will be located on the site. Mr. Manion noted that the size of Lowe's buildings is a natural result of the products they sell, such as lumber, cement, and other building products. He explained that while a final decision has not been made, the current projections place the store so the rear of the building aligns with the TRAX rail line. He indicated that Lowe's plans to implement the Community Council's suggestion to paint a mural along the back of the building. Orienting the building towards 1300 South will provide the best access for customers and maintain traffic flow.

Commissioner Scott identified with Lowe's desire to proceed as quickly as possible, noting that during the field trip today it was clear that most of the empty buildings were not secured, with open doors and broken windows prevalent. Mr. Manion noted that the buildings are being torn apart by trespassers and becoming more structurally unsound every day. Mr. Boyle noted that during his visits over the past few months, the destruction appears to be proliferating, and he reiterated Lowe's desire to move quickly on the project to avoid potential safety problems.

Chairperson Chambless asked if a representative from the Community Council or neighborhood wishing to speak on the matter. Hearing none, he closed the public hearing.

Commissioner Scott asked Staff if Transportation's recommendations noted on page 5 of the Staff report need to be included as conditions of approval for the street closure. Mr. LoPiccolo explained that these are permit requirements that Lowe's will have to implement in order to obtain a building permit and do not need to be included as conditions of approval.

Commissioner Diamond emphasized the impact of the 300 West corridor on the City as a whole. He reiterated that the large stores continue to be allowed in the area without a response from Planning Commission to enhance that part of the City. He recognized that this part of the city is a vital area that needs beautification and protection by the Planning Commission. Commissioner De Lay noted that the road is a State road and wondered about the State's commitment to beautification and walkable communities. She acknowledged that economic development in the area may be very welcome to residents but may not coincide with long-

range planning goals and identified increased residential development in the area with the TRAX station.

Commissioner Diamond asked Staff how the Planning Commission can instigate a thorough examination of the area and capitalize on the development occurring. Commissioner De Lay recognized the lack of a requirement for site review which has resulted in several large retail sites with no Planning Commission oversight.

Commissioner Seelig queried if the draft Central City Master Plan has provisions that will allow for the Planning Commission to have site design approval. Director Zunguze responded that the plan is still being finalized but suggested that further visioning for the area would be beneficial, as well as increased design reviews for large scale projects. He noted that the ordinance allows significant, large projects to obtain permits with only a counter review. He suggested that projects of a certain size be required to undergo additional site plan review by Planning Staff and the Planning Commission through an amendment to the ordinance.

Commissioner Noda expressed concerns about counter reviews for large projects and agreed with the need for additional oversights. She advised discussing the Commission's desire to change the ordinance with Lynn Pace, City Attorney, and request some draft language from him. She noted that the Historic Landmark Commission has very specific criteria and good procedures to review sites. She suggested that Planning Commission tighten approval criteria and procedures as well. She concurred with desires to see more long-range planning in the area to avoid a haphazard approach that does not create a sense of community.

Commissioner De Lay asked if a motion was needed to implement the ordinance review or simply a request to Staff. Director Zunguze indicated that a work session to discuss the issue would be the most productive approach.

Commissioner Diamond expressed the desire to implement additional reviews to help petitioners be better prepared with their designs and proposals.

Commissioner Galli agreed with the need for long-range planning. He noted that this particular proposal is going to provide a significant improvement to the particular block in question. He reiterated the need for long-range planning but proposed moving forward with the current petition.

Motion for Petition 400-04-49

Commissioner Galli moved to approve Petition 400-04-49 with the following conditions:

1. That the existing public and private utility infrastructure be properly disconnected or removed from the street area, acceptable to the City's Public Utilities Department.
2. That the street closure ordinance be conditioned upon:
 - A) The successful acquisition of all the property necessary to implement the redevelopment activity as conceptually proposed, and
 - B) Payment to the City at fair market value of the street property, consistent with Salt Lake City Code 2.58, and
 - C) Certification by the City Chief Building Official that the redevelopment project has obtained all necessary City approvals so that the building permit for the redevelopment proposal is ready to be issued by the City.
3. That a traffic impact analysis be submitted to and approved by the City Transportation Director, relative to the adequacy of the proposed ingress and egress

- to the site of the redevelopment proposal including provisions to implement any recommended or required transportation improvements on abutting public streets.
4. That the applicant be required to file an application for a subdivision amendment to combine all lots into a single legal lot of record.
 5. **The applicant work with the Community Development Director and Staff to reach an agreement assuring the City that the project will be completed and will comply with Conditions 2A-C.**

Commissioner Diamond asked if a condition could be added that the petitioner work with the Community Development Director and Staff to reach an agreement assuring the project will be completed and comply with Conditions 2A-C. The amendment was accepted by Commissioner Galli and is noted in the conditions above.

Commissioner Noda seconded the motion. All voted in favor, therefore the motion to approve the petition passed unanimously, 6-0.

[use department letterhead]

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** April 1, 2005

FROM: Louis Zunguze, Director

RE: **Petition 400-04-49:** A request by Lowe's Home Improvement and Warehouse to close California Avenue between 300 West and UTA/TRAX right-of-way at 200 West, and Washington Street between California Avenue and 1400 South and the alley located between 1300 South and California Avenue (adjacent and west of UTA/TRAX right-of-way (200 West)) and that the City sell these properties to Lowe's as the abutting property owner.

STAFF CONTACT: Kevin LoPiccolo, 535-6003

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Property Management has recommended that the property be sold at fair market value to Lowe's as the abutting property owner. This would be subject to review and appraisal for its assemblage value.

DISCUSSION: The applicant is requesting that Salt Lake City Corporation close portions of California Avenue (1335 South) and Washington Street (240 West) and the 200 West alley. The applicant is also requesting that the City declare the closed streets and alley surplus properties and allow the applicant to purchase them at fair market value; and be incorporated together with the surrounding area and developed as a Lowe's superstore complex. The proposed Lowe's site is generally located between 1300 and 1400 South and the UTA/TRAX light rail line (200 West) and 300 West. The site is located in the CG "General Commercial" zoning district.

Analysis: Both the Utah Code and local ordinances regulate review and approval of street closure applications. Utah Code, Title 10-9-305, discusses the process for determining the public's interest in the street and Salt Lake City Code, Section 2.58 regulates the disposition of City-owned property. State law requires public hearings before both the Planning Commission and the City Council to consider the potential impact of losing the public benefit of the street.

Once the Planning Commission recommends that the street is no longer needed for the benefit of the public that recommendation is forwarded to the City Council for their consideration. All street closure requests must be approved by the City Council, following an advertised public hearing. The disposition of the property is regulated differently. The Planning Commission must consider and make a recommendation to the Mayor regarding the disposition of the

property. If they recommend that it be declared surplus, the property must be disposed of according to the Salt Lake City Code, Section 2.58 City-Owned Real Property. This ordinance states that the City shall retain title to the surplus property until the land is sold at fair market value or other acceptable compensation is provided. In addition, this ordinance requires that the City Council be offered an opportunity to request an additional public hearing.

All necessary City departments and divisions have reviewed the proposal and recommended approval of the petition to close the public streets and alley, and to declare the subject properties as surplus. The applicant has agreed to all conditions of the various department/divisions and has agreed to purchase the property at fair market value, as determined by the City Property Manager. Street and alley closure requests are evaluated based upon City Planning and other departmental/division(s) recommendations and public hearing comments. The following specific findings of fact, relative to this petition, were determined by the Planning Commission:

1. The streets and alley proposed to be closed within the plat are not need by either the City or the general public for required access.
2. The proposed streets and alley closures are consistent with the applicable City master plans.
3. Easements for public utilities infrastructure must be retained by the City where public facilities exist.
4. Public safety access is adequate on site.

Master Plan Considerations: This proposal is subject to two master plan documents: the 1974 *Central Community Development Plan*, and the 1992 *Salt Lake City Open Space Plan*.

The subject properties are located within District 14, Light Industrial, as delineated in the 1974 *Central Community Development Plan*. According to that plan, "District 14 is proposed as a Limited Industrial District, since it is close to Downtown on the east and the residential areas in the west." The future land use is that designated by the adopted zoning map subsequent to the 1995 zoning ordinance update; the Central Community Zoning Map shows the subject property zoned CG (General Commercial). That district permits the proposed development uses.

The subject properties are adjacent to the Glendale/Liberty Trail Corridor, as delineated in the 1992 *Open Space Plan*, Map 9. The Glendale/Liberty Corridor connects Liberty Park to the Jordan River at Glendale Park. The trail route envisioned utilizing a D&RGW [Denver and Rio Grande Western] railroad spur and sidewalk improvements through some residential neighborhoods. The railroad right-of-way passes under the I-15 freeway. However, the former New London spur of the D&RGW was abandoned and the right-of-way vacated and sold off to

adjacent property owners south and west of the subject properties, essentially breaking this link in the proposed corridor.

Public Process: The petition was presented to the applicable community council and considered by the Planning Commission during a public hearing. A summary of the public process is described below:

Community Council: Lowe's presented their project to the People's Freeway Community Council at their January 5, 2005 meeting. The Community Council reviewed the streets and alley closures, and in a letter of January 6, 2005, recommended approval. The Council suggested that Lowe's work in conjunction with the Police Department to do a crime prevention assessment and environmental design to ensure security while the properties are closed and while construction is in progress; curb, gutter, and sidewalk should be upgraded, kept clear and clean; and strongly recommends recruiting local artists to paint a mural on the back of the building which faces TRAX to prevent the proliferation of graffiti.

Planning Commission: On April 13, 2005, the Planning Commission held a public hearing to consider the petition. Based upon the analysis and findings identified in the staff report, and the Staff recommendation, the Planning Commission passed a motion to forward a recommendation to the City Council, closing California Avenue between 300 West and the UTA/TRAX right-of-way at 200 West, Washington Street between California Avenue and 1400 South and the alley located between 1300 South and California Avenue (adjacent and west of the UTA/TRAX right-of-way (200 West) and that the City sell these properties to Lowe's as the abutting property owner.

Summary: The City Council has final decision authority with respect to street and alley vacations and closures. The Planning Commission has recommended that the City [PC decision]. The recommendation is based upon the following:

RELEVANT ORDINANCES

Salt Lake City Code:

- Chapter 2.58 regulates the disposition of surplus City-owned real property.
- Chapter 14.52 outlines a procedure for the disposition of City-owned alleys and establishes criteria for evaluating the public's interest in an alley.
- Title 20, Subdivisions, regulates street closures.

Utah Code:

Section 10-8-8.1 regulates a request for action to vacate, narrow, or change name of street or alley.

Section 10-9-305 authorizes public uses to conform to a general plan.

Section 10-9-808 regulates the vacating or changing a subdivision plat.

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- 6. ORIGINAL PETITION**
 - Petition 400-04-49**

1. CHRONOLOGY

PETITION CHRONOLOGY

1. November 30, 2004 Petition delivered to Planning Division
2. December 7, 2004 Petition (400-04-49) assigned to Neil Olsen
3. February 16, 2005 Meeting with applicant to request more survey drawings
4. March 2, 2005 Routing of plans to relevant city agencies for input and comments
5. March 21, 2005 Request sent to City Attorney's Office to prepare an ordinance
6. April 1, 2005 Began preparing transmittal
7. April 1, 2005 Received draft ordinance from City Attorney's Office
8. April 5, 2005 City Council confirms April 19, 2005, as the date of the hearing
9. April 8, 2005 Planning Commission staff report
10. April 12, 2005 Transmittal submitted to supervisor for review
11. April 13, 2005 Development Review Team follow-up
12. April 13, 2005 The Planning Commission had a public hearing and passed a favorable recommendation to close the streets and alley and declare them surplus property
13. April 14, 2005 City Council briefing
14. April 19, 2005 City Council Action

2. ORDINANCE

Neil Olson

DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Closing and abandoning portions of California Avenue, Washington Street, and the alley between 1300 South and California Avenue)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF CALIFORNIA AVENUE BETWEEN 300 WEST AND THE UTA TRAX RIGHT-OF-WAY AT 200 WEST, WASHINGTON STREET BETWEEN CALIFORNIA AVENUE AND 1400 SOUTH, AND THE ALLEY LOCATED BETWEEN 1300 SOUTH AND CALIFORNIA AVENUE (ADJACENT TO AND WEST OF THE UTA TRAX RIGHT OF WAY AT 200 WEST), PURSUANT TO PETITION NO. 400-04-49.

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

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

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

SECTION 1. A portion of a street located at California Avenue between 300 West and the UTA TRAX right-of-way at 200 West, a portion of street located at Washington Street between California Avenue and 1400 South, and a portion of alley located between 1300 South and California Avenue (adjacent to and West of the UTA TRAX right-of-way at 200 West), which are the subject of Petition No. 400-04-49, and which are more particularly described below, be, and the same hereby are, closed and abandoned and declared no longer needed or available for use as a street and/or an alley.

The portion of street located at California Avenue between 300 West and the UTA TRAX right-of-way at 200 West is more particularly described on Exhibit "A" attached hereto.

The portion of street located at Washington Street between California Avenue and 1400 South is more particularly described on Exhibit "B" attached hereto.

The portion of alley located between 1300 South and California Avenue (adjacent and West of the UTA TRAX right-of-way at 200 West) is more particularly described on Exhibit "C" attached hereto.

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 and alley closure and abandonment is conditioned upon payment, by petitioner, to the City, of fair market value of that portion of the street and alley, or its equivalent, and title to the street and alley shall remain with the City until sale for fair market value; or the receipt of the equivalent value, in accordance with Salt Lake City Code Chapter 2.58.

SECTION 6. 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.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing **Petition 400-04-49**, a request by Lowe's H.I.W., represented by Jim Manion, to close California Avenue between 300 West and the UTA/Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 South and California Avenue (adjacent and west of the UTA/Trax right-of-way [200 West]), and that the City sell these properties to Lowe's as the abutting property owner. The purpose of this request is to consolidate ownership of a site prior to construction of a new retail establishment. All properties are zoned "CG" General Commercial.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE: April 19, 2005
TIME: 7:00 p.m.
PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Kevin LoPiccolo at 535-6003 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

If you are the owner of a rental property, please inform your tenants of this hearing.

We comply with all ADA guidelines. Assistive listening devices and interpreter services provided upon 24-hour advance request.

Neil Olsen
SLC Planning
451 S State St

P05 10

SALT LAKE CITY CORPORATION
SALT LAKE CITY RECORDER'S OFFICE
CITY & COUNTY BUILDING
451 SOUTH STATE STREET, ROOM 415
SALT LAKE CITY, UTAH 84111



MEMBER 70 17 14

0037

U.S. POSTAGE

Salt Lake City, UT 84111

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

SALT LAKE CITY CORPORATION
DEPARTMENT OF MANAGEMENT SERVICES
CITY RECORDER

ROSS C. "ROCKY" ANDERSON
MAYOR

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT ON Tuesday, April 19, 2005 at 7:00 p.m. a public hearing will be held in Room 315, Council Chambers, City County Building, 451 South State, Salt Lake City, Utah, before the Salt Lake City Council to accept public comment and consider adopting an ordinance closing California Avenue between 300 West and the UTA/TRAX right-of-way at 200 West, Washington Street between California Avenue and 1400 South and the alley located between 1300 South and California Avenue (adjacent and west of the UTA/TRAX right-of-way (200 West)) and that the City sell these properties to Lowe's as the abutting property owner pursuant to Petition No. 400-04-49.

All persons interested and present will be given an opportunity to be heard in this matter.

Assisted listening devices or interpreting services are available for all public meetings. Salt Lake City Corporation complies with the American Disabilities Act (ADA). For further information, contact the TDD Number 535-6021.


By order of the Salt Lake City Council, this 23rd day of March, 2005.


KENDRICK COWLEY
CITY RECORDER

(P 05-10)

241

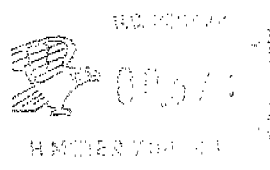
Proposed Street Closures

Proposed Alley Closure 

Proposed Street Closures 

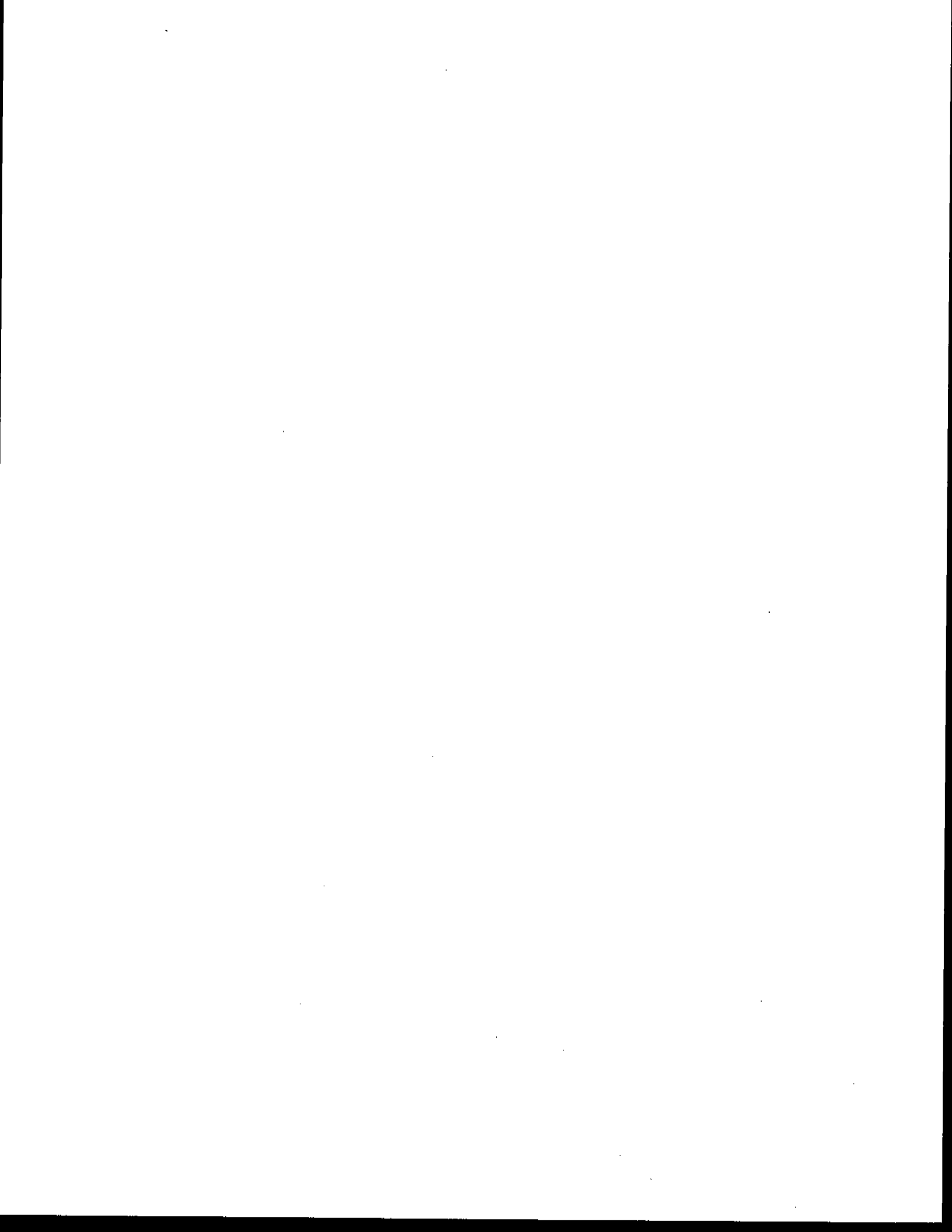


SALT LAKE CITY CORPORATION
 SALT LAKE CITY RECORDER'S OFFICE
 CITY & COUNTY BUILDING
 451 SOUTH STATE STREET, ROOM 415
 SALT LAKE CITY, UTAH 84111



Neil Olsen
 SLC Planning

4. MAILING LABELS





KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033

TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

UTAH CAPITAL PROPERTIES LLC
1800 S WEST TEMPLE # 417-69
SALT LAKE CITY UT 84115-1851

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

SPERRY REALTY INC
2095 SIERRA RIDGE CT
SALT LAKE CITY UT 84109-1941

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

~~SPERRY REALTY INC
2095 SIERRA RIDGE CT
SALT LAKE CITY UT 84109-1941~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

~~SPERRY REALTY INC
2095 SIERRA RIDGE CT
SALT LAKE CITY UT 84109-1941~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~TROY B BARBER
2095 S MAIN ST STE 215
SALT LAKE CITY UT 84115-2322~~

~~KIRK & SANDRA NEILSEN
311 LUCY AVE
SALT LAKE CITY UT 84101-3033~~

SALT LAKE COUNTY
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190-0001

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

K & ROBERT C LILJENQUIST
59 COMMERCE DR
SALT LAKE CITY UT 84107-4709

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

FORS A W MACHINE & WELDING
1215 S 400 W
SALT LAKE CITY UT 84101-3059

JKZ3 LLC
1236 S 300 W
SALT LAKE CITY UT 84101-3049

JAMES R & BONNIE S BECK
4451 ALBRIGHT DR
SALT LAKE CITY UT 84124-3519

A W FORS MACHINE & WELDING SHO
1215 S 400 W
SALT LAKE CITY UT 84101-3059

A W FORS MACHINE & WELDING SHO
1215 S 400 W
SALT LAKE CITY UT 84101-3059

TONY J HALL
233 W 1300 S
SOUTH SALT LAKE UT 84115-5231

GUSCO INC
1228 S 300 W
SALT LAKE CITY UT 84101-3049

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

A W FORS MACHINE & WELDING
1215 S 400 W
SALT LAKE CITY UT 84101-3059

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723

TONY J HALL
233 W 1300 S
SOUTH SALT LAKE UT 84115-5231

STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

DMS INVESTMENTS LLC
1202 S 300 W
SALT LAKE CITY UT 84101-3047

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

FORS A W MACHINE & WELDING
1215 S 400 W
SALT LAKE CITY UT 84101-3059

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

HAFERS 1388 PROPERTIES LC
247 W 1700 S
SOUTH SALT LAKE UT 84115-5235

GOODING ASSOCIATES LC
PO BOX 17292
SALT LAKE CITY UT 84117-0292

JKZ3 LLC
1290 S 300 W
SALT LAKE CITY UT 84101-3049

JUDD JONES REFRACTORY & ACID S
2904 MILLCREEK CANYON RD
SALT LAKE CITY UT 84109

DMS INVESTMENTS LLC
1202 S 300 W
SALT LAKE CITY UT 84101-3047

D D MANAGEMENT LLC
5035 VALENE ST
SALT LAKE CITY UT 84117-6346

GOODING ASSOCIATES LC
PO BOX 1729
SALT LAKE CITY UT 84117-0292

VAL R LILJEQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

VAL R LILJEQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

HAFERS 1388 PROPERTIES LC
2569 KEDDINGTON LN
SALT LAKE CITY UT 84117-4560

CIRCLE OF WELLNESS INC
1 S MAIN ST # 1100
SALT LAKE CITY UT 84111-1904

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

HBM REAL ESTATE LLC
1361 S 300 W
SOUTH SALT LAKE UT 84115-5136

GOLD PEAK PROPERTIES LLC
2587 BRIDGER BLVD
SANDY UT 84093-1839

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

SCHMIDT BODY & PAINT INC
1229 S 300 W
SALT LAKE CITY UT 84101-3048

A W FORS MACHINE & WELDING SHO
1215 S 400 W
SALT LAKE CITY UT 84101-3059

RASBAND INVESTMENT COMPANY LLC
1365 S 300 W
SALT LAKE CITY UT 84115-5136

VAL R LILJEQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

HAFERS 1388 PROPERTIES LC
2569 KEDDINGTON LN
SALT LAKE CITY UT 84117-4560

LCI ENTERPRISES LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

SAMUEL F GRANATO
2620 GAYLAR CIR
SALT LAKE CITY UT 84109-4053

UTAH CAPITAL PROPERTIES LLC
1351 CHILD DR
LAYTON UT 84040-8271

STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723

GERSHMAN PROPERTIES
PO BOX 5333
BEVERLY HILLS CA 90209-5333

WAL-MART STORES INC & REAL EST
2001 SE 10TH ST
BENTONVILLE AR 72716-0001

Neil Olsen
SLC Planning
451 S State St, Rm 406
Salt Lake City, UT 84111

Bill Plastow
People's Freeway CC
1625 S West Temple
Salt Lake City, UT 84115

Jim Manion
Lowe's H.I.W.
1530 Faraday #140
Carlsbad, CA 92008

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

SALT LAKE COUNTY
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190-0001

JAY K & ROBERT C LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

MARTIN REYES
1121 N REDWOOD RD APT 3
SALT LAKE CITY UT 84116-4338

WAYNE MORRISON
1502 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5223

TONY J HALL
233 W 1300 S
SOUTH SALT LAKE UT 84115-5231

BRYON J & JENNIFER W WEST
1478 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

DON L & CRYSTAL DARLING
3303 W 4400 S
SALT LAKE CITY UT 84119-5739

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723

~~TONY J HALL
233 W 1300
SOUTH SALT LAKE UT 84115-5231~~

~~LARSEN-SLUDER VENTURES
1465 S 300 W
SALT LAKE CITY UT 84115-5103~~

~~STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723~~

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212~~

LARSEN-SLUDER VENTURES
1465 S 300 W
SALT LAKE CITY UT 84115-5103

DITOLLA DEV LLC
251 W 1400 S
SALT LAKE CITY UT 84115-5228

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

EUGENE L FISHER
14955 S CAMP WILLIAMS RD
BLUFFDALE UT 84065

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048~~

~~SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048~~

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048~~



SHAUN LARSEN
1494 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

DITOLLA DEV LLC
1417 S 200 W
SALT LAKE CITY UT 84115

~~DME PROPERTIES LLC
3211 STARLINE DR
WEST JORDAN UT 84088-5212~~

~~DME PROPERTIES LLC
3211 STARLINE DR
WEST JORDAN UT 84088-5212~~

PATRICK SULLIVAN
323 HOPE AVE
SALT LAKE CITY UT 84115-5116

HAFERS 1388 PROPERTIES LC
247 W 1700 S
SOUTH SALT LAKE UT 84115-5235

JAMES H HAYDEN
1488 S WEST TEMPLE
SALT LAKE CITY UT 84115-5221

GOODING ASSOCIATES LC
PO BOX 17292
SALT LAKE CITY UT 84117-0292

JUDD JONES REFRACTORY & ACID S
2904 MILLCREEK CANYON RD
SALT LAKE CITY UT 84109

RICHARD C & DARELYN S ADAMS
328 WHITNEY AVE
SOUTH SALT LAKE UT 84115-5120

D D MANAGEMENT LLC
5035 VALENE ST
SALT LAKE CITY UT 84117-6346

~~GOODING ASSOCIATES LC
PO BOX 17292
SALT LAKE CITY UT 84117-0292~~

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~SHAUN LARSEN
1494 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

HAFERS 1388 PROPERTIES LC
2569 KEDDINGTON LN
SALT LAKE CITY UT 84117-4560

CIRCLE OF WELLNESS INC
1 S MAIN ST # 1100
SALT LAKE CITY UT 84111-1904

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

LARSEN SLUDER VENTURES
1465 S 300 W
SOUTH SALT LAKE UT 84115-5103

HBM REAL ESTATE LLC
1361 S 300 W
SOUTH SALT LAKE UT 84115-5136

GOLD PEAK PROPERTIES LLC
2587 BRIDGER BLVD
SANDY UT 84093-1839

DITOLLA DEV LLC
1423-1427 S 200 W
SALT LAKE CITY UT 84115

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

ZIONS FIRST NATIONAL BANK
PO BOX 30709
SALT LAKE CITY UT 84130-0709

SCHMIDT BODY & PAINT INC
1229 S 300 W
SALT LAKE CITY UT 84101-3048

RASBAND INVESTMENT COMPANY LLC
1365 S 300 W
SALT LAKE CITY UT 84115-5136

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~SCHMIDT SIGN SERVICES
1229 S 300 W
SALT LAKE CITY UT 84101-3048~~

~~HAFERS 1388 PROPERTIES LC
2569 KEDDINGTON LN
SALT LAKE CITY UT 84117-4560~~

LCI ENTERPRISES LLC
5159 COMMERCE DR
MURRAY UT 84107-4709



SAMUEL F GRANATO
2620 GAYLAR CIR
SALT LAKE CITY UT 84109-4053

FETZERS INC
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

~~STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREEK ST AVE
SALT LAKE CITY UT 84105-1723~~

GERSHMAN PROPERTIES
PO BOX 5333
BEVERLY HILLS CA 90209-5333

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

ANDREW D FIRMAGE
425 E 2100 S
SALT LAKE CITY UT 84115-2237

WAL-MART STORES INC & REAL EST
2001 SE 10TH ST
BENTONVILLE AR 72716-0001

Neil Olsen
SLC Planning
451 S State St, Rm 406
Salt Lake City, UT 84111

Bill Plastow
People's Freeway CC
1625 S West Temple
Salt Lake City, UT 84115

Jim Manion
Lowe's H.I.W.
1530 Faraday #140
Carlsbad, CA 92008

UTAH TRANSIT AUTHORITY
PO BOX 30810
SALT LAKE CITY UT 84130-0810

MIGUEL RODRIGUEZ
105 LUCY AVE
SALT LAKE CITY UT 84101-3108

SALT LAKE COUNTY
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190-0001

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

JAY K & ROBERT C LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

JOHN L HALVERSON
235 PAXTON AVE
SALT LAKE CITY UT 84101-3036

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

~~JOHN L HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911~~

DOYLES BODY & PAINT LC
1191 S 300 W
SALT LAKE CITY UT 84101-3046

JAMES E SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3035

~~JAMES SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3035~~

SNT ENTERPRISES LC
3706 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-4411

JOHN L & CAROL A HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911

CARVER SHEET METAL WORKS INC
1349 JEFFERSON ST
SALT LAKE CITY UT 84115-5208

LYNN H JORGENSEN
115 LUCY AVE
SALT LAKE CITY UT 84101-3108

JUAN J GARIBAY
119 LUCY AVE
SALT LAKE CITY UT 84101-3108

NATIONAL CITY MORTGAGE CO
3232 NEWMARK DR
MIAMISBURG OH 45342-5421

GEORGE V & MARY LOU IPSON
117 LUCY AVE
SALT LAKE CITY UT 84101-3108

RODNEY H & IRIS V JENSEN
2285 S MAIN ST STE 9
SALT LAKE CITY UT 84115-2626

MARK H & VERA L REDD
815 E VINE ST
MURRAY UT 84107-6515

CECILIA & FELIPE PEREZ
1204 S WEST TEMPLE
SALT LAKE CITY UT 84101-3123

SHERIE L HOLMES
1208 S WEST TEMPLE
SALT LAKE CITY UT 84101-3123

DONALD G HALL
263 PAXTON AVE
SALT LAKE CITY UT 84101-3036

EMIL H & LETHA L GLAITTLI
227 PAXTON AVE
SALT LAKE CITY UT 84101-3036

CROFTS HOLDINGS LLC
242 S 200 E
SALT LAKE CITY UT 84111-2412

MH & HH INVESTMENTS LLC
3025 MILLCREEK CANYON RD
SALT LAKE CITY UT 84109

~~JAMES E SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3035~~

~~RODNEY H & IRIS V JENSEN
2285 S MAIN ST STE 9
SALT LAKE CITY UT 84115-2626~~

STEVEN KOCHERHANS
1216 S WEST TEMPLE
SALT LAKE CITY UT 84101-3123

~~MIGUEL RODRIGUEZ
105 LUCY AVE
SALT LAKE CITY UT 84101-3108~~

UTAH LIGHTHOUSE MINISTRY INC
1358 S WEST TEMPLE
SALT LAKE CITY UT 84115-5218

SNT ENTERPRISES LC
1370 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5218

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

SEARS ROEBUCK & CO
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

LN CURTIS & SONS
1800 PERALTA ST
OAKLAND CA 94607-1603

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

JAMES E SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3035

CURTIS FAMILY LIMITED PARTNERS
1800 PERALTA ST
OAKLAND CA 94607-1603

TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

FISLC
1317 JEFFERSON ST
SALT LAKE CITY UT 84115-5208

SANDRA L TANNER
1350 S WEST TEMPLE
SALT LAKE CITY UT 84115-5218

TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

VFW ATOMIC POST 4355
135 W 1300 S
SALT LAKE CITY UT 84115-5229

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

DME PROPERTIES LLC
3211 STARLITE DR
WEST JORDAN UT 84088-5212

JAMES SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3035

SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048

GOODING ASSOCIATES LC
PO BOX 17292
SALT LAKE CITY UT 84117-0292

BIJAN FAKHRIEH
8704 SUGARLOAF DR
SANDY UT 84093-2123

TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

JUDD JONES REFRACTORY & ACID S
2904 MILLCREEK CANYON RD
SALT LAKE CITY UT 84109

D MANAGEMENT LLC
5035 VALENE ST
SALT LAKE CITY UT 84117-6346

GOODING ASSOCIATES LC
PO BOX 17292
SALT LAKE CITY UT 84117-0292

BAYLEE INVESTMENT LTD
3051 WAYMARK CIR
SALT LAKE CITY UT 84109-3115

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709

SOUTHLAND CORP THE
PO BOX 711
DALLAS TX 75221-0711



JOHN H KAY
169 LUCY AVE
SALT LAKE CITY UT 84101-3108

CARLOS & SULIA V BERNACHEA
1220 S WEST TEMPLE
SALT LAKE CITY UT 84101-3123

GARY NIELSON
PO BOX 64
AMERICAN FORK UT 84003-0064

~~TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001~~

CARVER SHEET METAL WORKS INC
1349 JEFFERSON ST
SALT LAKE CITY UT 84115-5208

~~TERMINAL FREIGHT HANDLING COMP
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001~~

~~RODNEY H & IRIS V JENSEN
2285 S MAIN ST STE 9
SALT LAKE CITY UT 84115-2626~~

~~CURTIS FAMILY LIMITED PARTNERS
1800 PERALTA ST
OAKLAND CA 94607-1603~~

TONY J HALL
233 W 1300 S
SOUTH SALT LAKE UT 84115-5231

~~DME PROPERTIES LLC
3211 STARLINE DR
WEST JORDAN UT 84088-5212~~

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221

~~POMPILIO O HERNANDEZ
10234 S 400 E
SANDY UT 84070-4374~~

ARTHUR G & LINDA P CHAVEZ
125 LUCY AVE
SALT LAKE CITY UT 84101-3108

~~TONY J HALL
233 W 1300 S
SOUTH SALT LAKE UT 84115-5231~~

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

JAMES SABODSKI
249 PAXTON AVE
SALT LAKE CITY UT 84101-3036

~~JOHN L & CAROL A HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911~~

~~JOHN L & CAROL A HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911~~

STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723

~~JOHN L & CAROL A HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911~~

~~JAMES E SABODSKI
260 PAXTON AVE
SALT LAKE CITY UT 84101-3036~~

ROBERT & PATRICIA VON KHRUM
11552 WOODHAMPTON DR
SANDY UT 84092-7122

~~STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723~~

GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~DOYLES BODY PAINT LC
1191 S 300 W
SALT LAKE CITY UT 84101-3046~~

~~DME PROPERTIES LLC
3211 STARLINE DR
WEST JORDAN UT 84088-5212~~

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

CIRCLE OF WELLNESS INC
1 S MAIN ST # 1100
SALT LAKE CITY UT 84111-1904

~~GVC FAMILY LLC
5159 COMMERCE DR
MURRAY UT 84107-4709~~

HBM REAL ESTATE LLC
1361 S 300 W
SOUTH SALT LAKE UT 84115-5136

GOLD PEAK PROPERTIES LLC
2587 BRIDGER BLVD
SANDY UT 84093-1839

~~JOHN L & CAROL A HALVERSON
6316 MAPLEWOOD CIR
SALT LAKE CITY UT 84121-1911~~

~~JEFFERSON IMPROVEMENT COMPANY
1436 S WEST TEMPLE
SOUTH SALT LAKE UT 84115-5221~~

~~CARVER SHEET METAL WORKS INC
1349 JEFFERSON ST
SALT LAKE CITY UT 84115-5208~~

SCHMIDT BODY & PAINT INC
1229 S 300 W
SALT LAKE CITY UT 84101-3048

RASBAND INVESTMENT COMPANY LLC
1365 S 300 W
SALT LAKE CITY UT 84115-5136

INDIAN WALK-IN CENTER INC
120 W 1300 S
SOUTH SALT LAKE UT 84115-5230

~~VAL R LILJENQUIST
5159 COMMERCE DR
MURRAY UT 84107-4709~~

~~SCHMIDT SIGN SERVICE INC
1265 S 300 W
SALT LAKE CITY UT 84101-3048~~

LCI ENTERPRISES LLC
5159 COMMERCE DR
MURRAY UT 84107-4709

SAMUEL F GRANATO
2620 GAYLAR CIR
SALT LAKE CITY UT 84109-4053

GERSHMAN PROPERTIES
3333 BEVERLY RD
HOFFMAN ESTATES IL 60179-0001

~~UTAH TRANSIT AUTHORITY
PO BOX 30810
SALT LAKE CITY UT 84130-0810~~

~~STEEL WAREHOUSE & SUPPLY CORP
1615 YALECREST AVE
SALT LAKE CITY UT 84105-1723~~

GERSHMAN PROPERTIES
PO BOX 5333
BEVERLY HILLS CA 90209-5333

Neil Olsen
SLC Planning
451 S State St, Rm 406
Salt Lake City, UT 84111

Bill Plastow
People's Freeway CC
1625 S West Temple
Salt Lake City, UT 84115

Jim Manion
Lowe's H.I.W.
1530 Faraday #140
Carlsbad, CA 92008

- 5. PLANNING COMMISSION**
- a) Original Notice and Postmark**
March 29, 2005

NOTE: The field trip is scheduled to leave at 4:00 p.m.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 13, 2005, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 23, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA – NONE**
5. **PUBLIC HEARINGS**
 - a. **Petition No. 400-04-09 – Lowe's Home Improvement and Warehouse**, represented by Jim Manion, requesting that the City close California Avenue between 300 West and the UTA/Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 South and California Avenue (adjacent to the west of the UTA/Trax right-of-way [200 West]), and that the City declare the closed portions of these streets as surplus property and sell these properties to Lowe's as the abutting property owner. The purpose of this request is to consolidate ownership of a site prior to construction of a new retail establishment. All properties are zoned General Commercial (CG). (Staff – Kevin LoPiccolo at 535-6003)
 - b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to combine the rear portion of the properties at 850, 854, and 858 Edison Street with the lots at 845 and 851 South State Street to create a larger commercial lot in the Downtown Support District (D-2) fronting State Street while maintaining three residential lots in the Special Development Pattern Residential District (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)
 - c. **Petition No. 400-04-37 – Victor Kimball** requesting a zoning map amendment to rezone approximately 69 feet of the rear portion of the property located at 850 South Edison Street and approximately 53 feet of the rear portion of the properties located at 854 and 858 South Edison Street from Special Development Pattern Residential District (SR-3) to a Downtown Support District (D-2), and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support, consistent with the portions of the property to be rezoned. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)
 - d. **Petition No. 410-718 – William Mantas** requesting conditional use approval to expand an automobile recycling business at 652 South Redwood Road in Commercial Corridor (CC) and Light Manufacturing (M-1) zoning districts. (Staff - Janice Lew at 535-7625)
6. **UNFINISHED BUSINESS**

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS.
AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO
YOUR CAR AFTER THE MEETING. THANK YOU.**

NOTICE OF HEARING

Neil Olsen
SLC Planning
451 S 34th St

U.S. POSTAGE

0057

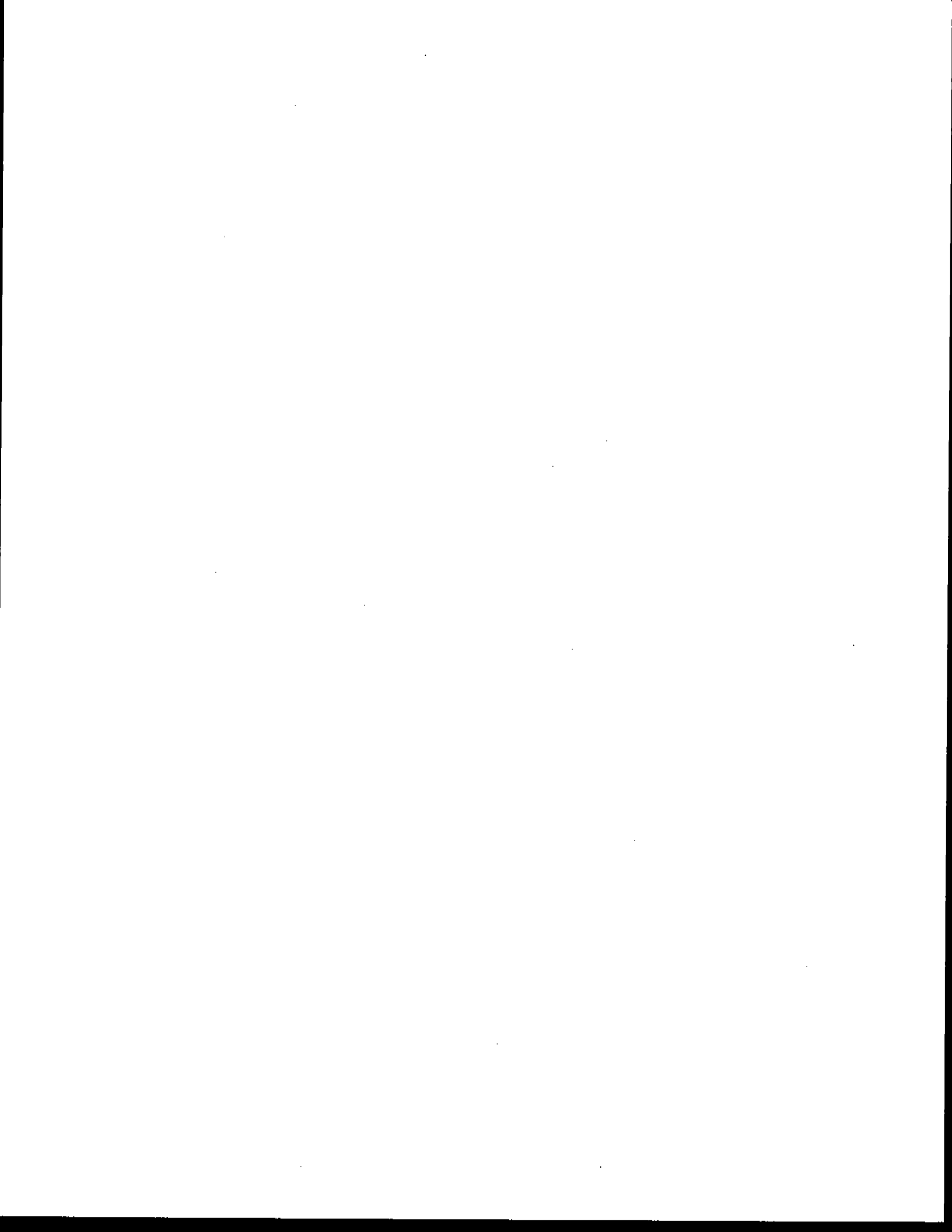


Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111
NO Klop

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:
Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

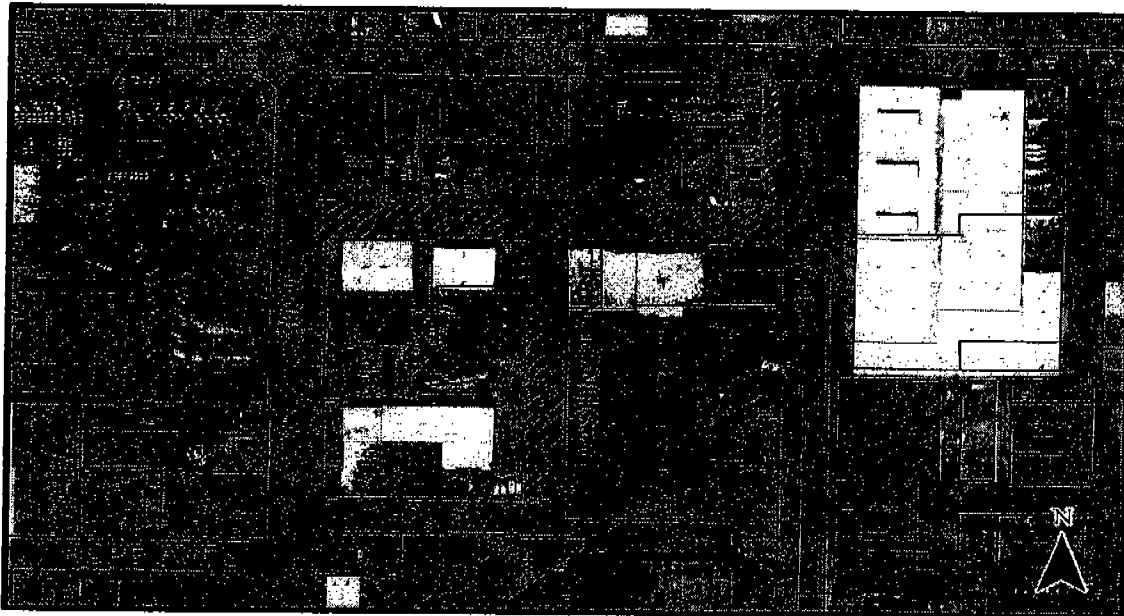
SALT LAKE CITY, UT 84111



5. **PLANNING COMMISSION**
 - b) **Staff Report**
April 8, 2005



DATE: April 13, 2005
TO: Salt Lake City Planning Commission
FROM: Neil H. Olsen, Principal Planner
(Telephone: 535-7932; e-mail: neil.olsen@slcgov.com)
RE: STAFF REPORT FOR THE APRIL 13, 2005 MEETING

PETITION NO.: 400-04-49
APPLICANT: Lowe's Home Improvement and Warehouse
(represented by Jim Manion)
STATUS OF APPLICANT: Abutting property owner and developer
PROJECT LOCATION: California Avenue between 300 West and
the UTA/Trax right-of-way (200 West)
Washington Street between California
Avenue and 1400 South
Alley between 1300 South and California
Avenue (adjacent and west of the UTA/Trax
right-of-way [200 West])



 Proposed Street Closures
 Proposed Alley Closure

PROJECT/PROPERTY SIZE: Area of street closure properties:
California Avenue, 45,474 sq. ft. (1.04 ac.)
Washington Street, 33,528 sq. ft. (0.77 ac.)
Area of alley closure property:
(200 West) alley, appx. 3,964 sq. ft. (0.09 acres)

COUNCIL DISTRICT: District 5, Jill Remington Love

COMMUNITY COUNCIL: People's Freeway

SURROUNDING ZONING DISTRICTS:

North -	CG (General Commercial)
South -	CG
East -	CG, R-MU (Residential/ Mixed Use)
West -	CG

SURROUNDING LAND USES:

North -	Industrial
South -	Industrial
West -	Commercial
East -	Light rail transit corridor

REQUESTED ACTION/PROJECT DESCRIPTION:

The applicant is requesting that Salt Lake City close portions of California Avenue (1335 South) and Washington Street (240 West) and the 200 West alley (see vicinity map above). The applicant is also requesting that the City declare the closed street portion surplus properties and allow the applicant to purchase them at fair market value; and be incorporated together with the surrounding area and developed as a Lowe's superstore complex. The proposed Lowe's site is generally located between 1300 and 1400 South and the UTA/Trax light rail line (200 West) and 300 West. The site is located in the CG "General Commercial" zoning district.

APPLICABLE LAND USE REGULATIONS:

This petition involves two separate processes: street closures and an alley closure. The applicable codes and regulations are listed below. The staff report will address the street closures first, then the alley closure next.

Salt Lake City Code:

Chapter 2.58 regulates the disposition of surplus City-owned real property.
Chapter 14.52 outlines a procedure for the disposition of City-owned alleys and establishes criteria for evaluating the public's interest in an alley.
Title 20, Subdivisions, regulates street closures.

Utah Code:

Section 10-8-8.1 regulates a request for action to vacate, narrow, or change name of street or alley.

Section 10-9-305 authorizes public uses to conform to a general plan.

Section 10-9-808 regulates the vacating or changing a subdivision plat.

MASTER PLAN SPECIFICATIONS:

This proposal is subject to two master plan documents: the 1974 *Central Community Development Plan*, and the 1992 *Salt Lake City Open Space Plan*.

The subject properties are located within District 14, Light Industrial, as delineated in the **1974 Central Community Development Plan**. According to that plan, "District 14 is proposed as a Limited Industrial District, since it is close to Downtown on the east and the residential areas in the west." The future land use is that designated by the adopted zoning map subsequent to the 1995 zoning ordinance update; the Central Community Zoning Map shows the subject property zoned CG (General Commercial). That district permits the proposed development uses.

The subject properties are adjacent to the Glendale/Liberty Trail Corridor, as delineated in the **1992 Open Space Plan**, Map 9. The Glendale/Liberty Corridor connects Liberty Park to the Jordan River at Glendale Park. The trail route envisioned utilizing a D&RGW [Denver and Rio Grande Western] railroad spur and sidewalk improvements through some residential neighborhoods. The railroad right-of-way passes under the I-15 freeway. However, the former New London spur of the D&RGW was abandoned and the right-of-way vacated and sold off to adjacent property owners south and west of the subject properties, essentially breaking this link in the proposed corridor.

SUBJECT PROPERTY HISTORY:

The properties abutting this alley are currently commercial and industrial land uses; this has been the case historically. Several of the businesses have relocated and the structures abandoned. Frank Granato's Importing Company (1391 South 300 West), located at the southwest corner of the proposed Lowe's development, will remain and has development and parking agreements with the applicant. The interior of the block is blighted and in poor condition. All the properties abutting the streets and alley are currently zoned CG—General Commercial.

ACCESS:

California Avenue is currently accessed from 300 West and the south entrance of the 200 West alley. Washington Street is currently accessed from California Avenue from the north and 1400 South from the south. The subject alley, located adjacent to the 200 West UTA/Trax light rail right-of-way, is accessed from 1300 South and California Avenue.

COMMENTS:

The following City agencies were contacted regarding the proposed streets and alley closures: City Surveyor, Engineering, Fire, Police, Property Management, Public Utilities, Transportation, Zoning Enforcement, and the People's Freeway Community

Council. All of these agencies responded with comments which are attached to this report. The following is a summary of the comments/concerns received:

- A. **City Surveyor:** The City Surveyor found all the areas that were still public have been addressed by this petition to vacate within the boundary of the proposed development.
- B. **Engineering:** Engineering has no objection to the proposed road closures.
- C. **Fire:** The Fire Department has met with Lowe's representatives regarding this project. The required Fire Department access, fire hydrant, and water supply issues around this new building have been resolved and await formal submittal and approval. The closures, as proposed, are necessary for this project to proceed and thus we have no objection.
- D. **Police:** The Police Department Community Action Team has no CPTED concerns based on the streets and alley closures.
- E. **Property Management:** Property Management has reviewed the referenced petition and has no objection to the closure of said alley and streets. In view of the commercial use of this area and in compliance with City Policy, it is our recommendation that the property be sold at fair market value. In this situation the property should be appraised for its assemblage value. It is the petitioner's responsibility to get and pay for the appraisal report. Please have them contact Property Management for a list of approved appraisers.
- F. **Public Utilities:** This department currently has public water, sewer, and storm drainage systems in the rights-of-way (ROW) requested for vacation. There are a number of users who are currently connected and using these facilities. If the ROW's are to be vacated before all the parcels are assembled into one parcel, and all of the businesses closed, we are obligated to continue to have services available. A way to handle this issue is for an easement, the width of the existing ROW, be granted in favor of SLC PU as the streets are vacated. This adds an additional step of later vacating the easements and an additional payment to SLC. Another approach is for Lowe's to purchase and assemble all of the parcels now and to request, in writing, that all of the services be discontinued and the mains abandoned. These services will need to be abandoned in accordance with PU standards and regulations. This approach satisfies SLC PU concerns making it possible for us to support the vacation without the need to retain easements. So, while PU is not objecting to the vacation of the ROW's, we cannot support the closure until the utility issues are addressed in a way that no business or property owner has the potential to be adversely effected now or in the future.
- G. **Transportation:** The Transportation Division review comments and recommendations are as follows:

- Due to the creation of a dead end roadway of 1400 South, Transportation requires the dedication and development of cul-de-sac turn around or a cross-easement in coordination with the past conceptual site plan to insure a complete vehicular circulation corridor for emergency vehicles and the general public.

- On 300 West, Transportation requires that the existing curb be relocated and additional right-of-way provided as needed for a dedicated right turn lane for north bound traffic. Parameters are subject to the traffic impact report. Also a review of the sidewalk and street lighting upgrades in conjunction with the existing power poles, etc. is required to verify any additional right-of-way requirement.

H. Zoning Enforcement: Zoning enforcement reviewed the streets and alley closure request and has no objection. (telephone message)

I. Community Council: The People's Freeway Community Council (PFCC) reviewed the alley and street closures and, in a letter of January 6, 2005, recommended approval with some considerations. The PFCC suggested Lowe's work with the police department to ensure security when properties are closed and during construction; suggested infrastructure improvements; and recommended recruiting local artists to paint a mural on the loading area facing TRAX to prevent graffiti. (See the PFCC letter in Attachment 3.)

In general, no comments were received in opposition to the streets or alley closures. Several requirements were received, as noted, which will be addressed through the conditions of approval. In addition, all property owners on the block, where the alley is located, were sent notice of the proposal.

ANALYSIS AND FINDINGS:

Analysis and findings relating to the street closures:

Lowe's Home Improvement Warehouse (H.I.W.) intends to redevelop a site that is generally bounded by 1300 South on the North, the UTA/Trax line on the east, 1400 South to the south, and 300 West on the west (see vicinity map on first page). The proposed street closures fall within these bounds. Public policy is upheld since there does not appear to be any significant benefit lost by the street closures considering the proposed redevelopment of the property. Based on the existing constraints of extending these streets and since the streets primarily serve the existing businesses that are along these two streets (which are proposed for removal with the redevelopment of the site), the street closures appear to be in accordance with public policy. Preserving the streets, given the proposed redevelopment, does not serve any public interest or safety requirement.

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: Closing the alley will not deny sole access or required off-street parking to any adjacent property. Access to adjacent property will still be available through 1300 South, 300 West, and 1400 South.

Finding: The proposed street closures comply with this policy.

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.

Discussion: Property Management recommends that the property be sold at fair market value.

Finding: Staff notes that the applicant has agreed to purchase the subject property 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 petitioner that the sale and/or closure of the street will accomplish the stated public policy reasons.

Discussion: The petitioner believes that closing the subject portions of California Avenue and Washington Street will facilitate the redevelopment of the surrounding property, which is currently under-utilized. The street closures will facilitate the redevelopment of these properties by combining them into one large parcel.

Finding: Staff finds the subject property site to be primarily abandoned structures and in a blighted condition.

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

Discussion: As previously noted in the section "Master Plan Specifications" above, disposition of the streets will not result in policies contrary to the City, including applicable master plans and other adopted statements of policy.

Finding: Staff finds that the proposed redevelopment of the area along with the preceding findings of fact is sufficient public policy to close the streets and declare them surplus to the City's needs.

Summary of Planning Staff Findings:

- A. The street closures and the proposed development are consistent with the applicable City Master Plans.
- B. All owners of property that abuts the proposed street closures have been notified about the streets closure petition.
- C. The proposed redevelopment would eliminate the abutting properties' need for the streets.
- D. The street closures will not have a negative effect on traffic circulation in the immediate area as proposed.
- E. As proposed, the street closures will not have a negative effect on the City's ability to deliver emergency services.

Analysis and findings relating to the alley closure:

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City-owned alleys. When evaluating requests to close public alleys, the City considers whether or not the continued use of the property as a public alley is in the City's best interest. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, the recommendation is forwarded to the City Council for consideration.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley property be declared surplus, the property should be disposed of according to Salt Lake City Code Section 2.58, City Owned Real Property. If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

The City Council has final decision-making authority with respect to alley closures. A positive recommendation from the Planning Commission should include an analysis of the following factors:

Section 14.52.02 of the Salt Lake City Code: Salt Lake City Council policy considerations for closure, vacation or abandonment of City-owned alleys.

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. **Lack of Use:** The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.

- B. Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- C. Urban Design:** The continuation of the alley does not serve as a positive urban design element.
- D. Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion: With regards to criterion A, as noted previously, this alley physically exists but the businesses that currently require access will be relocated prior to the redevelopment of this site. In terms of criterion B, the alley is unpaved, not maintained, and is in a blighted condition. As for criterion C, Staff questions the validity of the alley as a positive urban design element. The only real function of this alley is to provide access to businesses that are soon to be relocated.

Finding: Staff finds that the requested alley closure satisfies criterion B.

Section 14.52.030(B) of the Salt Lake City Code concerning the processing of petitions: Public Hearing and Recommendation from the Planning Commission.

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

- A. The City police department, fire department, transportation division, and all other relevant City departments and divisions have no objection to the proposed disposition of the property;**

Discussion: Staff requested comment from relevant City departments and/or divisions. These comments are attached to this report.

Finding: No City department/division contacted expressed any objection to the proposed alley closure.

- B. The petition meets at least one of the policy considerations stated above;**

Discussion: The alley is currently unpaved, not maintained, and is in a blighted condition.

Finding: Staff finds that the petition meets criterion B as required by Section 14.52.020 of the Code.

C. The petition must not deny sole access or required off-street parking to any adjacent property;

Discussion: Closing the alley will not deny sole access or required off-street parking to any adjacent property. Access to adjacent property is still available through 1300 South, 300 West, and 1400 South.

Finding: Staff finds that the petition does not deny sole access or required off-street parking to any adjacent property.

D. The petition will not result in any property being landlocked;

Discussion: The applicant is proposing to demolish all existing structures and consolidate the various properties into a single parcel.

Finding: Staff finds that the petition will not result in any property being landlocked.

E. The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;

Discussion: This criterion was previously noted in the section "Master Plan Specifications" above, relating to the Central Community Development Plan and the Open Space Master Plan.

Finding: The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City.

F. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;

Discussion: As required, the applicant obtained more than 80% of the signatures of adjacent property owners granting consent for the proposed alley closure. There are no existing garages accessed from the subject alley. Since the notification of this proposal, Staff has not received any applications for building permits.

Finding: Staff notes that, to date, no abutting property owner intends to build a garage requiring access from the alley property.

G. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it;

Discussion: This alley is a remnant of the right-of-way vacated adjacent to the light rail transit line along 200 West. Several commercial and industrial businesses required this access to their properties. The applicant has purchased these properties and the businesses will be relocated elsewhere, thus removing the need for access.

Finding: The applicant's request to close the entire alley is consistent with City policy.

H. The alley is not necessary for actual or potential rear access to residences or for accessory uses.

Discussion: There are no residential structures or accessory uses accessed by or abutting this alley.

Finding: Staff finds that no residential structures use this alley for any access.

Section 14.52.040(B) of the Salt Lake City Code: High Density Residential Properties and Other Nonresidential Properties.

If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

Discussion: The alley abuts properties which are zoned CG (General Commercial) and are non-residential uses.

Finding: The applicant is required to pay fair market value for the alley property.

RECOMMENDATION:

Based on the analysis and findings presented in this report, Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to approve Petition 400-04-49 to close and declare those portions of California Avenue and Washington Street and the alley property delineated herein no longer needed or available for use as public rights-of-way, declare them as surplus and sell the properties at fair market value to the applicant, Lowe's Home Improvement Warehouse (H.I.W.), as the abutting property owner.

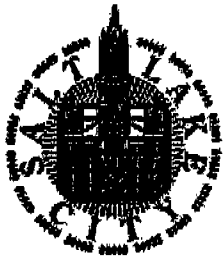
Planning Commission approval is subject to the following conditions:

- 1) That the existing public and private utility infrastructure be properly disconnected or removed from the street area, acceptable to the City's Public Utilities Department.
- 2) That the street closure ordinance be conditioned upon:
 - A) The successful acquisition of all the property necessary to implement the redevelopment activity as conceptually proposed, and
 - B) Payment to the City at fair market value of the street property, consistent with Salt Lake City Code 2.58, and
 - C) Certification by the City Chief Building Official that the redevelopment project has obtained all necessary City approvals so that the building permit for the redevelopment proposal is ready to be issued by the City.
- 3) That a traffic impact analysis be submitted to and approved by the City Transportation Director, relative to the adequacy of the proposed ingress and egress to the site of the redevelopment proposal including provisions to implement any recommended or required transportation improvements on abutting public streets.
- 4) That the applicant be required to file an application for a subdivision amendment to combine all lots into a single legal lot of record.

Attachments:

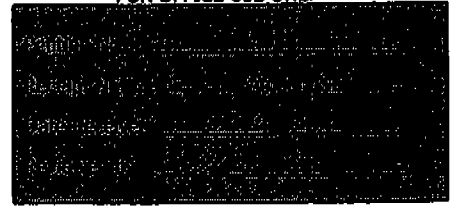
1. Application forms
2. Site Plan
3. Comments received from City Departments/Divisions and the People's Freeway Community Council.

ATTACHMENT 1
APPLICATION FORMS



Street Closure

FOR OFFICE USE ONLY



(300.00)
(55.87)

Date November 30, 2004

Location of the subject street Washington St. btwn California; 1400 S.; California Ave btwn 300 West and Utah/Trax

Name of Applicant LOWE'S H.T.W. (JIM MANION) Phone 760-804-5308

Address of Applicant 1530 FARADAY #140 CARLSBAD, CA 92008

E-mail address of Applicant jim.r.manion@lowes.com Cell/Fax 760-602-1018

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 Applicant
of authorized agent

Jim R Manion

Title of agent

Petition to Close a Street

Petitioner: LOWE'S H.I.W.

Address: 1530 FARADAY #140 CARLSBAD, CA 92008

Date: November 30, 2004

As an owner of property fronting the street, I support the proposed closure. I understand that I will be required to pay fair market value for my portion of the street, or allow another abutting property owner to purchase my portion.

LOWE'S H.I.W. (SIM MANION) James R Manion 11/30/04
Print Name and Address 1530 FARADAY #140 Signature Date
Carlsbad, CA 92008

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

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Print Name and Address Signature Date

Print Name and Address Signature Date



104 9th Ave. South, Suite C
Nampa ID, 83651
Ph: (208) 442-6300 • Fax: (208) 466-0944

To: Salt Lake City Council
c/o Salt Lake Planning Department
451 South State St., Room 406
Salt Lake City, UT 84111

Date: November 23, 2004

Re: **Street Closure Applications**
Portions of Washington and California

Dear Council:

On behalf of Lowe's H.I.W., we are requesting street closure approval for portions of Washington St. and California Ave. The proposed street closures are generally located southeast of 1300 South and 300 West St. More specifically, Washington St. is proposed to be closed from the north line of 1400 South St. to the south line of California Ave. Also, California Ave. is proposed to be closed from the east line of 300 West St. to the west line of 200 West St. A legal description fully describing the street closures is attached. Lowe's has contracts for the purchase of the properties that are adjacent to the street closure areas. Lowe's will finalize the purchases prior to the street closures being finalized.

Street Closure

Lowe's H.I.W. intends to redevelop a site that is generally bounded by 1300 South on the north, 1400 South on the south, 300 W. on the west and the UTA/Trax on the east. The proposed street closures fall within these bounds. Public policy is upheld since there does not appear to be any significant public benefit lost by the street closures considering the proposed redevelopment of the property. Washington Street only extends from 1400 South north to California Ave. within the site. Existing structures and developments to the south preclude the extension of Washington to the south. Further, existing developments also preclude the extension of Washington St. to the north. California Ave. extends from 300 West west to the UTA/Trax. Again, given existing development across 300 West to the west and the UTA/Trax on the east any extension of California is unlikely. Based on the existing constraints of extending these streets and since the streets primarily serve the existing businesses that are along these two streets (which are proposed for removal with the redevelopment of the site), the street closure appears to be in accordance with public policy. Preserving the streets, given the proposed redevelopment, doesn't appear to preserve or promote any public interest or safety requirement.

Roadway and Access Information

The proposed redevelopment of the site will provide for direct site access from 1300 South and 300 West. Lowe's understands that any street closure resolution adopted by the Salt Lake City Council would not be implemented until such time as Lowe's has ownership and control of all properties adjacent to these streets. Presently, Lowe's has contracts for the purchase of the properties.

Utility Information

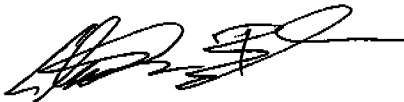
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Summary

Lowe's is requesting the approval of street closures for Washington Street and California Ave. as described on the attached legal description. The street closures are crucial for Lowe's proposed redevelopment of the site to occur. The street closures should not adversely affect public benefit or policy.

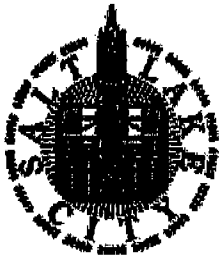
The street closure application and other supporting information is attached. If you have any questions or comments regarding this request, please contact me at (208) 442-6300.

Sincerely,



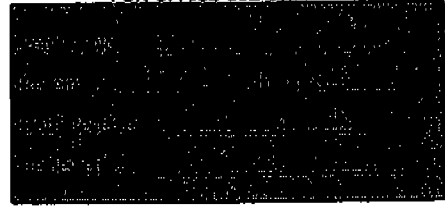
Clinton E. Boyle, AICP
Certified Land Use Planner

Cc: Jim Manion, Lowe's H.I.W.
Paul Harmon, Jones, Waldo, Holbrook & McDonough, PC



Alley Vacation or Closure

FOR OFFICE USE ONLY



(100.00)
(39.96)

Date November 30, 2004

Location of the subject alley Between 1300 South California Ave. west of and adjacent to Utah/Trax

Name of Applicant LOWE'S H.W. (JIM MANION) Phone 760-804-5308

Address of Applicant 1530 FARADAY #140 CARLSBAD, CA 92008

Email Address of Applicant jim.r.manion@lowes.com Cell (760) 760-602-1018

Are there any multi-family residential uses (three or more dwelling units) or non residential uses which abut the alley? Yes No

If yes, have the property owners been notified about the City's "close and sell" method of disposition"? (As defined in the attached process information sheet) Yes No

Please include with the application:

- ✓ 1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
- ✓ 2. A signed statement that the applicant has met with and explained the request to the appropriate Neighborhood Organization and/or Community Council(s). A letter from the Chairperson may be substituted.
- ✓ 3. The name, address and Sidwell number of all property owners on the block must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **Payment in the amount to cover first class postage for each address for two mailings is due at time of application.**
- 4. The name, address and signatures of all owners of property abutting the subject alley 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 (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.**
- 5. A property ownership map (known as a Sidwell map) showing the area of the subject alley. On the map, please:
 - a. Highlight the subject alley.
 - b. Indicate with a colored circle or dot the property owners who support the petition.
- 6. A legal description of the subject alley may be required.
- ✓ 7. **Filing fee of \$100.00, 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 Applicant
of authorized agent

James R. Manion

Title of agent

Please answer the following questions. Use an additional sheet if necessary.

Please explain why you are requesting this alley vacation or closure and include the expected end result of the action, such as the alley becoming a private right-of-way for continued use or being closed off. If the applicant is not a property owner adjacent to the alley, please include the applicant's interest in the petition.

See NARRATIVE ATTACHED

Please explain how the proposed petition satisfies at least one of the following City policy considerations:

- A. **Lack of Use.** The City's legal interest in the property appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist or is unusable as a public right-of-way;
- B. **Public Safety.** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
- C. **Urban Design.** The continuation of the alley does not serve as a positive urban design element; or
- D. **Community Purpose.** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

SEE NARRATIVE ATTACHED



104 9th Ave. South, Suite C
Nampa ID, 83651
Ph: (208) 442-6300 • Fax: (208) 466-0944

To: Salt Lake City Council
c/o Salt Lake Planning Department
451 South State St., Room 406
Salt Lake City, UT 84111

Date: November 23, 2004

Re: **Alley Closure Application**
Alley located between 1300 S. & California Ave. adjacent and west of the UTA/Trax

Dear Council:

On behalf of Lowe's H.I.W., we are requesting alley closure approval for an existing alley generally located between 1300 S. and California Ave. adjacent to and west of the UTA/Trax. A legal description fully describing the alley closure is attached. Lowe's has contracts for the purchase of the properties that are adjacent and west of the alley closure area. Lowe's will finalize the purchases prior to the alley closure being finalized.

Alley Closure

Lowe's H.I.W. intends to redevelop a site that is generally bounded by 1300 South on the north, 1400 South on the south, 300 W. on the west and the UTA/Trax on the east. The alley closure, as proposed, falls within these bounds. Public policy is upheld since there does not appear to be any significant public benefit lost by the alley closures considering the proposed redevelopment of the property. The alley extends north from California Ave. which is also proposed to be closed through a concurrent street closure application. The alley primarily serves the existing businesses that are adjacent to the alley (which businesses are proposed for removal with the redevelopment of the site). Therefore, the alley closure appears to be in accordance with public policy. Preserving the alley, given the proposed redevelopment, doesn't appear to preserve or promote any public interest or safety requirement.

Roadway and Access Information

The proposed redevelopment of the site will provide for direct site access from 1300 South and 300 West. Lowe's understands that any alley closure resolution adopted by the Salt Lake City Council would not be implemented until such time as Lowe's has ownership and control of all properties

adjacent to and west of this alley. Presently, Lowe's has contracts for the purchase of the properties.

Utility Information

Utilities are located within the alley right-of-way area. The utilities are proposed to be abandoned or relocated with the redevelopment of the site. Appropriate easements will be dedicated for any relocated facilities. The existing water main line in the alley only serves the properties within the site. The water main line extends from 1300 South (in the alley) to California Ave. and then west to 300 West. The abandonment of the water main line with the redevelopment of the site should not adversely impact public policy.

Summary

Lowe's is requesting the approval of an alley closure as described on the attached legal description. The alley closure is crucial for Lowe's proposed redevelopment of the site to occur. The alley closure should not adversely affect public benefit or policy.

The alley closure application and other supporting information is attached. If you have any questions or comments regarding this request, please contact me at (208) 442-6300.

Sincerely,



Clinton E. Boyle, AICP
Certified Land Use Planner

Cc: Jim Manion, Lowe's H.I.W.
Paul Harmon, Jones, Waldo, Holbrook & McDonough, PC



Salt Lake City Corporation
 CED Planning Division
 451 South State Rm 406
 Salt Lake City UT 84111
 801-535-7757

OPEN
 Invoice#: 062005145
 Date: 12/1/2004

Received From:

Landmark Engineering & Planning, Inc.
 104 9th Avenue South, Suite #C
 Nampa, Id 83651
 208-442-6300

Prepared by:

Diana Hansen

Description	No	C. Center	Object	Project	Activity	Amount
Alley Vacation & Closure between 1300 South and California Avenue, west of and adjacent to UTA/Trax. Ck. #2078	1	0600100	125111	-	-	\$400.00
Postage	2	0600900	1890	-	-	\$95.83

TOTAL AMOUNT \$495.83
PAYMENT TYPE CHECK

Payment break-out

Alley

\$100.00 fee

+ 39.96 postage

\$139.96

Streets

\$300.00 fee

+ 55.87 postage

\$355.87

+ 139.96

\$495.83

ATTACHMENT 2
SITE PLAN

ATTACHMENT 3
COMMENTS RECEIVED FROM CITY DEPARTMENTS/DIVISIONS
AND THE PEOPLE'S FREEWAY COMMUNITY COUNCIL

Olsen, Neil

From: Curt, Lynn
Sent: Friday, March 18, 2005 10:28 AM
To: Olsen, Neil
Subject: 400-04-49

Neil

Regarding the petition to vacate some public right of ways in the outlined area for the Lowe's development.

We found all the areas that were still public have been addressed by this petition to vacate within the boundary of the proposed development.

Will there be a subdivision plat required to be submitted for this?

Lynn

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES

ROSS C. ANDERSON
MAYOR

TO: NEIL OLSEN, PRINCIPAL PLANNER

FROM: SCOTT WEILER, P.E., ENGINEERING *SAW*

DATE: MARCH 11, 2005

SUBJECT: **Petition #400-04-49 to close:**
California Ave. between 200 & 300 West
Washington St. between California Ave. & 1400 South
Alley between California Ave. & 1300 South

City Engineering review comments are as follows:

1. Engineering has no objection to the proposed road closures.
2. If a preliminary site plan for the Lowe's site is available, we would appreciate a copy.

cc: Rick Johnston, Engineering
Craig Smith, SLC Engineering
Brad Stewart, SLC Public Utilities
Barry Walsh, SLC Transportation
Vault

Olsen, Neil

From: Leydsman, Wayne
Sent: Tuesday, March 22, 2005 8:51 PM
To: Olsen, Neil
Subject: Petition #400-04-49 Lowes Project
Categories: Confidential

We have met with the Lowes representative regarding this project. The required fire department access, fire hydrant and water supply issues around this new building have been resolved and await formal submittal and approval. The closures as proposed, appear necessary for this project to proceed and thus we have no objection.

Wayne Leydsman
Assistant Plans Examiner, SLCFD

Olsen, Neil

From: Smith, JR
Sent: Wednesday, April 06, 2005 3:00 PM
To: Olsen, Neil
Subject: Petition # 400-04-49

Neil,

After reviewing plans and visiting the location I do not have any CPTED concerns based on the request to close the alley adjacent to UTA/TRAX right of way or the Washington and California street closures.

My only question would be how this, if at all, would affect the alley business access by Computer Associates on 1300 South at TRAX.

J.R. Smith
SLCPD
Community Action Team

2005 MAR 11 PM 4:31

INTEROFFICE MEMORANDUM
Property Management
Room 225

11 March 2005

TO: Neil Olsen
Planning

FROM: Linda Cordova
Property Manager

REF: Petition 400-04-49, Alley and Street Closure – Lowe's Development

- 1) Alley closure between 1300 South & California Ave adjacent & west of UTA/Trax right-of-way
- 2) Street closure for Washington Street between California Ave and 1400 South Street
- 3) Street closure of California Ave between 300 West and the UTA/Trax right-of-way

Property Management has reviewed the referenced petition and has no objection to the closure of said alley and streets. In view of the commercial use of this area and in compliance with City Policy, it is my recommendation that the property be sold at fair market value. In this situation the property should be appraised for its assemblage value. It is the petitioner's responsibility to get and pay for the appraisal report. Please have them contact Property Management for a list of approved appraisers.

Thank you.

Olsen, Neil

From: Stewart, Brad
Sent: Thursday, March 10, 2005 2:35 PM
To: Olsen, Neil
Cc: Garcia, Peggy; Greenleaf, Karryn
Subject: Petition 400-04-49, closure of portions of California Ave, Washington Street and alley to accommodate new Lowe's
Categories: Program/Policy

Neil,

Please accept this E-mail as Salt Lake City Public Utilities Department's response to the above-mentioned petition.

This department currently has public water, sewer, and storm drainage systems in the ROW's requested for vacation. There are a number of users who are currently connected and using these facilities.

If the ROW's are to be vacated before all the parcels are assembled into one parcel, and all of the businesses closed, we are obligated to continue to have services available. A way to handle this issue is for an easement, the width of the existing ROW, be granted in favor of SLC PU as the streets are vacated. This adds an additional step of later vacating the easements and an additional payment to SLC.

Another approach is for Lowe's to purchase and assemble all of the parcels now and to request, in writing, that all of the services be discontinued and the mains abandoned. These services will need to be abandoned in accordance with PU standards and regulations. This approach satisfies SLC PU concerns making it possible for us to support the vacation without the need to retain easements.

So, while PU is not objecting to the vacation of the ROW's, we cannot support the closure until the utility issues are addressed in a way that no business or property owner has the potential to be adversely effected now or in the future.

Brad Stewart
483-6733

Olsen, Neil

From: Walsh, Barry
Sent: Tuesday, March 15, 2005 1:34 PM
To: Olsen, Neil
Cc: Young, Kevin; Smith, Craig; Weiler, Scott; Curt, Lynn; Larson, Bradley; Stewart, Brad; Cordova, Linda
Subject: Pet 400-04-49
Categories: Program/Policy

March 15, 2005

Neil Olsen, Planning

Re: Petition #400-04-49 to close; California Ave. between 200 & 300 West, Washington St. between California Ave. & 1400 South, and Alley between California Ave. & 1300 South

The Transportation Division review comments and recommendations are as follows:

Due to the creation of a dead end roadway of 1400 south we require the dedication and development of a cul de sac turn around or a cross easement in coordination with the past conceptual site plan to insure a complete vehicular circulation corridor for emergence vehicles and the general public.

On 300^{West} South we require that the existing curb be relocated and additional right of way provided as needed for a dedicated right turn lane for north bound traffic. Parameters are subject to the traffic impact report. Also a review of the sidewalk and street lighting upgrades in conjunction with the existing power poles etc. is required to verify any additional right of way requirement.

The full public way frontage of 1300 South, 300 West and 1400 South is required to be evaluated for infra structure upgrade to include the north side of 1400 South to 300 West.

Sincerely,

Barry Walsh.

cc: Kevin Young, P.E.
Scott Weiler, P.E.
Craig Smith, Engineering
Lynn Curt, Engineering Survey
Brad Larson, Fire
Brad Stewart, Public Utilities
Linda Cordova, Property Management
File

3/15/2005

January 6, 2005
P.O. Box 58553
Salt Lake City, UT 84158

Clinton E. Boyle, AICP
Landmark Engineering and Planning, Inc.
104 9th Ave. South, Suite C
Nampa, ID 83651

Dear Clinton:

The People's Freeway Community Council approves the closures of California Avenue and Washington Street for the construction of a new Lowe's at 1300 South and 300 West in Salt Lake City, Utah, with the following considerations:

- Lowe's should work in conjunction with the police department to do a crime prevention assessment and environmental design to ensure security while the properties are closed, and also while construction is in progress;
- There should be sufficient space for turning left or right onto 1300 South from Lowe's;
- The curb and gutter, as well as the sidewalk, should be upgraded;
- There should be a nice frontal view of the store;
- Additional handicapped parking is requested on either side of the entrances;
- Sidewalks must be kept clear and clean;
- The PFCC strongly recommends recruiting local artists to paint a mural on the back of the building which faces TRAX to prevent the proliferation of graffiti.

We believe that the construction of Lowe's in this area can strongly benefit our community if we work together in ensuring safety and social issues. We are available at any time to answer additional questions or concerns regarding construction or operation of Lowe's. Please feel free to contact myself, Sara Hsu-Moore, at (801) 755-0725, or at sara_hsu@yahoo.com, or Bill Plastow, at (801) 467-1514, if you need additional information.

Thank you very much.

Best regards,

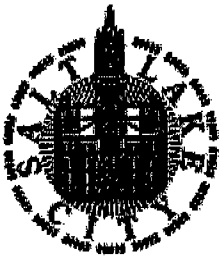


Sara Hsu-Moore
First Chair, Zoning and Community Development
People's Freeway Community Council

cc: Thomas Cook, Commerce CRG
Bill Plastow, People's Freeway Community Council

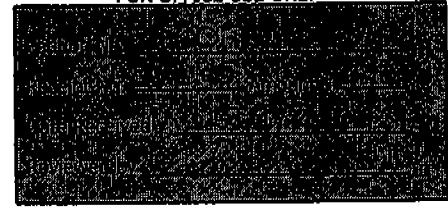
5. PLANNING COMMISSION
c) Minutes/Additional Information
April 13, 2005

6. ORIGINAL PETITION



Street Closure

FOR OFFICE USE ONLY



(300.00)
(55.87)

Date November 30, 2004

Location of the subject street Washington St. btwn California; 1400 S.; California Ave btwn 300 West and Utah/Trax

Name of Applicant LOWE'S H.I.W. (SIM MANION) Phone 760-804-5308

Address of Applicant 1530 FARADAY #140 CARLSBAD, CA 92008

E-mail address of Applicant jim.c.manion@lowes.com Cell/Fax 760-602-1018

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.

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

Signature of Applicant
of authorized agent

James R. Manion

Title of agent

Petition to Close a Street

Petitioner: LOWE'S H.I.W.

Address: 1530 FARADAY #140 CARLSBAD, CA 92008

Date: November 30, 2004

As an owner of property fronting the street, I support the proposed closure. I understand that I will be required to pay fair market value for my portion of the street, or allow another abutting property owner to purchase my portion.

LOWE'S H.I.W. (SIM MANION) James R Manion 11/30/04
Print Name and Address 1530 FARADAY #140 Signature Date
Carlsbad, CA 92008

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

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To: Salt Lake City Council
c/o Salt Lake Planning Department
451 South State St., Room 406
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Date: November 23, 2004

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Portions of Washington and California

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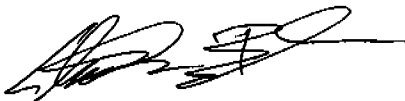
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Summary

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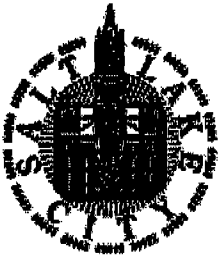
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Sincerely,



Clinton E. Boyle, AICP
Certified Land Use Planner

Cc: Jim Manion, Lowe's H.I.W.
Paul Harmon, Jones, Waldo, Holbrook & McDonough, PC



FOR OFFICE USE ONLY

Alley Vacation or Closure



(100.00)
(39.96)

Date November 30, 2004

Location of the subject alley Between 1300 South & California Ave. west of and adjacent to Uta/Trax

Name of Applicant LOWE'S H.W. (JIM MANION) Phone 760-804-5308

Address of Applicant 1530 FARADAY #140 CARLSBAD, CA 92008

Email Address of Applicant jim.r.manion@lowes.com Cell (Fax) 760-602-1018

Are there any multi-family residential uses (three or more dwelling units) or non residential uses which abut the alley? Yes No

If yes, have the property owners been notified about the City's "close and sell" method of disposition"? (As defined in the attached process information sheet) Yes No

Please include with the application:

- ✓ 1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
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 451 South State Street, Room 406
 Salt Lake City, UT 84111
 Telephone: (801) 535-7757

Signature of Applicant
or authorized agent

James P. Manion

Title of agent

Petition to Vacate or Close an Alley

Petitioner: LOWE'S H.I.W.

Address: 1530 FARADAY #140 CARLSBAD, CA 92008

Date: November 30, 2004

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Lowes H.I.W. (Jim Manion) James Manion 11/30/04
Print Name and Address Signature Date
1530 Faraday #140
Carlsbad, CA 92008

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

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Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date



104 9th Ave. South, Suite C
Nampa ID, 83651
Ph: (208) 442-6300 • Fax: (208) 466-0944

To: Salt Lake City Council
c/o Salt Lake Planning Department
451 South State St., Room 406
Salt Lake City, UT 84111

Date: November 23, 2004

Re: **Alley Closure Application**
Alley located between 1300 S. & California Ave. adjacent and west of the UTA/Trax

Dear Council:

On behalf of Lowe's H.I.W., we are requesting alley closure approval for an existing alley generally located between 1300 S. and California Ave. adjacent to and west of the UTA/Trax. A legal description fully describing the alley closure is attached. Lowe's has contracts for the purchase of the properties that are adjacent and west of the alley closure area. Lowe's will finalize the purchases prior to the alley closure being finalized.

Alley Closure

Lowe's H.I.W. intends to redevelop a site that is generally bounded by 1300 South on the north, 1400 South on the south, 300 W. on the west and the UTA/Trax on the east. The alley closure, as proposed, falls within these bounds. Public policy is upheld since there does not appear to be any significant public benefit lost by the alley closures considering the proposed redevelopment of the property. The alley extends north from California Ave. which is also proposed to be closed through a concurrent street closure application. The alley primarily serves the existing businesses that are adjacent to the alley (which businesses are proposed for removal with the redevelopment of the site). Therefore, the alley closure appears to be in accordance with public policy. Preserving the alley, given the proposed redevelopment, doesn't appear to preserve or promote any public interest or safety requirement.

Roadway and Access Information

The proposed redevelopment of the site will provide for direct site access from 1300 South and 300 West. Lowe's understands that any alley closure resolution adopted by the Salt Lake City Council would not be implemented until such time as Lowe's has ownership and control of all properties

adjacent to and west of this alley. Presently, Lowe's has contracts for the purchase of the properties.

Utility Information

Utilities are located within the alley right-of-way area. The utilities are proposed to be abandoned or relocated with the redevelopment of the site. Appropriate easements will be dedicated for any relocated facilities. The existing water main line in the alley only serves the properties within the site. The water main line extends from 1300 South (in the alley) to California Ave. and then west to 300 West. The abandonment of the water main line with the redevelopment of the site should not adversely impact public policy.

Summary

Lowe's is requesting the approval of an alley closure as described on the attached legal description. The alley closure is crucial for Lowe's proposed redevelopment of the site to occur. The alley closure should not adversely affect public benefit or policy.

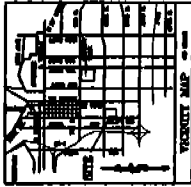
The alley closure application and other supporting information is attached. If you have any questions or comments regarding this request, please contact me at (208) 442-6300.

Sincerely,



Clinton E. Boyle, AICP
Certified Land Use Planner

Cc: Jim Manion, Lowe's H.I.W.
Paul Harmon, Jones, Waldo, Holbrook & McDonough, PC



THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALTA/ACSM SURVEYING STANDARDS AND PRACTICES. THE SURVEYOR HAS TAKEN ALL REASONABLE PRECAUTIONS TO ENSURE THE ACCURACY OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF THIS SURVEY.

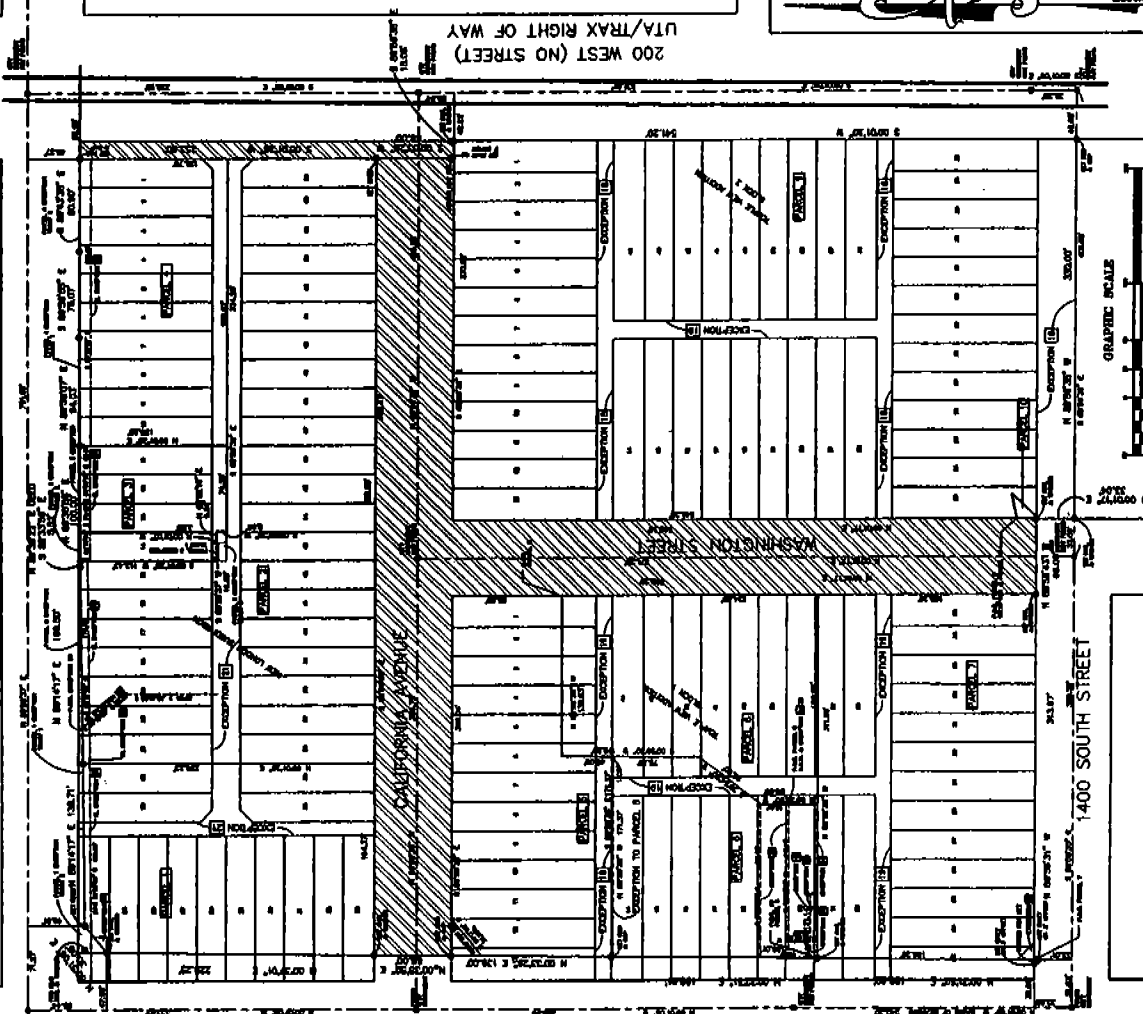
200 WEST (NO STREET)
UTA/TRAX RIGHT OF WAY

1300 SOUTH STREET

300 WEST STREET

1400 SOUTH STREET

GRAPHIC SCALE
1" = 100'



PETITION NO. 400-04-49

2004 DEC 7 PM 3:32

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>11/30/04</u>	<u>NOH</u>	Petition delivered to Planning
<u>12/07/04</u>	<u>YHO</u>	Petition assigned to: <u>Neil Olsen</u>
<u>4/13/05</u>	<u>YHO</u>	Planning Staff or Planning Commission Action Date
_____	_____	Return Original Letter and Yellow Petition Cover
_____	_____	Chronology
_____	_____	Property Description (marked with a post it note)
_____	_____	Affected Sidwell Numbers Included
<u>3/28/05</u>	<u>YHO</u>	Mailing List for Petition, include appropriate Community Councils
<u>3/29/05</u>	<u>YHO</u>	Mailing Postmark Date Verification
_____	_____	Planning Commission Minutes
<u>4/8/05</u>	<u>YHO</u>	Planning Staff Report
_____	_____	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>4/13/05</u>	<u>YHO</u>	Ordinance Prepared by the Attorney's Office
_____	_____	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Kevin LoPiccolo</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action <u>April 19, 2005</u>
_____	_____	Petition filed with City Recorder's Office

Petition No. 400-04-49

By Lowe's H.I.W. (Jim Manion)

Is requesting an Alley Vacation or Closure between 1300 South and California Avenue; West of and adjacent to UTA/Trax.

Also requested a Street Closure at Washington Street, between California Avenue and 1400 South; California Avenue between 300 West and UTA/Trax.

Date Filed _____

Address _____

