

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 15, 2005

SUBJECT: Petition No. 400-05-01 – A request by Richard Lether requesting the closure of a portion of Navajo Street (1335 West) at approximately 83 South (between approximately 100 South and the Union Pacific railroad right-of-way) to declare the streets as surplus property.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 2

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Joel Patterson, Planning Programs Supervisor

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 portion of Navajo Street (1335 West) at approximately 83 South (between approximately 100 South and the Union Pacific railroad right-of-way).
 2. **["I move that the Council"]** Not adopt ordinance closing and abandoning a portion of Navajo Street (1335 West) at approximately 83 South (between approximately 100 South and the Union Pacific railroad right-of-way).
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The following information was provided previously as an update for the Council Work Session on October 6, 2005. It is provided again for your reference.

KEY ELEMENTS:

- A. Key points in the Administration's transmittal are the following:
1. The petitioner is requesting that Salt Lake City close a portion of Navajo Street (1335 West at approximately 83 South) and declare the street portion surplus property, to allow the petitioner to purchase it at fair market value. The petitioner would incorporate it into his adjacent property located in the M-1 (Light Manufacturing) zoning district.
 2. The portion of Navajo Street is a dead-end street that ends at the Union Pacific rail corridor and is not used as access to any other properties (**see attached pictures**).

- i. The Transportation Master Plan identifies Navajo Street as a local street but does not anticipate the need to extend the street beyond its current terminus on the south side of the Union Pacific rail line.
 3. The Planning staff report notes the following:
 - i. Closing the subject portion of Navajo Street would not deny access to any adjacent property.
 - ii. The applicant is willing to purchase the property at fair market value.
 - iii. The existence of this unimproved street right-of-way is substantially contributing to crime, unlawful activity, and public health problems in the surrounding area.
 - iv. The applicant is willing to purchase the property and fence in and secure the property, generally improving public safety in the area.
 - v. The applicant has made previous efforts to control crime in this area (cleaning weeds on the street, installing lighting and security cameras) that have not succeeded.
 - vi. Closure of this section of Navajo Street will allow for greater control of access to this area.
- B. The petitioner's property is zoned M-1 (Light Manufacturing). The properties immediately to the North, South, and West of the petitioner's property are zoned M-1 (Light Manufacturing). The property immediately to the East is zoned BP (Business Park). The surrounding land uses in all directions are industrial. Utah Power is located to the North and Questar Gas is located to the East.
- C. All necessary City departments and divisions reviewed the proposal and recommended approval of the street closure subject to City standards and specific requirements. The Engineering, Police, and Public Utilities departments had no further comments beyond the recommended approval.
 1. The Fire Department has no objections to the subject street closure, providing that the applicant construct an approved turn-around at what will be the terminus of the street.
 2. Property Management recommends that the property be sold at fair market value. It is the responsibility of the applicant to secure an appraisal report for the land from a list of City-approved appraisers.
 3. The Transportation Division has no objection to the proposed street closure, but does recommend as a condition that a Fire Department-approved turn-around be installed. Because this street currently provides access to the Union Pacific rail corridor, Transportation recommends that an easement be recorded to allow Union Pacific access to the rail corridor.
 4. The Development Review Team reviewed the petition on March 2, 2005 and had no objection to the request, subject to the construction of an appropriate turn-around.
- D. The Poplar Grove Community Council discussed the petition on March 23, 2005 and voted to support the project. No concerns were raised.
- E. On July 13, 2005, the Planning Commission voted to recommend approval of the proposed street closure, and the subject property be declared surplus 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 Dept.

2. That the street closure ordinance be conditioned upon payment to the City of fair market value of the street property consistent with the Salt Lake City Code 2.58; and,
 3. That the end of Navajo Street be reconfigured to create a turn-around acceptable to the Salt Lake City Fire Department and the Transportation Division.
- F. An ordinance has been 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.
- G. 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:

1. 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. In this case, though, the Community Council did review the issue. (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:
 - a. Shift the focus to consideration of a proposed request with demonstrated public benefit rather than supporting closure/vacation whenever possible.
 - b. 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.
 - c. 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 West Salt Lake Master Plan (1995) identifies the subject property for industrial type land uses. The plan states that the subject property is in a neighborhood that is "...characterized by scattered industrial uses, corridors of power transmission lines, railroad tracks, and roads. The present pattern of land utilization, as it has been developed, is not well organized and poorly interrelated."
- C. The Salt Lake City Transportation Master Plan identifies Navajo Street as a local street. However, the Transportation Division has indicated that due to the continued presence of the Union Pacific rail line, as well as the development pattern in the area to the north, extension of the street past its current terminus is unlikely.
- D. The purpose of the Light Manufacturing District (M-1) is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.
- E. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. is aesthetically pleasing;
 2. contributes to a livable community environment;
 3. yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

BUDGET RELATED FACTS:

- A. The Administration's transmittal notes that the applicant has stated an intent to purchase the property at fair market value in order to secure the property. It is the responsibility of the applicant to obtain an appraisal report.
1. The recommendation from the Development Review Team, along with other City departments, is that the applicant construct an appropriate turn-around at the new terminus of Navajo Street. This condition is included in the prepared ordinance. The City Recorder is directed to not publish or record the ordinance until all conditions identified are met and certified by the appropriate City Divisions.

CHRONOLOGY:

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

- | | |
|---------------------|-------------------------------|
| • February 22, 2005 | Petition assigned to Planning |
| • July 13, 2005 | Planning Commission Hearing |

- September 20, 2005

Transmittal received from Administration

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Chief Dinse, Chief Querry, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Joel Patterson, Barry Esham, Marge Harvey, Janice Jardine

File Location: Community and Economic Development Dept., Planning Division, Street Closures, Richard Lether, Navajo Street (1335 West approximately 83 South)

Navajo Street – view looking north



Navajo Street – current dead end



Navajo Street – view of property to be closed



Navajo Street – view of property to be closed
(looking west)


A. LOUIS ZUNGUZE
DIRECTOR

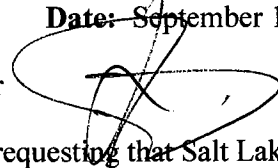
BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **Date:** ~~September~~ 14, 2005

FROM: Louis Zunguze, Community Development Director 

RE: Petition 400-05-01: A Petition by Richard Lether requesting that Salt Lake City close a portion of Navajo Street (1335 West) at approximately 83 South

STAFF CONTACTS: Joel Paterson, Planning Programs Supervisor, 535-6141, joel.paterson@slcgov.com

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Positive from sale of property at fair market value

DISCUSSION: Mr. Richard Lether is requesting that Salt Lake City close a portion of Navajo Street (1335 West) at approximately 83 South to allow him to purchase the property at fair-market value. Approval of this petition will allow the petitioner to combine the closed portion of the street right-of-way with his adjoining property.

The applicant's property at 83 South Navajo is located at the northern terminus of Navajo Street. Mr. Lether's property has been repeatedly vandalized, and the unimproved public right-of-way on the west side of Navajo Street is frequently used as a dumping area for trash and contributes to crime, unlawful activity, and public health problems. The proposed street closure will allow the applicant to fence the property and control access to this area.

ISSUE ORIGIN: The applicant has worked with the Union Pacific Railroad, Board of Health, and the Salt Lake City Police Department and Property Management Division to remedy the problems. Prior to submitting this petition, the applicant attempted to protect his property by installing additional lighting, posting signs, and installing security cameras. The applicant continues to maintain the public right-of-way by controlling weeds and removing trash. Even with these efforts, the applicant has not been able to stop the illegal behavior that takes place in this area.

PUBLIC PROCESS: The requested street closure was reviewed by the Poplar Grove Community Council on March 23, 2005. The Community Council submitted a letter of support for the street closure on March 31, 2005.

During the public hearing on July 13, 2005, no opposition to the proposed street closure was heard by the Planning Commission. After closing the public hearing, the Commission voted

to forward to the City Council a positive recommendation to close a portion of Navajo Street. The Planning Commission also declared the subject property surplus for the purpose of selling the land to the petitioner at fair-market value.

CITY COUNCIL POLICY AND MASTER PLAN CONSIDERATIONS: The adopted land use policy document that guides development in the area surrounding the proposed street closure is the **West Salt Lake Master Plan** that was adopted in 1995. The **Transportation Master Plan** provides guidance on the development and maintenance of the City's transportation system. A description of the pertinent information in both plans is provided below.

West Salt Lake Master Plan: The subject property is located within the West Salt Lake Master Plan area. This plan identifies the subject property as being industrial. The plan states:

The neighborhood is characterized by scattered industrial uses, corridors of power transmission lines, railroad tracks, and roads. The present pattern of land utilization, as it has been developed, is not well organized and poorly interrelated.

The proposed street closure is located in this area of scattered development. The subject section of Navajo Street is a dead-end street that ends at the Union Pacific rail corridor. The street is currently developed without a dedicated turn around or other street improvements such as curb, gutter, and sidewalk and is not required to provide required access to any other properties.

The subject property is not necessary to the City as a public right-of-way. This position is supported by the Major Street Plan and departmental comments. Approval of the street closure will be conditioned upon the provision of an appropriate turn around at the proposed terminus of the street.

Salt Lake City Transportation Master Plan: The Transportation Master Plan's Major Street Plan identifies Navajo Street as a local street, and the Plan does not anticipate the need to extend Navajo Street beyond its current terminus on the south side of the Union Pacific rail line. Because of the rail corridor and the development pattern to the north, extension of Navajo is not likely to occur.

The City Council adopted the following policy considerations to guide the decision making process for requests to close and vacate City-owned street rights-of-way:

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

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

The Planning Commission staff report includes discussion and findings for each of these policies (see Exhibit 5b).

RELEVANT ORDINANCES:

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

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

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Exhibit 1
CHRONOLOGY

CHRONOLOGY

**PETITION 400-05-01
By Richard Lether**

February 9, 2005	Petition Submitted to Salt Lake City Planning Division.
February 22, 2005	Petition assigned to Joel Paterson.
March 2, 2005	Proposed street closure reviewed by the Development Review Team.
March 23, 2005	Proposed street closure reviewed by the Poplar Grove Community Council.
June 28, 2005	Notice of the Planning Commission public hearing mailed.
June 30, 2005	Property posted with notice of Planning Commission public hearing.
July 13, 2005	Planning Commission Public hearing.

Exhibit 2
PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Closing and abandoning of a portion of Navajo Street (1335 West) at approximately 83 South)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF NAVAJO STREET (1335 WEST) AT APPROXIMATELY 83 SOUTH, PURSUANT TO PETITION NO. 400-05-01.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that the City's interest in the portion of the street described below is not necessary for use by the public as a street and that closure and abandonment of this portion of the street 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 Navajo Street (1335 West) at approximately 83 South, which is the subject of Petition of No. 400-05-01, and which is more particularly described on Exhibit A" attached hereto, be, and the same hereby is, closed and abandoned and declared no longer needed or available for use as a street.

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

SECTION 3. Conditions. This street closure and abandonment is conditioned upon the following:

A. Payment, by petitioner, to the City, of fair market value of that portion of the street, or its equivalent, and title to the street 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; and

B. The existing public and private utility infrastructure must be properly disconnected or removed from the street area in a manner acceptable to the City's Public Utilities Department; and

C. The end of Navajo Street (1335 West) must be reconfigured to create a turnaround acceptable to the Salt Lake City Fire Department and Transportation Division.

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 conditions identified above has been met, as certified by the Salt Lake City Property Manager, Public Utilities Department, and Transportation Division.

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

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

I:\Ordinance 05\Closing a Portion of Navajo Street (1335 West) at 83 South - 09-09-05 clean.doc

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date September 12, 2005
By Melanie King
Planning OK
MP
9/12/05

EXHIBIT A

BOUNDARY DESCRIPTION

Beginning at a point North 0°03'34" West 1534.93 feet and North 89°58'19" East 30.70 feet from the City Monument in the Intersection of Navajo Street and 300 South Street, and running thence South 89°58'19" West 20.70 feet; thence North 0°03'34" West 70.00 feet thence South 89°58'19" West 20.00 feet; thence South 0°03'34" East 21.79 feet to a point of a 28.00 foot radius tangent curve to the right; thence Southwesterly along the arc of said curve 44.00 feet and through a central angle of 90°01'53"; thence South 89°58'19" West 21.98 feet; thence South 0°03'34" East 20.00 feet; thence South 89°58'19" West 186.76 feet to a point on a 2831.79 foot radius curve to the right, the center of said curve bears South 25°40'33" East; thence Northeasterly along the arc of said curve 299.56 feet, and through a central angle of 6°03'40"; thence South 00°3'34" East 115.34 feet to the point of beginning.

Contains 14,147 square feet or 0.32 acres

Subject to an access easement in favor of Union Pacific Railroad Company, being further described as follows:

Beginning North 0°03'34" West 1604.93 feet from the City Monument in the Intersection of Navajo Street and 300 South Street, and running thence South 89°58'19" West 10.00 feet; thence North 0°03'34" West 30.51 feet to a point on a 2831.79 foot radius curve to the right, the center of said curve bears South 20°29'27" East; thence Northeasterly along the arc of said curve 21.31 feet and through a central angle of 0°25'52"; thence South 0°03'34" East 37.89 feet; thence South 89°58'19" West 10.00 feet to the point of beginning.

Exhibit 3

**CITY COUNCIL
HEARING NOTICE**

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance to close a portion of Navajo Street at approximately 83 South. The purpose of the proposed street closure is to allow the owner of the abutting property at 83 South Navajo Street to purchase the property from the City at fair-market value.

The City Council will hold a public hearing:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

Please enter the building from the east side

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Joel Paterson at 535-6141 between the hours of 8:00 a.m. and 5:00 p.m., or send e-mail to joel.paterson@slcgov.com

We comply with all ADA guidelines. Accessible parking and entrance are located on the east side of the building. Hearing impaired who wish to attend the above meeting should contact Salt Lake City's TDD service number at 535-6021, a minimum of four days in advance so that an interpreter can be provided.

Exhibit 4

MAILING LABELS

QUESTAR GAS COMPANY
Sidwell No. 1502129004
PO BOX 45360
SALT LAKE CITY UT 84145

UTAH POWER & LIGHT CO
Sidwell No. 1503227028
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Joel Paterson
2450 E. Lambourne Ave
SLC, UT 84109

KILCREASE, BRYAN W; TC ET
Sidwell No. 1503233006
122 S NAVAJO ST
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. 1503227027
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Joel Paterson
451 S. State St. Rm 402
SLC, UT 84111

JKLM, LLC
Sidwell No. 1502151001
1877 E ASHLEY MESA LN
SANDY UT 84092

UTAH POWER & LIGHT CO
Sidwell No. 1503227022
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Mike Harman, Chair
Poplar Grove Com. Council
1044 W 300 S
SLC UT 84104

H & B INVESTMENT
Sidwell No. 1503233003
PO BOX 71566
SALT LAKE CITY UT 84171

UTAH POWER & LIGHT CO
Sidwell No. 1502126002
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WILSON, WILLIAM W; ET AL
Sidwell No. 1503233004
PO BOX 71566
SALT LAKE CITY UT 84171

DURRANT, LON C
Sidwell No. 1503233009
154 S NAVAJO ST
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. 1502101005
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WILSON, WILLIAM D &
Sidwell No. 1503233005
PO BOX 71566
SALT LAKE CITY UT 84171

DAUGHTSON PROPERTIES INC
Sidwell No. 1503233007
1190 E 2700 S # 1
SALT LAKE CITY UT 84106

UTAH POWER & LIGHT CO
Sidwell No. 1502101002
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WESTERN PACIFIC RAILROAD
Sidwell No. 1502504031
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

BRUNNER, WESLEY K
Sidwell No. 1503233010
1354 W 200 S
SALT LAKE CITY UT 84104

SALT LAKE GARFIELD & WEST
Sidwell No. 1503504055
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

WESTERN PACIFIC R.R. CO.
Sidwell No. 1503504043
1400 DOUGLAS ST STOP 1640
OMAHA NE 68179

BRUNNER, WESLEY K
Sidwell No. 1503233008
1354 W 200 S
SALT LAKE CITY UT 84104

Richard Lether
RT ENTERPRISES, LLC
Sidwell No. 1502104001
83 S NAVAJO ST
SALT LAKE CITY UT 84104

WESTERN PACIFIC R R CO
Sidwell No. 1502504029
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

B R J MECHANICAL INC
Sidwell No. 1503233015
1617 W 300 S
SALT LAKE CITY UT 84104

RICYN FAMILY LIMITED
Sidwell No. 1503233016
PO BOX 271249
SALT LAKE CITY UT 84127

UTAH POWER & LIGHT COMPAN
Sidwell No. 1502101004
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

AAM INVESTMENTS LTD
Sidwell No. 1502103001
5365 S COTTONWOOD LN
SALT LAKE CITY UT 84117

QUESTAR GAS COMPANY
Sidwell No. 1502504030
PO BOX 45360
SALT LAKE CITY UT 84145

UTAH POWER & LIGHT CO
Sidwell No. 1503227029
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
1625 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
228 EAST 500 SOUTH, #100
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR
EAST CENTRAL COMMUNITY
COUNCIL
P.O. BOX 520473
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR
SUNNYSIDE EAST ASSOCIATION
2114 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
2177 ROOSEVELT AVE.
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
COMMUNITY COUNCIL
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR
SUGAR HOUSE COMM. COUNCIL
1942 BERKELEY STREET
SALT LAKE CITY, UT 84105

PAM PEDERSEN, CHAIR
EAST LIBERTY PARK
(e-mail)

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE
COMMUNITY COUNCIL
1940 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR
OAK HILLS COMMUNITY COUNCIL
1165 SO. OAKHILLS WAY
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR
INDIAN HILLS COMMUNITY COUNCIL
2676 E. COMANCHE DRIVE
SALT LAKE CITY, UT 84108

DOUG FOXLEY, CHAIR
ST. MARY'S COMMUNITY COUNCIL
1449 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

TIM DEE, CHAIR
SUNSET OAKS COMMUNITY COUNCIL
1575 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
1855 SOUTH 2600 EAST
SALT LAKE CITY, UT 84108

Downtown Alliance
Bob Farrington, Director
175 East 400 South #600
Salt Lake City, Utah 84111

Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84111

Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, UT 84101

Hispanic Chamber of Commerce
PO Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
PO Box 521357
Salt Lake City, Utah 84152-1357

Sugar House Merchants Association
C/O Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, Utah 84106

Westside Alliance
C/O Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116

QUESTAR GAS COMPANY
Sidwell No. 1502129004
PO BOX 45360
SALT LAKE CITY UT 84145

UTAH POWER & LIGHT CO
Sidwell No. ~~1503227028~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Joel Paterson
2450 E. Lambourne Ave
SLC, UT 84109

KILCREASE, BRYAN W; TC ET
Sidwell No. 1503233006
122 S NAVAJO ST
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. ~~1503227027~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Joel Paterson
451 S. State St. Rm 402
SLC, UT 84111

JKLM, LLC
Sidwell No. 1502151001
1877 E ASHLEY MESA LN
SANDY UT 84092

UTAH POWER & LIGHT CO
Sidwell No. ~~1503227022~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

Mike Harman, Chair
Poplar Grove Com. Council
1044 W 300 S
SLC UT 84104

H & B INVESTMENT
Sidwell No. 1503233003
PO BOX 71566
SALT LAKE CITY UT 84171

UTAH POWER & LIGHT CO
Sidwell No. ~~1502126002~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WILSON, WILLIAM W. ET AL
Sidwell No. ~~1503233004~~
PO BOX 71566
SALT LAKE CITY UT 84171

DURRANT, LON C
Sidwell No. 1503233009
154 S NAVAJO ST
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. ~~1502101005~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WILSON, WILLIAM D &
Sidwell No. 1503233005
PO BOX 71566
SALT LAKE CITY UT 84171

DAUGHTSON PROPERTIES INC
Sidwell No. 1503233007
1190 E 2700 S # 1
SALT LAKE CITY UT 84106

UTAH POWER & LIGHT CO
Sidwell No. 1502101002
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WESTERN PACIFIC RAILROAD
Sidwell No. ~~1502504031~~
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

BRUNNER, WESLEY K
Sidwell No. 1503233010
1354 W 200 S
SALT LAKE CITY UT 84104

SALT LAKE GARFIELD & WEST
Sidwell No. 1503504055
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

WESTERN PACIFIC R.R. CO.
Sidwell No. 1503504043
1400 DOUGLAS ST STOP 1640
OMAHA NE 68179

BRUNNER, WESLEY K
Sidwell No. ~~1503233008~~
1354 W 200 S
SALT LAKE CITY UT 84104

Richard Lether
RT ENTERPRISES, LLC
Sidwell No. 1502104001
83 S NAVAJO ST
SALT LAKE CITY UT 84104

WESTERN PACIFIC R R CO
Sidwell No. ~~1502504029~~
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

B R J MECHANICAL INC
Sidwell No. 1503233015
1617 W 300 S
SALT LAKE CITY UT 84104

RICYN FAMILY LIMITED
Sidwell No. 1503233016
PO BOX 271249
SALT LAKE CITY UT 84127

UTAH POWER & LIGHT COMPAN
Sidwell No. ~~1502101004~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

AAM INVESTMENTS LTD
Sidwell No. 1502103001
5365 S COTTONWOOD LN
SALT LAKE CITY UT 84117

QUESTAR GAS COMPANY
Sidwell No. ~~1502504030~~
PO BOX 45360
SALT LAKE CITY UT 84145

UTAH POWER & LIGHT CO
Sidwell No. ~~1503227029~~
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

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, July 13, 2005, at 5:45 P.M.**

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

1. **APPROVAL OF MINUTES** from Wednesdays, June 22, 2005 and June 29, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (*Staff: Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com, Matt Williams at 535-6447 or matt.williams@slcgov.com, and Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com*):
 - a. Harper Excavating and Salt Lake City Property Management Division – Harper Excavating is requesting a lease agreement from Salt Lake City to install a private sewer lateral under a portion of the City-owned 2300 North Street. The location of the private sewer line lease is at approximately 1125 West 2300 North. The zoning in the area is Industrial M-1. The lease is proposed to be 20 feet wide and 100 feet long resulting in 2,000 square feet of area. The lease term is proposed for 5 years with two 5-year renewal options. The City would receive fair market based compensation for the lease. A permit to work in the public way will also be required to install the private sewer line under the roadway pavement. Property Management staff intends to approve the lease request.
 - b. Stephen M. Rosenberg and Salt Lake City Public Utilities Department – Mr. Rosenberg is requesting approval of an equal area exchange to relocate by approximately 20 feet, the City's existing easement for the Jordan and Salt Lake City Canal, which bisects the old Dairy Queen restaurant property at 1247 South 1100 East. The actual canal pipe will remain in its current location, with just the easement being shifted in location to facilitate the redevelopment of the property, which is zoned Neighborhood Commercial CN. Public Utilities staff intends to approve the re-configuration of the easement.
 - c. Rebecca McConnell and Salt Lake City Public Utilities Department – Ms. McConnell is requesting that Public Utilities approve a standard revocable permit to allow her to landscape and use as part of her yard, a portion of the Jordan and Salt Lake City Canal property, located at 6776 South 700 East Street in Midvale City. Public Utilities staff intends to approve the revocable permit.
5. **PUBLIC HEARINGS**
 - a. **Petition No. 400-05-10** – A request by the Salt Lake City Planning Commission for a zoning map and master plan amendments to correct the zoning designation of four properties in the 9th and 9th area. The petition includes the following addresses: **916 South 900 East, 909 South 900 East, 932 East 900 South, and 919 South Lincoln Street**. The properties are zoned R-1/5000, Single Family Residential, or R-1/5000 and CB, Community Business. The purpose of the petition is to correct zoning map errors resulting from the 1995 Zoning Rewrite by changing the zoning designations of the subject parcels to CB, only. (*Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com*).
 - b. **Petition No. 400-05-22** – A request by Michael Kearns for the Revocation of the Designation of a Landmark Site from the Salt Lake City Register of Cultural Resources. The Landmark Site is the "Malcom A. Keyser" home, located at **381 East Eleventh Avenue**. The site was listed on the City Historic Register in 1978. (*Staff – Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com*).
 - *c. **Petition No. 400-05-01** – A request by Richard Lether requesting that Salt Lake City close a portion of **Navajo Street (1335 West) at approximately 100 South**. The petitioner is also requesting that the City declare the closed street portion surplus property to allow the petitioner to purchase it at fair market value. The property is to be incorporated with his abutting property. The site is located in the M-1 Light Industrial Zoning District. (*Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com, or Jackie Gasparik at 535-6354 or jackie.gasparik@slcgov.com*).
 - d. **Petition No. 400-03-34** – A request by the Salt Lake City Planning Commission to address zoning text amendments relating to a proposed conditional use process allowing the enlargement and/or intensification of nonconforming uses. This analysis is being done at the request of the City Council, which adopted regulations relating to the reconstruction of nonconforming uses and noncomplying structures on April 19, 2005. The City Council wanted the Planning Commission to review additional refinement of the ordinance guidelines and criteria to further address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses. (*Staff – Everett Joyce at 535-7930 or everett.joyce@slcgov.com*).

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.**

Exhibit 5a

**PLANNING COMMISSION
HEARING NOTICE
AND POSTMARK**

Exhibit 5
PLANNING COMMISSION

Downtown Alliance
Bob Farrington, Director
175 East 400 South #600
Salt Lake City, Utah 84111

Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84111

Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, UT 84101

Hispanic Chamber of Commerce
PO Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
PO Box 521357
Salt Lake City, Utah 84152-1357

Sugar House Merchants Association
C/O Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, Utah 84106

Westside Alliance
C/O Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116

COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
1625 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
228 EAST 500 SOUTH, #100
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR
EAST CENTRAL COMMUNITY
COUNCIL
P.O. BOX 520473
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR
SUNNYSIDE EAST ASSOCIATION
2114 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
2177 ROOSEVELT AVE.
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
COMMUNITY COUNCIL
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR
SUGAR HOUSE COMM. COUNCIL
1942 BERKELEY STREET
SALT LAKE CITY, UT 84105

PAM PEDERSEN, CHAIR
EAST LIBERTY PARK
(e-mail)

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE
COMMUNITY COUNCIL
1940 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR
OAK HILLS COMMUNITY COUNCIL
1165 SO. OAKHILLS WAY
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR
INDIAN HILLS COMMUNITY COUNCIL
2676 E. COMANCHE DRIVE
SALT LAKE CITY, UT 84108

DOUG FOXLEY, CHAIR
ST. MARY'S COMMUNITY COUNCIL
1449 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

TIM DEE, CHAIR
SUNSET OAKS COMMUNITY COUNCIL
1575 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

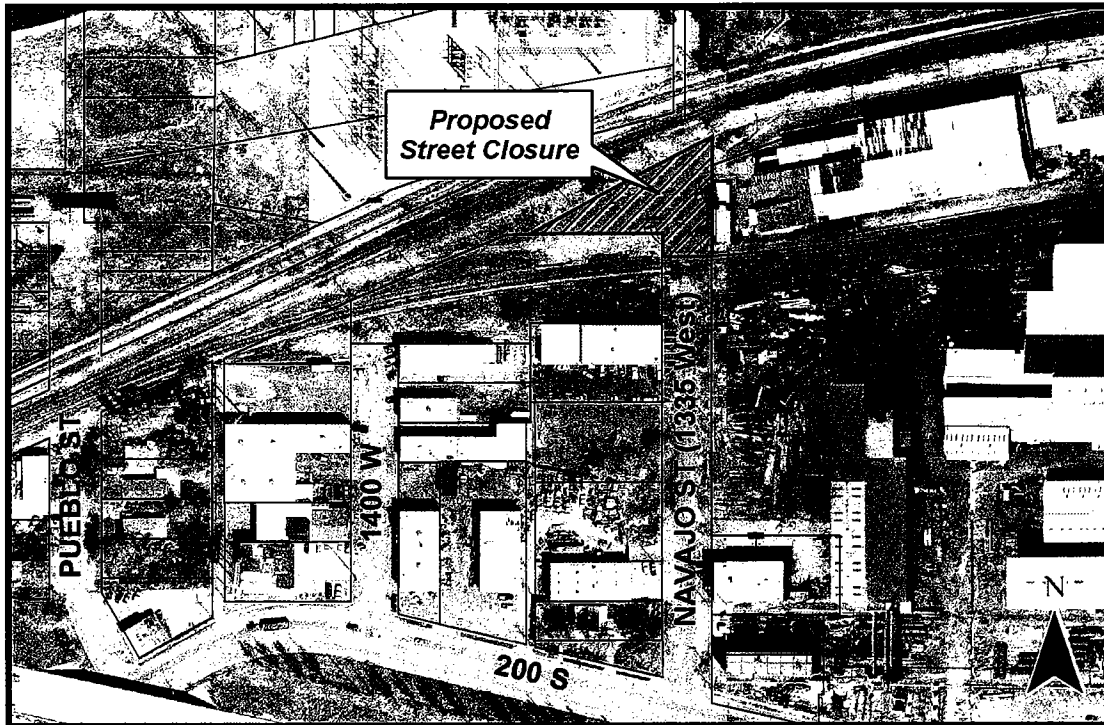
SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
1855 SOUTH 2600 EAST
SALT LAKE CITY, UT 84108

Exhibit 5b

**PLANNING COMMISSION
STAFF REPORT**

DATE: July 8, 2005
TO: Salt Lake City Planning Commission
FROM: Joel Paterson, Planning Programs Supervisor
Jackie Gasparik, Principal Planner
RE: STAFF REPORT FOR THE JULY 13, 2005 MEETING

PETITION NO.: 400-05-01
APPLICANT: Richard Lether
STATUS OF APPLICANT: Abutting property owner
PROJECT LOCATION: Approximately 83 South Navajo Street (1335 West). The proposed street closure includes the public right-of-way located generally on Navajo Street between approximately 100 South and the Union Pacific rail road right-of-way.



COUNCIL DISTRICT: District 2, Van Turner

COMMUNITY COUNCIL: Poplar Grove Community Council

SURROUNDING ZONING DISTRICTS:

North -	M-1 (Light Manufacturing)
South -	M-1
East -	BP (Business Park)
West -	M-1

SURROUNDING LAND USES:

North -	Industrial (Utah Power)
South -	Industrial
West -	Industrial
East -	Industrial (Questar Gas)

REQUESTED ACTION/PROJECT DESCRIPTION:

The applicant is requesting that Salt Lake City close a portion of Navajo Street (1335 West) at approximately 83 South.. The applicant is also requesting that the City declare the closed street portion surplus property and allow the applicant to purchase it at fair market value; to be incorporated together with his abutting property. The site is located in the M-1 “Light Industrial” zoning district.

APPLICABLE LAND USE REGULATIONS:

Salt Lake City Code:

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

Utah Code:

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

MASTER PLAN SPECIFICATIONS:

West Salt Lake Master Plan: The subject property is located within the West Salt Lake Master Plan area. This plan identifies the subject property as being industrial. The plan states:

The neighborhood is characterized by scattered industrial uses, corridors of power transmission lines, railroad tracks, and roads. The present pattern of land utilization, as it has been developed is not well organized and poorly interrelated.

The proposed street closure is located in this area of scattered development. The subject section of Navajo Street is a dead-end street that ends at the Union Pacific rail corridor.

The street is currently developed without a dedicated turn around or other street improvements such as curb, gutter and sidewalk and is not required to provide required access to any other properties.

The subject property is not necessary to the City as a public right-of-way. This position is supported by the Major Street Plan and departmental comments. Approval of the street closure will be conditioned upon the provision of an appropriate turn around at the proposed terminus of the street.

Salt Lake City Transportation Master Plan: The Transportation Master Plan's Major Street Plan identifies Navajo Street as a local street and the Plan does not anticipate the need to extend Navajo Street beyond its current terminus on the south side of the Union Pacific rail line. Because of the rail corridor and the development pattern to the north, extension of Navajo is not likely to occur.

COMMENTS:

The following City agencies were contacted regarding the proposed streets and alley closures: City Surveyor, Engineering, Fire, Police, Property Management, Public Utilities, Transportation, and the Poplar Grove Community Council. All of these agencies responded with comments which are attached to this report as Attachment 4. The following is a summary of the comments/concerns received:

- A. **Engineering:** Engineering has no objection to the proposed road closure.
- B. **Fire:** The Fire Department has no objection to the proposed street closure, since the existing street is a dead end. However, they want the applicant to construct an approved turn around and want ongoing contact with the applicant to make sure the area will be secured to prevent dumping and weeds that may become a fire hazard.
- C. **Police:** The Police Department Community Action Team has no CPTED concerns based on the proposed street closure.
- D. **Property Management:** Property Management has reviewed the referenced petition and has no objection to the proposed street closure. In view of the industrial use of this area and in compliance with City Policy, the Property Management Division recommends that the property be sold at fair market value. It is the applicant's responsibility to get and pay for the appraisal report. Please have them contact Property Management for a list of approved appraisers.
- E. **Public Utilities:** has no objection to the proposed street closure.
- F. **Transportation:** The Transportation Division has no objection to the proposed street closure, but does recommend a condition that a Fire Department approved turn-around be installed. Because no curb and gutter exists on this portion of

Navajo Street, the Transportation Division recommends that a special improvement district (SID) waiver agreement be signed by the applicant. Because Navajo Street currently provides access to the rail corridor, it is recommended that an easement be recorded to allow Union Pacific access to the rail corridor.

- G. Permits and Zoning:** This petition was reviewed by the Development Review Team on March 2, 2005. In addition to the comments from other city departments listed above, approval of this petition shall be conditioned on the provision of an appropriate turn-around. The addition of a dedicated turn-around will provide the required eighty (80) feet of frontage for the applicant's property at 83 South Navajo Street.
- H. Community Council:** The Poplar Grove Community Council discussed the proposed street closure at their March 23, 2005 meeting. The Council is in support of the street closure and has no concerns. (See attached letter in Attachment 3.)

ANALYSIS AND FINDINGS:

The area of the closure is to be incorporated into the abutting property owned by Mr. Lether, owner of Utah Machine Tool Exchange. The additional property will be utilized for storage.

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 subject portion of Navajo Street will not deny access to any adjacent property. Access to adjacent properties will still be available through the remaining Navajo Street right-of-way. The Transportation Division is recommending that an easement be recorded to allow Union Pacific access to the rail corridor.

Finding: The proposed street closure will not deny access to adjacent properties. The applicant is willing to purchase the property for fair market value.

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

Discussion: 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 applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Discussion: The applicant contends that closing the subject portion of Navajo Street will resolve the problem of the subject property being used as a place for transients to congregate. The applicant's property has been repeatedly vandalized and the unimproved public right-of-way on the west side of Navajo Street is a gathering place where people engage in illegal activity late at night. This portion of the right-of-way is repeatedly used as a dumping area for trash. The applicant has worked with the Union Pacific Railroad, Police, Board of Health, the Salt Lake City Property Management Division and other public agencies to remedy the problems. The proposed street closure will allow the applicant to fence the property and control access to this area.

Finding: The existence of this unimproved street right-of-way is substantially contributing to crime, unlawful activity, and public health problems in the surrounding area. The closure of this portion of Navajo Street will help the applicant to control access to his property and eliminate much of the illegal activity that takes place within the right-of-way. The closure is supported by the public policy of improving Public Safety within the City.

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

Discussion: Prior to submitting this application to close the street, the applicant has attempted to protect his property by installing additional lighting, posting signs, and installing security cameras. The applicant continues to maintain the public right-of-way by controlling weeds, and removing trash. Even with these efforts, the applicant has not been able to stop the illegal behavior that takes place in this area. By closing a portion of Navajo Street and fencing the property, the applicant will be able to control access to this area and help to reduce public safety concerns.

Finding: The previous efforts of the applicant to control illegal behavior in this area have not been successful. Closure of this section of Navajo Street will allow greater control on access to this area and may help to reduce the illegal activities which occur on this section of the right-of-way.

Summary of Planning Staff Findings:

- A. The street closure and the proposed development are consistent with the

- applicable City Master Plans.
- B. All owners of property that abuts the proposed street closure have been notified about the street closure petition.
 - C. The street closure will not have a negative effect on traffic circulation in the immediate area as proposed.
 - D. As proposed, the street closure will not have a negative effect on the City's ability to deliver emergency services.
 - E. The street closure will help to improve public safety in this area by allowing the applicant to control access to this area and reduce the amount of crime and other illegal activities.

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 400-05-01 to close and declare the subject portion of Navajo Street delineated herein no longer needed or available for use as public rights-of-way, declare it as surplus and sell the property at fair market value to the applicant, Mr. Lether as the abutting property owner.

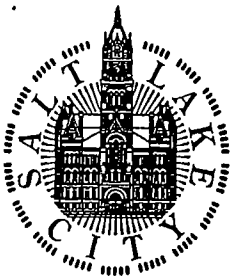
Planning Commission approval is subject to the following conditions:

- 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 payment to the City of fair market value of the street property, consistent with Salt Lake City Code 2.58.
- 3. Reconfiguration of the end of Navajo Street to create a turn-around acceptable to the Salt Lake City Fire Department and the Transportation Division.

Attachments:

- 1. Application forms
- 2. Site Plan
- 3. Community Council Letter
- 4. Comments received from City Departments/Divisions

ATTACHMENT 1
APPLICATION FORMS



Street Closure

FOR OFFICE USE ONLY

Petition No.	400-05-01
Receipt No.	042005186
Amount \$	300?
Date Received	2/9/05
Reviewed by	[Signature]

SALT LAKE CITY PLANNING

Date 2-09-05
 Location of the subject street 83 So. NAUASO STREET
 Name of Applicant RICHARD LETHER Phone 801-328 058
 Address of Applicant 83 So. NAUASO STREET
 E-mail address of Applicant RICHARD@UFAHmachine.com Cell / Fax 801.328-0613

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

owner
Title of agent

STREET CLOSURE APPLICATION REQUEST

FEB 09 05

LOCATION 83 SOUTH NAVAJO STREET
SALT LAKE CITY UT 84104

THIS DEAD END STREET IS AN ON GOING PUBLIC SAFTY HAZARD. USED BY GANGS, PARTY PEOPLE, DRUG USERS, TRASH DUMPERS, VANDELS, AND ALL TYPES OF UNDISIRSABLE. TRADE.

RICHARD LETHER IS THE OWNER THE PROPERTY OF 83 SO NAVAJO STREET.

DAY IN, MONTH OUT, YEAR AFTER YEAR, RICHARD HAS MADE COMPLAINTES TO SLC POLICE, BOARD OF HEALTH, UP RAILROAD, PIONEER GANG SQUAD, AND SLC PROPERTY MANGER/ ECT. ABOUT THE DANGERS AND HAZARDS WITH THIS STREET AREA., ALL HAVE TRIED TO HELP.

RICHARD HAS MAINTAINED THE AREA WITH HIS HIGH STANDS OF WEED CONTOL, GROUNDS CLEAN UP, TRASH REMOVAL, LIGHTING, SIGNS, CAMERAS, DEVISES ECT. IN ORDER TO HELP MAINTAINE ORDER.

RICHARD WOULD LIKE TO PURCHASE THIS AREA TO BE INCLUDED IN EXISTING OWENED AREA THAT HE HAS. THIS COULD BE A WINN FOR ALL.

CONSIDER THIS AS A REQUEST FOR RICHARD TO TAKE RESPONSIBILTY FOR THIS AREA.

SEE ATTACHED LETTERS, DATA, PHOTOS ALSO E-MAIL PHOTOS

CONTACT

RICHARD LETHER
UTAH MACHINE TOOL EXCHANGE, LLC
83 SO. NAVAJO STREET
SALT LAKE CITY, UTAH 84104
801 328-0508 FAX 801 328 0613
TOLL FREE 866 328 0508
WWW.UTAHMACHINE.COM
RICHARD@UTAHMACHINE.COM

THANK YOU

RICHARD LETHER



Feb 09 05

ATTACHMENT 2
SITE PLAN

Planning Commission Staff Report
Petition 400-05-01
July 6, 2005

PUEBLO ST

1400 W

200 S

NAVAJO ST (1335 West)

*Proposed
Street Closure*



ATTACHMENT 3
COMMUNITY COUNCIL LETTER



Poplar Grove Community Council



March 31, 2005

Joel Patterson
Salt Lake City Planning, Rm. 406
451 South State Street
Salt Lake City, UT 84111

Dear Mr. Patterson,

As a follow up to your email regarding the proposed closure of Navajo Street between the railroad tracks at approximately 83 South, I did discuss this with the Community Council at our March 23, 2005 meeting. The Council took a position of support of this project, and had no concerns. There was some hope that the property immediately west of the existing business, Utah Machine Tool Exchange, could be developed as it is a place that transients appear to congregate.

If you need additional information, please feel free to contact me, 521-6908.

Sincerely,

Mike Harman
Poplar Grove Community Council Chair

cc: Mr. Lether, Utah Machine Tool Exchange

ATTACHMENT 4
COMMENTS RECEIVED FROM CITY DEPARTMENTS/DIVISIONS

Planning Commission Staff Report
Petition 400-05-01
July 6, 2005

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

SALT LAKE CITY CORPORATION
DEPARTMENT OF MANAGEMENT SERVICES
PURCHASING, CONTRACTS AND PROPERTY MANAGEMENT DIVISION

ROSS C. ANDERSON
MAYOR

29 October 2004

Mr. Richard Lether
Utah Machine Tool Exchange, LLC
#80 South Navajo Street (1350 West)
Salt Lake City, UT 84104-1819

Re: Request to Purchase Property

Dear Mr. Lether,

Pursuant to our previous telephone conversations, I have enclosed maps of the property you wish to purchase from the City. A petition to close a portion of a street or to declare City-owned property as surplus begins with the Planning & Zoning Division; that staff begins the petition process based on an application submitted by the petitioner. I have enclosed two applications for your benefit – the "Street Closure" and the "Zoning Amendment" applications. Each one requires a filing fee at the time of submittal. The City would also require compensation for the sale of the property.

The area is zoned M-1 which requires minimum 20,000 square foot lots with 80-foot frontage. Therefore, in the event you wish to purchase the property as an individual lot, it would not meet minimum zoning requirements. It may work to assemble it with your existing parcel; this would require closure of a portion of Navajo Street where it dead-ends at the railroad track, in addition to closure of a portion of 100 South Street where it was not constructed as a street. Please note on the map a marked drawing showing assemblage with a turn-around cul-de-sac.

An alternative option would be to lease the property. In either event, the request requires input from Planning & Zoning staff and we would have to notify City Council of the property transaction, all of which take time. Therefore, your ability to use the property could not occur until all that had been completed, which may take 45-60 days. You may want to decide which of the two options would best meet long term goals and respond by submitting the applications or submit a request in writing to lease the property. The lease process begins with my office. Additional information is required from you (i.e., legal description of the property to be leased or sold; purpose for use; federal ID number, legal entity to lease or purchase, etc). Additionally, there would have to be some form of compensation for the lease.

Should you have any further questions, you may call me or John Spencer at 535-7133.

Sincerely,



Linda Cordova, SR/WA
Property Manager

cc: Doug Wheelwright, Planning
John Spencer, Property Management
Barry Esham, Community Affairs
Gary Rigler, Enforcement

Encl:

Paterson, Joel

From: Walsh, Barry
Sent: Monday, March 07, 2005 5:50 PM
To: Paterson, Joel
Cc: Young, Kevin; Smith, Craig; Brown, Ken; Stewart, Brad; Larson, Bradley; Spencer, John
Subject: RE: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South
Categories: Program/Policy

March 7, 2005

Joel Paterson

Petition 400-05-01 To close and vacate the north portion of Navajo Street at 83 South.

Per the DRT review meeting the transportation division recommends that an 80 foot diameter turn around Cul de sac area for fire services etc be maintained. This would provide for the minimum 80'+ frontage of the lot abutting the public way. With drainage and utility service issues it was proposed that a SID waiver for additional public way improvements for curb & gutter etc. be required. There was also the question concerning any access easements to RR's etc that may be required. The new property could be defined with a fence and gated access agreements.

Barry Walsh

From: Paterson, Joel
Sent: Monday, March 07, 2005 12:14 PM
To: Brown, Ken; Walsh, Barry; Smith, Craig; Stewart, Brad; Larson, Bradley; Guess, Kim; Cordova, Linda
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South

Richard Lether, the property owner of 83 South Navajo Street (1335 West) submitted a petition to close the northern end of Navajo Street adjacent to his property, occupied by Utah Machine Tool Exchange. See the attached map. Also attached is a letter from Mr. Lether describing the reasons for the street closure. In this vicinity, Navajo Street dead-ends at Union Pacific's east/west rail corridor.

Please review this proposal and submit your comments to me by March 16, 2005. If you have any questions, please contact me using the information listed below.

Joel G. Paterson, AICP
 Senior Planner
 Salt Lake City Planning Division
 Tel. (801) 535-6141
 Fax (801) 535-6174
 E-mail: joel.paterson@slcgov.com

Paterson, Joel

From: Leydsman, Wayne
Sent: Tuesday, March 22, 2005 10:15 PM
To: Paterson, Joel
Subject: Petition #400-05-01
Categories: Confidential

Since this is a dead end the Fire Department has no objection. However, we wish to know how the property is to be secured to prevent garbage, weeds or present a potential fire hazard.

My office phone is 799-4164

Wayne Leydsman
Assistant Plans Examiner, SLCFD

From: Brown, Ken
Sent: Friday, March 11, 2005 10:52 AM
To: Paterson, Joel
Subject: RE: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South

Categories: Program/Policy

Joel,

I was not at the DRT meeting where this was discussed, but the only zoning issues that I can see are that 80' of frontage be provided, whether cross easements are necessary to allow others to cross over the property and whether this proposal would require the 15' of front yard landscaping be installed in the newly created front yard as part of this closure.

Ken Brown

From: Paterson, Joel
Sent: March 07, 2005 12:14 PM
To: Brown, Ken; Walsh, Barry; Smith, Craig; Stewart, Brad; Larson, Bradley; Guess, Kim; Cordova, Linda
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South

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Please review this proposal and submit your comments to me by March 16, 2005. If you have any questions, please contact me using the information listed below.

Joel G. Paterson, AICP
Senior Planner
Salt Lake City Planning Division
Tel. (801) 535-6141
Fax (801) 535-6174
E-mail: joel.paterson@slcgov.com

Paterson, Joel

From: Oka, Dave
Sent: Monday, March 07, 2005 12:19 PM
To: Paterson, Joel
Subject: RE: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South

Not in an RDA area.

From: Paterson, Joel
Sent: Monday, March 07, 2005 12:14 PM
To: Brown, Ken; Walsh, Barry; Smith, Craig; Stewart, Brad; Larson, Bradley; Guess, Kim; Cordova, Linda
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Request for Review for Petition 400-05-01 - Closure of Navajo Street at approx. 83 South

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Please review this proposal and submit your comments to me by March 16, 2005. If you have any questions, please contact me using the information listed below.

Joel G. Paterson, AICP
Senior Planner
Salt Lake City Planning Division
Tel. (801) 535-6141
Fax (801) 535-6174
E-mail: joel.paterson@slcgov.com

Exhibit 5c

**PLANNING COMMISSION
AGENDAS/MINUTES**

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, July 13, 2005, at 5:45 P.M.

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

1. **APPROVAL OF MINUTES** from Wednesdays, June 22, 2005 and June 29, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (Staff: Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com, Matt Williams at 535-6447 or matt.williams@slcgov.com, and Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):
 - a. Harper Excavating and Salt Lake City Property Management Division – Harper Excavating is requesting a lease agreement from Salt Lake City to install a private sewer lateral under a portion of the City-owned 2300 North Street. The location of the private sewer line lease is at approximately 1125 West 2300 North. The zoning in the area is Industrial M-1. The lease is proposed to be 20 feet wide and 100 feet long resulting in 2,000 square feet of area. The lease term is proposed for 5 years with two 5-year renewal options. The City would receive fair market based compensation for the lease. A permit to work in the public way will also be required to install the private sewer line under the roadway pavement. Property Management staff intends to approve the lease request.
 - b. Stephen M. Rosenberg and Salt Lake City Public Utilities Department – Mr. Rosenberg is requesting approval of an equal area exchange to relocate by approximately 20 feet, the City's existing easement for the Jordan and Salt Lake City Canal, which bisects the old Dairy Queen restaurant property at 1247 South 1100 East. The actual canal pipe will remain in its current location, with just the easement being shifted in location to facilitate the redevelopment of the property, which is zoned Neighborhood Commercial CN. Public Utilities staff intends to approve the re-configuration of the easement.
 - c. Rebecca McConnell and Salt Lake City Public Utilities Department – Ms. McConnell is requesting that Public Utilities approve a standard revocable permit to allow her to landscape and use as part of her yard, a portion of the Jordan and Salt Lake City Canal property, located at 6776 South 700 East Street in Midvale City. Public Utilities staff intends to approve the revocable permit.
5. **PUBLIC HEARINGS**
 - a. **Petition No. 400-05-10** – A request by the Salt Lake City Planning Commission for a zoning map and master plan amendments to correct the zoning designation of four properties in the 9th and 9th area. The petition includes the following addresses: **916 South 900 East, 909 South 900 East, 932 East 900 South, and 919 South Lincoln Street**. The properties are zoned R-1/5000, Single Family Residential, or R-1/5000 and CB, Community Business. The purpose of the petition is to correct zoning map errors resulting from the 1995 Zoning Rewrite by changing the zoning designations of the subject parcels to CB, only. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com).
 - b. **Petition No. 400-05-22** – A request by Michael Kearns for the Revocation of the Designation of a Landmark Site from the Salt Lake City Register of Cultural Resources. The Landmark Site is the "Malcom A. Keyser" home, located at **381 East Eleventh Avenue**. The site was listed on the City Historic Register in 1978. (Staff – Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com).
 - * c. **Petition No. 400-05-01** – A request by Richard Lether requesting that Salt Lake City close a portion of **Navajo Street (1335 West) at approximately 100 South**. The petitioner is also requesting that the City declare the closed street portion surplus property to allow the petitioner to purchase it at fair market value. The property is to be incorporated with his abutting property. The site is located in the M-1 Light Industrial Zoning District. (Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com, or Jackie Gasparik at 535-6354 or jackie.gasparik@slcgov.com).
 - d. **Petition No. 400-03-34** – A request by the Salt Lake City Planning Commission to address zoning text amendments relating to a proposed conditional use process allowing the enlargement and/or intensification of nonconforming uses. This analysis is being done at the request of the City Council, which adopted regulations relating to the reconstruction of nonconforming uses and noncomplying structures on April 19, 2005. The City Council wanted the Planning Commission to review additional refinement of the ordinance guidelines and criteria to further address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses. (Staff – Everett Joyce at 535-7930 or Everett.joyce@slcgov.com).

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.

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

Present from the Planning Commission were Tim Chambless, Chairperson, Babs De Lay, Craig Galli, Prescott Muir, Laurie Noda, Vice Chairperson, Kathy Scott, and Jennifer Seelig. John Diamond and Peggy McDonough were excused.

Present from the Planning Division Staff were Doug Wheelwright, Deputy Planning Director, Cheri Coffey, Deputy Planning Director, Joel Paterson, Senior Planner, Elizabeth Giraud, Senior Planner, Everett Joyce, Principal Planner, Maggie Tow, and Shirley Jensen, Secretaries. Louis Zunguze, Community Development Director, Brent Wilde, Deputy Community Development Director, and Lynn Pace, Deputy City Attorney, were also in attendance.

Petition No. 400-05-01 – A request by Richard Lether requesting that Salt Lake City close a portion of Navajo Street (1335 West) at approximately 100 South. The petitioner is also requesting that the City declare the closed street portion surplus property to allow the petitioner to purchase it at fair market value. The property is to be incorporated with his abutting property. The site is located in the M-1 Light Industrial Zoning District.

At 7:01 P.M. Mr. Joel Paterson, Planning Programs Supervisor, presented the staff report by outlining the major issues of the case, the findings of fact, and staff's recommendation. A copy of the staff report was filed with the minutes. Mr. Paterson displayed a map showing the boundaries of Mr. Lether's property and the adjoining property that Mr. Lether is requesting to purchase from the City. Mr. Paterson stated the problems Mr. Lether has dealt with in the past, including illegal dumping, vandalism to private property, gang activity and drug use in the right-of-way. The petitioner has worked with different City agencies in an attempt to control the activities that occur in this area. Mr. Lether has installed different security measures and has even patrolled the area himself on different occasions. He believes that securing the additional surplus property and fencing some of the area will enable him to better control access to the property.

Chairperson Chambless stated that this petition was reviewed by the Popular Grove Community Council which submitted a letter in support of this petition. The letter was included in the Planning Commission's packet. He stated that the petition had been reviewed by various City Departments; all of which support the petition. He also stated there were some issues raised by this process. The City Transportation Division and the Fire Department requested that there be a publicly owned turn-around for emergency vehicles. The original recommendation was a cul-de-sac with an 80-foot radius. This does not fit in this area so both departments recommended and approved the design of the turn-around shown on the map. The design is called a hammerhead turn-around. There are no street improvements such as curb and gutter on Navajo Street and there was a recommendation that the Petitioner enter into a Special Improvement District waiver agreement (SID) with the City in case the City chooses to create a special improvement district sometime in the future on this street. Mr. Lether agreed not to protest that process. Union Pacific Railroad currently has access to the rail corridor at the end of the right-of-way and the City recommends an easement be recorded to allow Union Pacific Railroad to continue that access to the rail corridor in this location. The property must retain 80 feet of frontage along the public street to meet zoning requirements and the proposal has shown that the petitioner has accomplished that.

Mr. Paterson stated the Planning Commission must declare the property surplus and then forward the recommendation to the City Council for the street closure. As staff reviewed this, they have made a finding that it is consistent with the City Master Plans. The Transportation Plans do not envision an extension of this street to the North because of the rail corridor and the

private property configuration to the north of this. All abutting property owners will retain access to their property from the public street. The closure does not have a negative effect on traffic circulation in the immediate area nor does it affect the City's ability to deliver emergency services.

Mr. Paterson stated that based upon the findings, staff is recommending the Planning Commission declare the property surplus and forward a recommendation to the City Council recommending closure of this portion of the street. Further staff recommends that the petitioner enter into a Special Improvement District waiver agreement (SID), an easement be recorded with the Union Pacific Railroad, and that the property be sold at a fair market value to the petitioner.

The Planning Commission addressed questions to Mr. Paterson regarding frontage footage, setback issues, lot consolidation, and other conditions.

Chairperson Chambless invited the petitioner, Mr. Richard Lether, to address the Planning Commission.

Mr. Lether, gave a brief history of his business. He stated he is a good landowner and felt he could make this property more attractive and safer for the community if it was under his control. In answer to questions from the Planning Commission, he said he would be fencing the property and would not have outside lighting. He said that he had security cameras and other security items on site to make the property safer.

Motion for Petition No. 400-05-01:

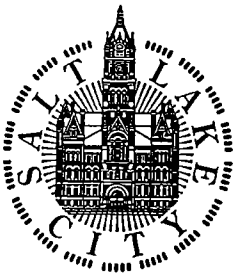
Regarding Petition No. 400-05-01, based on the analysis and findings of fact outlined in the staff report, Commissioner Scott moved that the Planning Commission transmit a positive recommendation to the City Council regarding the request by Richard Lether that Salt Lake City close a portion of Navajo Street (1335 West) at approximately 100 South, subject to the following conditions:

- a) **That the existing public and private utility infrastructure be properly disconnected or removed from the street area acceptable to the City's Public Utilities Dept;**
- b) **That the street closure ordinance be conditioned upon payment to the City of fair market value of the street property consistent with Salt Lake City Code 2.58; and**
- c) **That the end of Navajo Street be reconfigured to create a turn-around acceptable to the Salt Lake City Fire Department and the Transportation Division.**

Commissioner De Lay seconded the motion. Commissioner De Lay, Commissioner Galli, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig unanimously voted "Aye". Commissioner Diamond and Commissioner McDonough were not present. Chairperson Chambless did not vote. The motion passed.

Exhibit 6

ORIGINAL PETITION



Street Closure

FOR OFFICE USE ONLY

Petition No.	400-05-01	
Receipt No.	002005186	Amount \$ 300.00
Date Received	2/9/05	
Reviewed by	[Signature]	

Date 2-09-05

Location of the subject street 83 So. NAUASO STREET

Name of Applicant RICHARD LETHER Phone 801-328 0508

Address of Applicant 83 So. NAUASO STREET

E-mail address of Applicant RICHARD@UTAHMACHINE.com Cell / Fax 801.328-0613

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

owner

Title of agent

SALT LAKE CITY PLANNING

STREET CLOSURE APPLICATION REQUEST
FEB 09 05

LOCATION 83 SOUTH NAVAJO STREET
SALT LAKE CITY UT 84104

THIS DEAD END STREET IS AN ON GOING PUBLIC SAFTY HAZARD. USED BY GANGS, PARTY PEOPLE, DRUG USERS, TRASH DUMPERS, VANDELS, AND ALL TYPES OF UNDISIRSABLE. TRADE.

RICHARD LETHER IS THE OWNER THE PROPERTY OF 83 SO NAVAJO STREET.

DAY IN, MONTH OUT, YEAR AFTER YEAR, RICHARD HAS MADE COMPLAINTES TO SLC POLICE, BOARD OF HEALTH, UP RAILROAD, PIONEER GANG SQUAD, AND SLC PROPERTY MANGER/ ECT. ABOUT THE DANGERS AND HAZARDS WITH THIS STREET AREA., ALL HAVE TRIED TO HELP.

RICHARD HAS MAINTAINED THE AREA WITH HIS HIGH STANDS OF WEED CONTOL, GROUNDS CLEAN UP, TRASH REMOVAL, LIGHTING, SIGNS, CAMERAS, DEVISES ECT. IN ORDER TO HELP MAINTAINE ORDER.

RICHARD WOULD LIKE TO PURCHASE THIS AREA TO BE INCLUDED IN EXISTING OWENED AREA THAT HE HAS. THIS COULD BE A WINN FOR ALL.

CONSIDER THIS AS A REQUEST FOR RICHARD TO TAKE RESPONSIBILTY FOR THIS AREA.

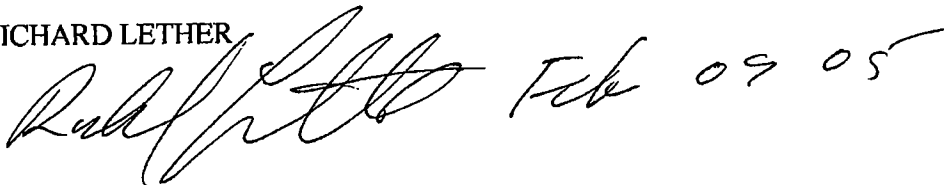
SEE ATTACHED LETTERS, DATA, PHOTOS ALSO E-MAIL PHOTOS

CONTACT

RICHARD LETHER
UTAH MACHINE TOOL EXCHANGE, LLC
83 SO. NAVAJO STREET
SALT LAKE CITY, UTAH 84104
801 328-0508 FAX 801 328 0613
TOLL FREE 866 328 0508
WWW.UTAHMACHINE.COM
RICHARD@UTAHMACHINE.COM

THANK YOU

RICHARD LETHER



Richard Lether Feb 09 05

REMARKS

Petition No. 400-05-01

By Richard Lether

Is requesting a Street Closure at
83 South Navajo Street.

Date Filed

Address

Joel

PETITION NO. 400-05-01

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>2/9/05</u>	<u>NH</u>	Petition delivered to Planning
<u>2/22/05</u>	<u>JWP</u>	Petition assigned to: <u>Joel Paterson</u>
<u>7/13/05</u>	<u>JWP</u>	Planning Staff or Planning Commission Action Date
<u>8/24/05</u>	<u>JWP</u>	Return Original Letter and Yellow Petition Cover
<u>8/1/05</u>	<u>JWP</u>	Chronology
<u>9/1/05</u>	<u>9/1/05</u>	Property Description (marked with a post it note)
<u>2/22/05</u>	<u>JWP</u>	Affected Sidwell Numbers Included <u>NIA</u>
<u>2/22/05</u>	<u>JWP</u>	Mailing List for Petition, include appropriate Community Councils
<u>6/28/05</u>	<u>JWP</u>	Mailing Postmark Date Verification
<u>8/10/05</u>	<u>JWP</u>	Planning Commission Minutes
7/27/05	JWP	
<u>7/8/05</u>	<u>JWP</u>	Planning Staff Report
<u>8/15/05</u>	<u>JWP</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>9/12/05</u>	<u>9/12/05</u>	Ordinance Prepared by the Attorney's Office
<u>9/17/05</u>	<u>9/17/05</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Joel Paterson</u>		Planner responsible for taking calls on the Petition
<u>535-6141</u>	<u>joel.paterson@slcgo.v.com</u>	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office