
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 14, 2006

SUBJECT: Petition No. 400-05-23 – A request by Gregory Savage, representing Mr. Chris Drakos of Montana Brand Trucking, requesting the closure of 1500 North between Beck Street and Hot Springs Street (745 West), and to declare the street as surplus property.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 3

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Ray McCandless, 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 portion of 1500 North between Beck Street and Hot Springs Street.
2. **["I move that the Council"]** Not adopt an ordinance closing and abandoning a portion of 1500 North between Beck Street and Hot Springs Street.

The following information was provided previously for the Council Work Session on February 7, 2006. 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 1500 North Street between Beck Street and Hot Springs Street (745 West) and declare the street 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 street property requested for closure is approximately 66 feet wide and 200 feet long (13,200 square feet). The street is not paved or improved, and exists only on paper. It has been used as a maneuvering area for the applicant's trucking company for many years.

3. The petitioner owns the abutting property to the north of the street. The owners of the property to the south of the street, are the applicant's grandparents, Chris and Ruth Drakos. They have signed a Joinder in Petition for Street Closure indicating their support for this land to be sold to the petitioner. Their property does not need 1500 North as an access route.
 4. 1500 North is a minor connector street between Beck Street and Hot Springs. 1500 North is not needed to access any other properties. Everett Street, just to the South, is the major connector street between Beck Street and Hot Springs (see map).
 - i. The Transportation Master Plan identifies 1500 North as a local street and does not anticipate the need for the street to serve as anything other than a local street.
 5. The petitioner is planning to use the purchased street to build a new office and truck service bays. Development of the site will require that site improvements be installed, such as landscaping along Beck Street and Hot Springs Street.
 6. The Planning staff report notes the following findings:
 - 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. If the petitioner does develop the subject property as additional office and truck loading space, he will make streetscape improvements to Beck Street and Hot Springs Street.
 - iv. Given that the street has not been needed in the past nor is it anticipated to be needed in the future, and that the number of intersections on Beck Street should be limited, the policy reasons support closure of the street.
- B. The petitioner's property is zoned M-1 (Light Manufacturing). The properties immediately to the North, South, and East of the petitioner's property are also zoned M-1 (Light Manufacturing). The property immediately to the West is zoned M-2 (Heavy Manufacturing). The surrounding land uses in all directions are industrial.
- C. All necessary City departments and divisions reviewed the proposal and recommended approval of the street closure subject to City standards and specific requirements.
- D. The Capitol Hill Community Council supports the closure of the street (see e-mail message dated July 27, 2005).
- E. On October 12, 2005, the Planning Commission voted to recommend approval of the proposed street closure, and the subject property be declared surplus. Planning Commission approval is subject to the following conditions:
 1. That all applicable City codes and Salt Lake City departmental requirements be met including providing the necessary easements for any existing or future utility infrastructure.
 2. That the street closure ordinance be conditioned upon payment to the City of fair market value of the street property. (During the Planning Commission hearing, it was noted that fair market value of the street property is roughly \$35,000).
- 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 Capitol Hill Master Plan (2001) identifies the subject property for "Business Park" zoning in the future land use map, but recognizes in the narrative that the area west of 300

West, north of 900 north, is currently, and will likely stay industrial. The following are stated policies for this area:

- a. Continue regulations which require improved visual appearances of industrial properties.
 - b. Encourage improvements to the visual appearance of new and existing industrial sites and areas, including the continuance of requiring landscaping of industrially-zoned properties.
 - c. Prohibit new industrial development or the expansion of existing industrial uses from diminishing the amount of wetlands in the immediate vicinity, especially along Beck Street.
 - d. Ensure adequate enforcement of regulations on industrial properties relating to screening, buffers and maintenance.
- C. The Salt Lake City Transportation Master Plan identifies 1500 North as a local street, and does not anticipate it developing into anything more than a local street in the future.
- 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 was noted at the Planning Commission's hearing that fair market value is estimated at approximately \$35,000.
1. The recommendation from the Development Review Team is that when and if the applicant constructs an office and truck service bay on the purchased property, the applicant also install street improvements such as landscaping, along Beck Street and Hot Springs.

CHRONOLOGY:

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

- | | |
|---------------------|---|
| • June 28, 2005 | Petition assigned to Planning |
| • October 12, 2005 | Planning Commission Hearing |
| • October 28, 2005 | Transmittal Completed by project planner. |
| • November 28, 2005 | Transmittal received from Administration |

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Ray McCandless, Barry Esham, Marge Harvey, Lehua Weaver, Sylvia Jones, Jan Aramaki, Janice Jardine

File Location: Community and Economic Development Dept., Planning Division, Street Closures, Chris Drakos/Montana Brand Trucking, 1500 North (between Beck Street and Hot Springs Street)

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:** November 16, 2005
FROM: Louis Zunguze, Community Development Director
RE: Petition No. 400-05-23 by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking, requesting that Salt Lake City close and declare as surplus property 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district.

STAFF CONTACT: Ray McCandless, Principal Planner 535-7282

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Mr. Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking, is requesting that Salt Lake City close and declare as surplus property 1500 North Street between Beck Street and Hot Springs Street (745 West). The applicant is proposing to construct a new office with truck service bays in the future. The proposed street closure is being requested to accommodate the proposed development.

Analysis: The area of the street closure is to be incorporated into the abutting property to the north which is owned by Mr. Chris L. Drakos, owner of Montana Brands Trucking Company. The owners of the abutting property to the south, the applicant's grandparents, Chris and Ruth Drakos, have signed a Joinder in Petition for Street Closure and have consented to allow all of the street to be sold to the applicant, Chris L. Drakos. A copy of the Joinder in Petition for Street Closure is included in the attached Planning Commission Staff Report. The street property requested for closure consists of approximately 13,200 square feet and measures 66 feet wide by 200 feet in length. The site is located in the M-1 "Light Industrial" Zoning District.

Public Process: The Capitol Hill Community Council supports the closure of the street as indicated in the attached e-mail message dated July 27, 2005. The proposed street closure was reviewed by the Planning Commission at a public hearing held on October 12, 2005. After the public hearing, the Commission voted in favor of forwarding to the City Council a positive recommendation to close 1500 North Street between Beck Street

and Hot Springs Street. The Planning Commission also declared the subject property surplus for the purpose of selling the land to the petitioner at fair-market value.

The City Council adopted the following policy considerations to guide the decision making process for requests to close and abandon 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 determined that the proposed street closure request is consistent with these policy considerations. A detailed discussion and findings for each of these policies is contained in pages 4-6 of the Planning Commission Staff Report (see Exhibit 5).

RELEVANT ORDINANCES:

Salt Lake City Code:

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

Utah State Code:

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

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6. Planning Commission Minutes for October 12, 2005.
7. Notice for the October 12, 2005 Planning Commission Public Hearing.

1. CHRONOLOGY

PROJECT CHRONOLOGY

- June 28, 2005 Petition Received.
- June 28, 2005 Petition assigned.
- July 21, 2005 Request for City Departmental comments mailed.
- September 27, 2005 Notices for the October 12, 2005 Planning Commission hearing mailed.
- October 12, 2005 Planning Commission Hearing.
- October 25, 2005 Ordinance requested from the City Attorney.
- October 28, 2005 City Council Transmittal Completed by the project Planner.

2. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Closing and abandoning of a portion of 1500 North between Beck Street and Hot Springs Street)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 1500 NORTH BETWEEN BECK STREET AND HOT SPRINGS STREET, PURSUANT TO PETITION NO. 400-05-23.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that the City's interest in the portion of the streets 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 1500 North between Beck Street and Hot Springs Street, which is the subject of Petition of No. 400-05-23, 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 subject to the following conditions:

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

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 _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date January 20, 2006
By M. James King

3. B. NEWSPAPER PUBLICATION TRANSMITTAL

MEMORANDUM

To: Lynn Valdez
Newspaper Corporation
From: Salt Lake City Council's Office
Re: **SPECIAL NOTICES - 010 - CLASSIFIED ADS**
Date:

Please run the following ad, one time only, on _____, in both papers

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-23, a request by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district.

The public meeting of the City Council begins at _____ p.m. in Room _____, City and County Building, 451 South State Street, Salt Lake City, Utah. For more information or special arrangements, call Mr. Ray McCandless at 535-7282.

3. NOTICES OF CITY COUNCIL PUBLIC HEARING

**3. A. NOTICE OF CITY COUNCIL HEARING
NEWSPAPER PUBLICATION DRAFT**

Posted _____
By _____

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider Petition No. 400-05-23 by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district.

The City Council is holding an advertised public hearing to receive comments regarding the petition request. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:
TIME:
PLACE: ROOM 315
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Mr. Ray McCandless at 535-7282, Monday through Friday.

3. C. MAILING LIST AND LABELS

MISSOURI PACIFIC RAI
1400 DOUGLAS ST STOP
Suite
OMAHA, NE 68179-

D & RGW RAILROAD
1700 FARNAM ST 10FL ST
Suite
OMAHA, NE 68102-2010

KAM
400-05-23

ALLEN, DAVID B
3065 S 9200 W
Suite
MAGNA, UT 84044-1032

STAKER & PARSON COMP
PO BOX 3429
Suite
OGDEN, UT 84409-1429

STAKER & PARSON COMP
PO BOX 3429
Suite
OGDEN, UT 84409-

MOYLE INVESTMENTS LC
3214 N UNIVERSITY AVE 6C
Suite
PROVO, UT 84604-

WHITAKER, WILFORD W
1537 S 1000 E
Suite
SALT LAKE CITY, UT 84105-2354

PEN HOLDING COMPANY
758 W 1500 N
Suite
SALT LAKE CITY, UT 84116-1361

BYTHEWAY, TAMARA M & SOLT, JOHN
1152 W 400 N
Suite
SALT LAKE CITY, UT 84116-2608

EDWARDS, PAULA E D
1475 N 800 W
Suite
SALT LAKE CITY, UT 84116-1341

MELONAS, DELORES
1461 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1210

DRAKOS, CHRIS & RUTH
1507 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1293

MONTANA BRAND PRODUC
1507 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1293

MONTANA BRAND PRODUC COMPANY INC
1507 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1293

A&L INVESTMENTS LLC
1630 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1299

TENNIS & SUN LC
805 W EVERETT AVE
Suite
SALT LAKE CITY, UT 84116-1318

NIELSEN, RICK L & BRENDA G; JT
981 W FREMONT AVE
Suite
SALT LAKE CITY, UT 84104-2006

UMW RECYCLING INC
PO BOX 1073
Suite
SALT LAKE CITY, UT 84110-1073

JOHNSON, L ERNEST
PO BOX 2164
Suite
SALT LAKE CITY, UT 84110-2164

ALLEN, DAVID B
PO BOX 510818
Suite
SALT LAKE CITY, UT 84151-0818

SALAS, WILLIAM
143 S PUEBLO ST
Suite
SALT LAKE CITY, UT 84104-1823

SALT LAKE CITY CORPO
451 S STATE ST
Suite 225
SALT LAKE CITY, UT 84111-3102

LEWON, DONALD A
2748 E WILSHIRE DR
Suite
SALT LAKE CITY, UT 84109-1633

SOMMERS, TED
3341 S 700 W
Suite
WEST VALLEY, UT 84119-4115

DRAKOS, CHRIS
1436 W 2200 S
Suite
WOODS CROSS, UT 84087-

SALT LAKE CITY PLANNING
ATTN. DAVE WHEELWRIGHT
451 S. STATE.
S.L.C. UTAH 84111

Salt Lake City Planning
Attn. Mr. Ray McCandless
451 South State Street, Rm. 406
Salt Lake City, Utah 84111

Peter Von Sievers
Capitol Hill Community Council
223 WEST 400 North
SLC UTAH 84103

Home Roberts & Owen
attn Rob Mooney
299 S. Main Street Ste 1802
S.L.C. Utah. 84111

Douglas Street Closure

MISSOURI PACIFIC RAI
1400 DOUGLAS ST STOP
Suite
OMAHA, NE 68179-

D & RGW RAILROAD
1700 FARNAM ST 10FL S (400-05-23)
Suite
OMAHA, NE 68102-2010

ALLEN, DAVID B
3065 S 9200 W
Suite
MAGNA, UT 84044-1032

STAKER & PARSON COMP
PO BOX 3429
Suite
OGDEN, UT 84409-1429

STAKER & PARSON COMP
PO BOX 3429
Suite
OGDEN, UT 84409-

MOYLE INVESTMENTS LC
3214 N UNIVERSITY AVE 6C
Suite
PROVO, UT 84604-

WHITAKER, WILFORD W
1537 S 1000 E
Suite
SALT LAKE CITY, UT 84105-2354

PEN HOLDING COMPANY
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Suite
SALT LAKE CITY, UT 84116-1361

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MONTANA BRAND PRODUC COMPANY INC
1507 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1293

A&L INVESTMENTS LLC
1630 N BECK ST
Suite
SALT LAKE CITY, UT 84116-1299

TENNIS & SUN LC
805 W EVERETT AVE
Suite
SALT LAKE CITY, UT 84116-1318

NIELSEN, RICK L & BRENDA G; JT
981 W FREMONT AVE
Suite
SALT LAKE CITY, UT 84104-2006

UMW RECYCLING INC
PO BOX 1073
Suite
SALT LAKE CITY, UT 84110-1073

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PO BOX 2164
Suite
SALT LAKE CITY, UT 84110-2164

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SALT LAKE CITY CORPO
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SALT LAKE CITY, UT 84111-3102

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2748 E WILSHIRE DR
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SALT LAKE CITY, UT 84109-1633

SOMMERS, TED
3341 S 700 W
Suite
WEST VALLEY, UT 84119-4115

DRAKOS, CHRIS
1436 W 2200 S
Suite
WOODS CROSS, UT 84087-

SALT LAKE CITY PLANNING
ATTN. DORIS WHEELWRIGHT
451 S. STATE.
S.L.C. UTAH 84111

Salt Lake City Planning
Attn. Mr. Ray McCandless
451 South State Street, Rm. 406
Salt Lake City, Utah 84111

Peter Von Sievers
Capitol Hill Community Council
223 WEST 400 North
S.L.C. UTAH 84103

Home Roberts & Owen
attn Rob Mooney
299 S. Main Street Ste 1802
S.L.C. Utah. 84111

Draikos Street Closure

**4. PLANNING COMMISSION AGENDA FOR
OCTOBER 12, 2005**

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 12, 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, September 28, 2005

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA

5. PUBLIC HEARINGS

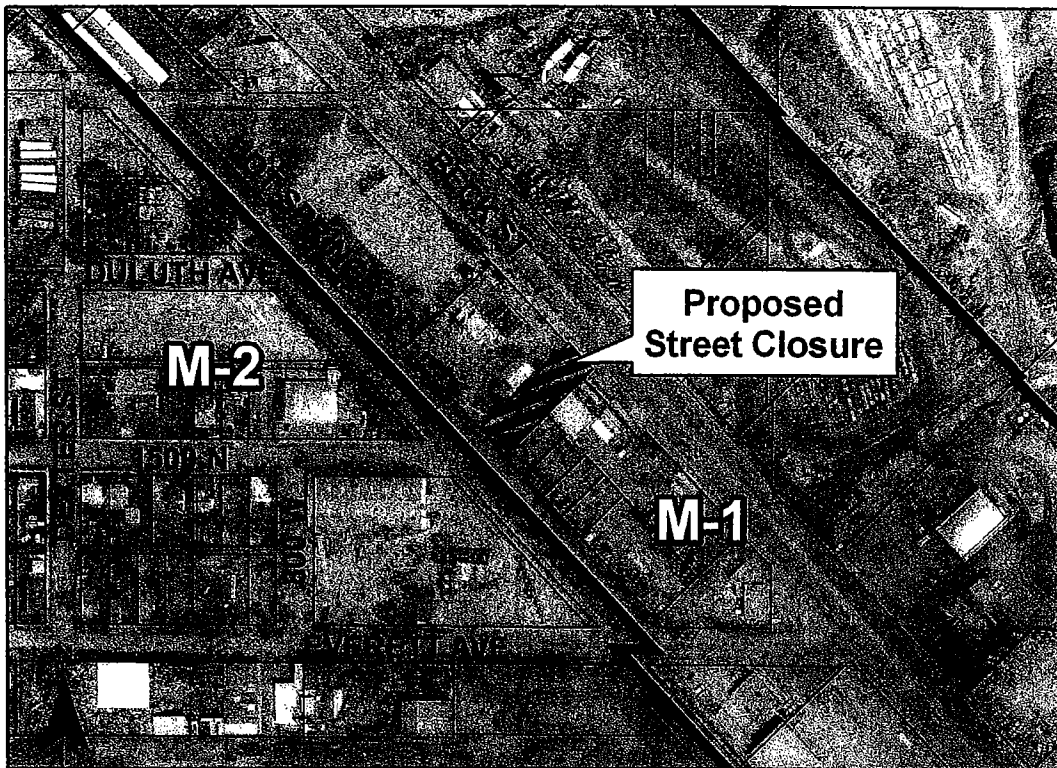
- a) **Petition No. 400-05-23** - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
- b) **Petition No. 400-05-20** - by Salt Lake City Council, requesting that properties located at approximately **405 West 2300 North** on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
- c) **Petition No. 400-04-25** - by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls. (Staff - Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

6. UNFINISHED BUSINESS

**5. STAFF REPORT FOR THE OCTOBER 12, 2005
PLANNING COMMISSION MEETING**

DATE: October 12, 2005
TO: Salt Lake City Planning Commission
FROM: Ray McCandless, Principal Planner
RE: **A REQUEST THAT SALT LAKE CITY CLOSE 1500 NORTH STREET BETWEEN BECK STREET AND HOT SPRINGS STREET AND DECLARE THE CLOSED STREET PORTION SURPLUS PROPERTY**

PETITION NO.: 400-05-23
APPLICANT: Gregory Savage, representing the property Owner, Chris Drakos
STATUS OF APPLICANT: Abutting property owner
PROJECT LOCATION: The proposed street closure includes the public right-of-way located on 1500 North Street between Beck Street and Hot Springs Street (745 West)



COUNCIL DISTRICT: District 3, Eric Jergensen
COMMUNITY COUNCIL: Capitol Hill Community Council

SURROUNDING ZONING DISTRICTS:

North -	M-1 (Light Manufacturing)
South -	M-1
East -	M-1
West -	M-2 (Heavy Manufacturing)

SURROUNDING LAND USES:

North -	Industrial
South -	Industrial
West -	Industrial
East -	Industrial

REQUESTED ACTION/PROJECT DESCRIPTION:

The applicant is requesting that Salt Lake City close 1500 North Street between Beck Street and Hot Springs Street (745 West). 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 street property requested for closure consists of 13,200 square feet and measures 66 feet wide by 200 feet in length. 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 regulates a request for action to vacate, narrow, or change name of street or alley.

MASTER PLAN SPECIFICATIONS:

Capitol Hill Master Plan: The subject property is located within the Capitol Hill Master Plan area. Although the current zoning on the property is Light Manufacturing "M-1", the Future Land Use Map of this Plan identifies the subject property as having a "Business Park" land use designation. The plan states:

The area north of 900 North, west of 300 West/Beck Street, consists of mostly heavy industrial uses. A large portion of this area is occupied by the Amoco Oil Refinery, Union Pacific rail yard & maintenance shops. Extractive industries are located in the foothills east of Beck Street. The future land use for most of this area remains as industrial.

The proposed street closure is located in this area of heavy industrial uses. The street has never been improved. It exists only on paper and has been used as a maneuvering area for the applicant's trucking company for many years. It 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 meeting all applicable City departmental requirements.

Salt Lake City Transportation Master Plan: The Transportation Master Plan's Major Street Plan identifies 1500 North Street as a local street and the Plan does not anticipate the need to utilize the street in the future. Everett Street, which is south of 1500 North Street, serves as the main access from Beck Street to this area.

COMMENTS:

The following City agencies were contacted regarding the proposed streets and alley closures: Engineering, Fire, Police, Property Management, Public Utilities, Transportation, and the Capitol Hill Community Council. Comments from the Utah Department of Transportation (U.D.O.T.) were also requested as Beck Street is a State Road. The following is a summary of the comments/concerns received:

- A. Engineering:** The Salt Lake City Engineering Division has no concerns with the request subject to selling the street to abutting property owners at fair market value.
- B. Fire:** The Fire Department has no objection to the proposed street closure.
- C. Police:** No comments have been received as of September 14, 2005.
- D. Property Management:** No comments have been received as of September 14, 2005.
- E. Public Utilities:** The Salt Lake City Public Utilities Department does not own or operate any sanitary sewer or water mains within the existing right-of-way. There is a storm drain catch basin located in Hot Springs Street near the proposed street closure. However, as long as the catch basin, associated piping and ditches are located within the Hot Springs Street right-of-way, the Public Utilities Department has no issues with the proposed street closure. If the catch basin, ditches and piping are located in the proposed street closure, then an easement

must be retained for these facilities. A surveyor stamped exhibit of the catch basin, ditches and piping must be provided to the Public Utilities Department for review and approval.

- F. Transportation:** The Transportation Division has no objection to the proposed street closure, subject to meeting city design standards and that all utility easements remain as required and approved by the entity concerned.
- G. Permits and Zoning:** The preliminary development plans for this property were reviewed by the Development Review Team on April 4, 2005 and on June 28, 2005. The comments relating to the street closure include combining all lots to eliminate the need for cross access and drainage easements. Approval from the Utah Department of Transportation will be required for any work planned along Beck Street.
- H. Utah Department of Transportation:** No comments have been received as of September 26, 2005.
- I. Community Council:** The Capitol Hill Community Council supports closure of the street as indicated in their attached e-mail message dated July 27, 2005.

ANALYSIS AND FINDINGS:

The area of the closure is to be incorporated into the abutting property to the north which is owned by Mr. Chris L. Drakos, owner of Montana Brands Trucking Company. The owners of the abutting property owners to the south, the applicants grandparents, Chris and Ruth Drakos, have signed a Joinder in Petition for Street Closure have consented to allow all of the street to be sold to the applicant, Chris L. Drakos. A copy of the Joinder in Petition for Street Closure is included in this report.

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 street will not deny access to any adjacent property. Access to adjacent properties will still be available from both Hot Springs Street and Beck Street.

Finding: The proposed street closure will not deny access to adjacent properties.

- 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: The applicants are aware that the property will be sold at fair market value. This was mentioned to the applicant at the June 28, 2005 Development Review Team meeting. The applicants have contacted the Salt Lake City Property Management which is currently determining the fair market value of the street.

Finding: The property will be sold at fair market value.

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

Discussion: One of the goals of the Beck Street Reclamation Framework and Foothill Area Plan is to improve the aesthetic treatment of Beck Street as it is a main entrance to the City from the North. According to the Plan, one of the short-term goals is to "focus on clean-up, screening and beautification of the roadway (Beck Street)." The applicants will be constructing a new office with truck service bays in the near future on their adjoining property. Closing the street will allow more maneuvering room for the new building and improve on site vehicular circulation. In addition, development of the site will require that site improvements be installed, including landscaping along both Beck Street and Hot Springs Street. These improvements will contribute towards upgrading the streetscape along both streets.

Finding: In addition to improving on-site traffic circulation, future development of the site will improve the appearance of the streetscape along Beck Street and Hot Springs Street which supports public policy established by the Beck Street Reclamation Framework and Foothill Area Plan.

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

Discussion: The public policy reasons supporting closure of the street are discussed in section 3 above. In addition to improving the appearance of Beck Street, there are other reasons the street should be closed. The street has never been improved since the Empire Addition Subdivision plat was recorded in the early 1900's and there are no plans to improve it at this time. As shown on the vicinity map, Everett Street, which is only 1/2 block to the South, serves as the main through-street between Hot Springs Street and Beck Street. There is no need for a second through-street at this location. In addition, because Beck Street is an arterial street, the number of intersections on Beck Street should be limited.

The alternative to closing the street is to keep it in public ownership and improving it. However, given the discussion above, the reasons supporting closure of the street outweigh the need to retain it in public ownership.

Finding: Given that the street has not been needed in the past nor is it anticipated that the street will be needed in the future and that the number of intersections on Beck Street should be limited, the policy reasons outweigh alternatives to the closure of the street.

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 abut 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 the area and on-site traffic circulation will be provided for the future building. Landscaping will be provided which will improve the appearance of Beck Street and Hot Springs Street.

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 400-05-23 to close and declare 1500 North Street between Beck Street and Hot Springs Street surplus property as delineated herein and sell the property at fair market value to the abutting property owner(s).

Planning Commission approval is subject to the following conditions:

- 1. That all applicable City Codes and Salt Lake City departmental requirements be met including providing the necessary easements for any existing or future utility infrastructure.
- 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.

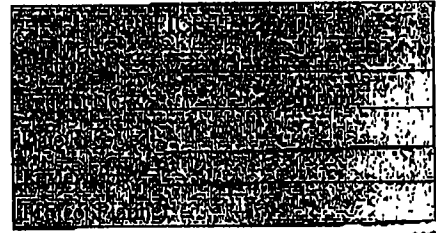
Attachments:

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

ATTACHMENT 1
APPLICATION FORMS



Street Closure



Date September 19, 2005

Name of Applicant	<u>Chris L. Drake</u>	Phone	<u>(801) 521-5800</u>
Address of Applicant	<u>299 S. Main Street, STE #1800, SLC, Utah 84111 * Counsel</u>		
E-mail Address of Applicant	<u>robert.money@chro.com</u>	Cell/Fax	<u>(801) 521-9639</u>

Please include with the application:

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

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

Sidwell maps and names of property owners are available at:

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

File the complete application at:

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

Signature of Property Owner or authorized agent

Attorney for Chris L. Drake

Petition to Close a Street

Petitioner: Chris L. Drakun

Address: - See Attached -

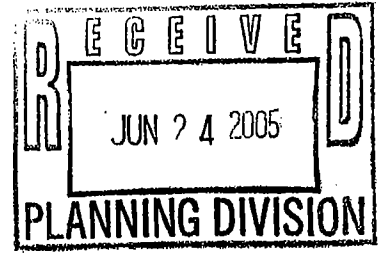
Date: _____

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.

Print Name and Address	Signature	Date



Holme Roberts & Owen LLP
Attorneys at Law



Petition 400-05-23

June 24, 2005

Hand Delivered

Douglas Wheelwright
Salt Lake City Planning Department
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: *Petition for Street Closure*

Dear Mr. Wheelwright:

On behalf of Chris L. Drakos we write to petition for the closure of an undeveloped and abandoned portion of 1500 North Street that runs between Hot Springs Street and Beck Street (the "Abandoned Street"). Mr. Drakos is the record title holder of the property located at 1515 North Beck Street, and more particularly described as Lots 1 and 26, Block 9, Empire Addition. This property fronts the north side of Abandoned Street. The property which fronts the Abandoned Street on the south side (Lots 9 and 10, Block 8, Empire Addition) is owned by Mr. Drakos' grandparents, Chris Drakos and Ruth Drakos. A Joinder in Petition for Street Closure signed by Mr. and Mrs. Drakos is attached to this Petition under Tab No. 1.

The Abandoned Street was apparently created in the early 1900's when the Empire Addition subdivision was subdivided and platted. The Abandoned Street, however, was never paved or otherwise improved and to the best of our information was never used as a public street. For at least the last 35 years the area of the Abandoned Street has been used by the Drakos family in the operation of its trucking business, Montana Brand. Attached to this Petition under Tab No. 2 are photographs of the Abandoned Street. As shown in the photographs, the Abandoned Street provides no public thoroughfare nor is there any possibility that it will ever do so. Moreover, underground fuel storage tanks have been placed beneath the Abandoned Street.

Greggory J. Savage
299 South Main Street, Suite 1800 Salt Lake City, Utah 84111-2263
tel/ 801.521.5800; fax 801.521.9639
greggory.savage@hro.com

Holme Roberts & Owen LLP
Attorneys at Law

Douglas Wheelwright
June 24, 2005
Page 2

Practically speaking there is no possible public benefit or public use of the Abandoned Street. In light of the circumstances there is no value to the Abandoned Street other than to the Drakos family. Rather, in light of the existence of the underground storage tanks, there is likely only liability to the City. As such, we request that the City pass an ordinance officially closing the Abandoned Street and thereafter deed the Abandoned Street to Chris L. Drakos.

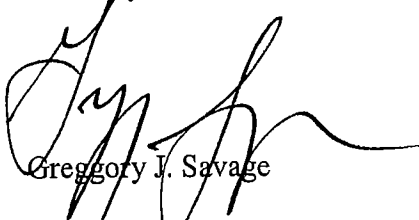
Also attached to this Petition are the following materials:

- Tab No. 3 The certified legal description of the area referred to in this Petition as the Abandoned Street.
- Tab No. 4 Address labels of all property owners within 450 feet of the Abandoned Street provided by the Salt Lake County Recorder's Office.
- Tab No. 5 A Sidwell map with the Abandoned Street highlighted and property owners identified.

Enclosed is a check in the amount of \$314.43 to cover the filing fee and the costs of first class postage for each address identified under Tab No. 4.

If you or other members of the Planning staff have any questions, please contact me.

Sincerely,



Greggory J. Savage

c: Chris L. Drakos
Enclosures: Tab Nos. 1-5
Check

FROM : LAMBERT PRODUCE

FAX NO. : 3

Jun. 22 2005 07:56AM P1

06/22/2005 08:43 FAX 8015325588


MONTANA BRAND

01/001


JOINDER IN PETITION FOR STREET CLOSURE

The undersigned, Chris Drakos and Ruth Drakos, hereby support, join in and give their consent to the Petition for Street Closure filed by Chris L. Drakos by which Chris L. Drakos seeks closure of an undeveloped and abandoned portion of 1500 North Street (the "Abandoned Street"). The undersigned are the record title holders of property located at approximately 1507 North Beck Street, Salt Lake City, Utah, and more particularly described as Lots 9 and 10, Block 8, Empire Addition. Our property fronts the south side of the Abandoned Street. We are willing to allow Chris L. Drakos to obtain our portion of the Abandoned Street.

DATED this 22 day of June, 2005.


Chris Drakos

DATED this 22 day of June, 2005.


Ruth Drakos

BOUNDARY DESCRIPTION

A parcel of land, being that portion of 1500 North Street between Hot Springs Street and Beck Street, to be vacated, situate in the Southeast Quarter of the Southeast Quarter of Section 23, Township 1 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the east line of Hot Springs Road, which is located North 0°03'05" East 667.23 feet along the Section line and West 524.12 feet from the Southeast Corner of Section 23, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running:

thence North 43°53'46" West 66.00 feet along said east line of Hot Springs Road to the north line of 1500 North Street;

thence North 46°06'20" East 200.00 feet along said north line to the west line of Beck Street;

thence South 43°53'44" East 66.00 feet along said west line to the south line of said 1500 North Street;

thence South 46°06'20" West 200.00 feet along said south line to the point of beginning.

Parcel contains: 13,200 square feet or 0.30 acres.

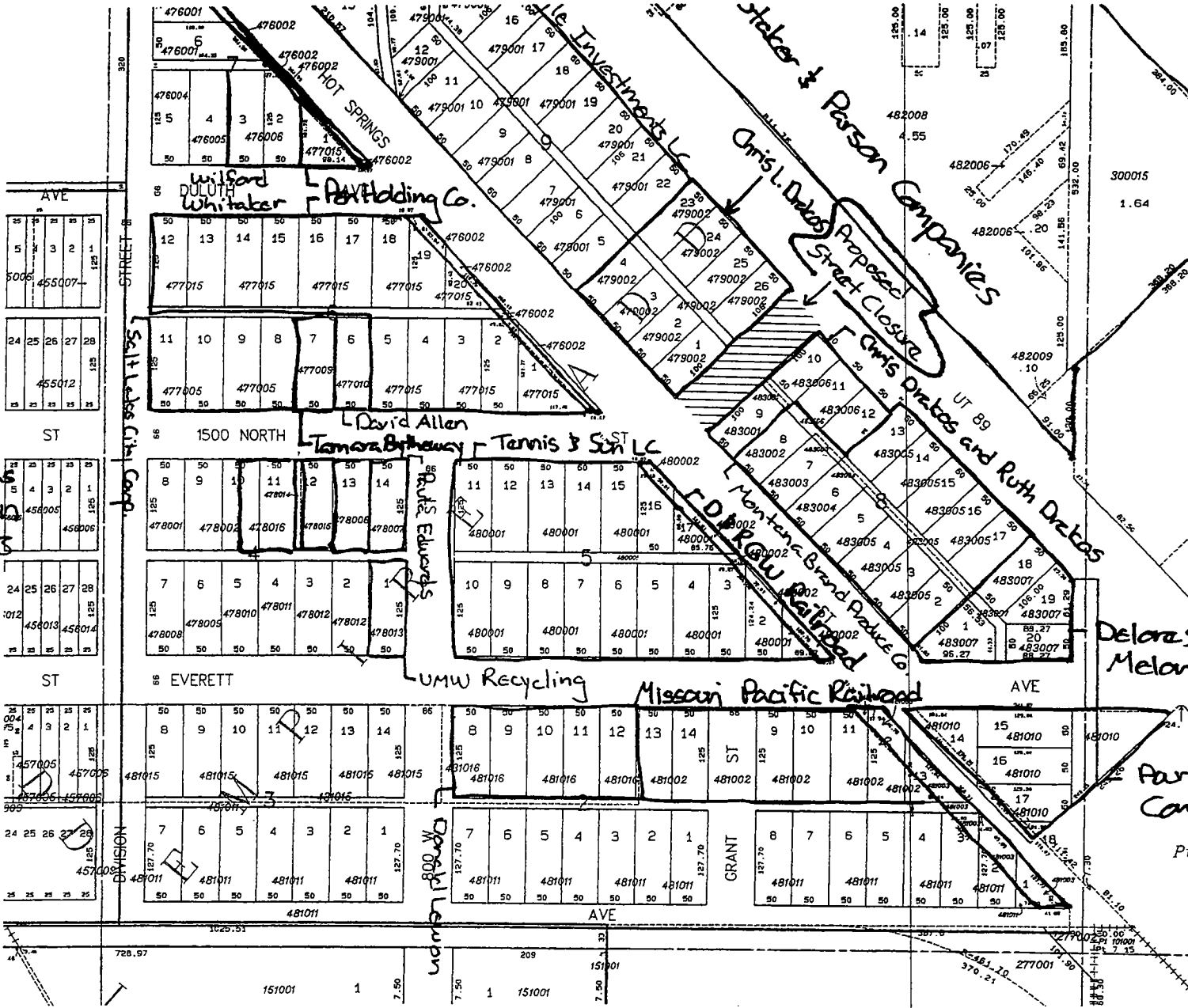
June 7, 2005
Date

Dusty Bishop
Dusty L. Bishop
License No. 4938720



ATTACHMENT 2
SITE PLAN

8006 William Sales
 3015 Rick Nielsen
 3014 Ted Sommers
 306 David Allen



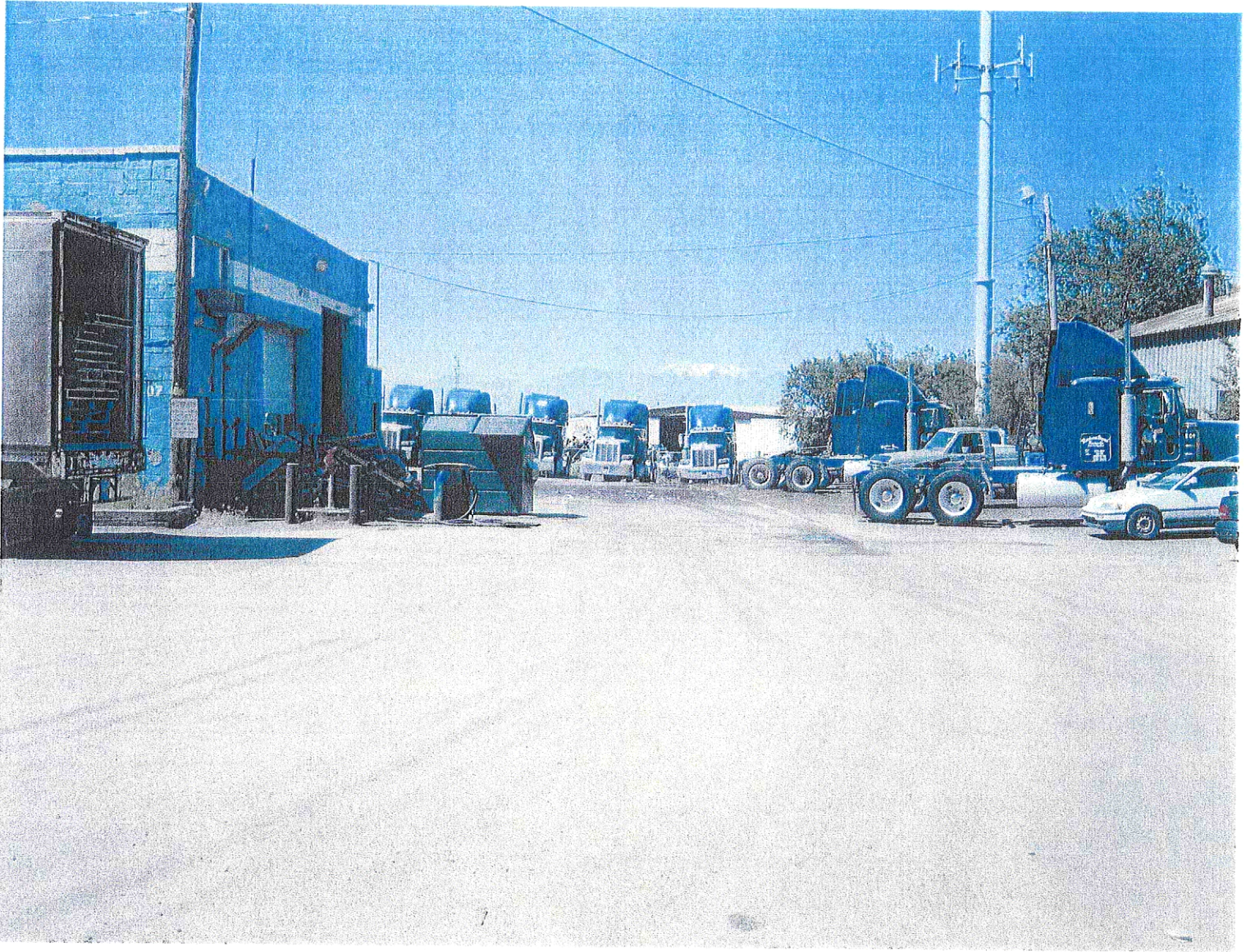
E. 1/2 S.E. 1/4 SEC. 23 T.1N. R.1W.

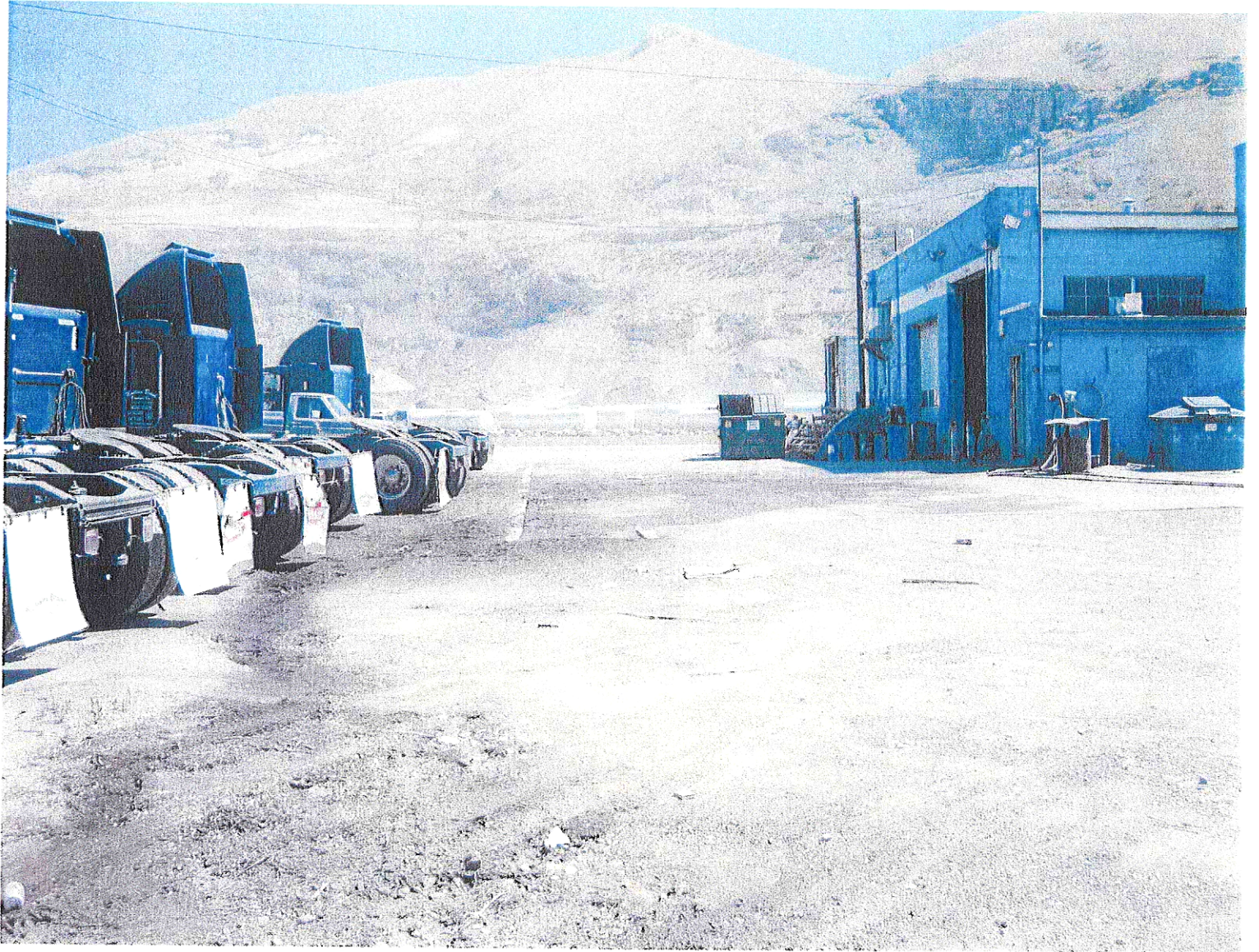
PREPARED BY SALT LAKE COUNTY RECORDER - GARY OTT
 Copyright 1998

This map is not intended to represent actual physical property lines. In order to establish exact physical boundaries a survey of the property may be necessary

082321	082322	082411
082341	082332	082431
082621	082622	082511

08 - 23 - 42









ATTACHMENT 3
COMMUNITY COUNCIL LETTER

McCandless, Ray

From: pv4910@xmission.com
Sent: Wednesday, July 27, 2005 12:42 PM
To: McCandless, Ray
Subject: Re: 1500 North Street Closure

Ray,

As promised, I'm getting back to you about the 1500 North closure petition. I took a look at the location and brought it up in the Council meeting. We voted unanimously to support the petition by Chris L. Drakos.

Yours, Peter

Quoting "McCandless, Ray" <ray.mccandless@slcgov.com>:

> Peter:

>
> The Salt Lake City Planning Division has received Petition 400-05-23,
> by Mr. Chris L. Drakos, who is requesting to close a portion of 1500
> North between Beck Street and Hot Springs Street. The Drakos family
> owns the abutting property on both sides of the street and is
> requesting that the street be vacated in order to be able to use it as
> part of their trucking business. The street only exists on paper and
> it now looks like and functions as part of the trucking business.
>
> As Community Council input is needed for street closures, would you
> please let me know whether or not the Community Council wants to waive
> review of this request or discuss it at a formal meeting. A response
> by e-mail would be appreciated.

> Thank You.

>
>
>

ATTACHMENT 4
COMMENTS RECEIVED FROM CITY DEPARTMENTS/DIVISIONS

LEROY W. HOOTON, JR.
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC UTILITIES
WATER SUPPLY AND WATERWORKS
WATER RECLAMATION AND STORMWATER

ROOS C. "ROCKY" ANDERSON
MAYOR

August 5, 2005

Ray McCandless
Salt Lake City Planning
451 South State Street
Salt Lake City, Utah 84111

RE: Petition 400-05-23, Requested Closure of a portion of 1500 North St.
1500 North between Hot Springs Street and Beck Street

Dear Ray,

Salt Lake City Public Utilities has reviewed the above referenced request and offer the following comments:

According to our records, Salt Lake City Public Utilities does not own or operate any sanitary sewer or water mains within this existing right-of-way. According to our records a storm drain catch basin is located in the Hot Springs Street near this proposed 1500 North right-of-way closure. As long as this catch basin and associated piping and ditches are located within Hot Springs Street right-of-way, Public Utilities has no issues with this proposed closure. If the catch basin and associate ditches and piping is outside of Hot Springs Street right-of-way and in 1500 North right-of-way, an easement must be retained for these facilities. A surveyor stamped exhibit of the above-mentioned catch basin and related ditches and piping relative to Hot Springs Street right-of-way and 1500 North right-of-way must be provided to Public Utilities for review and approval.

If you should need further assistance with this matter, please contact Peggy Garcia at 483-6889.

Sincerely,


LeRoy W. Hooton, Jr.
Director

Cc:file

pgljn\LWH

McCandless, Ray

From: Brown, Ken
Sent: Friday, September 09, 2005 7:53 AM
To: McCandless, Ray
Subject: RE: 1500 North Street Closure

Ray,
 The next opening I have is Wednesday, September 14, 2005 at 4:00 PM. Please let me know if this works for you.

The following notes were created at previous DRT meetings for this property;

APRIL 4, 2005

PROJ DESC: OFFICE/LARGE TRUCK REPAIR. ALL PROPERTIES BEING COMBINED TO ELIMINATE NEED FOR CROSS ACCESS AND DRAINAGE EASEMENTS. EXISTING BUILDINGS TO BE DEMOLISHED OR REBUILT. ATTENEEES: CAMERON DUNCAN AND CHRIS DRAKOS.

KEN BROWN, ZONING, M-1 ZONE. UDOT APPROVAL REQUIRED FOR WORK PLANNED ALONG BECK STREET. NEW DEVELOPMENT WILL REQUIRE PARKWAY STRIP LANDSCAPING, FRONT YARD LANDSCAPING AND PARKING LOT LANDSCAPING. HARDSURFACING REQD FOR ALL PARKING AND MANEUVERING AREAS. DOCUMENTATION TO BE SUBMITTED FOR REQUIRED AND LANDSCAPINT REQUIRED.

BRAD STEWART, PUBLIC UTIL.; NO SEPTIC TANK SYSTEMS ALLOWED; CONNECT TO 74" SS; SD DETN REQD; WILL RE-USE FUEL TANKS, MONITORING WELLS IN PLACE; SWPPP; BMPS; SAND/OIL SEPERATOR; DRAINAGE AROUND RELOCATED FUEL TANKS; FIRE DEPT APPROVAL; KILL UN-USED; MSDS; PU-1 FORM; CANOPY OVER FUEL ISLAND - DRAIN NT REQUIRED UNDER CANOPY.

BARRY WALSH, TRANS; COMBINE LOTS AND VACATE AND CLOSE 1500 NORTH; UDOT FRONTAGE, BECK ST; D/W 50FT; C&G, ETC? HOT SPRINGS AT IMP'S; SID; PARKING CALCS - ADA - BIKE 5%; PAVED SURFACES; ST LIGHTING W/GORDON H.

JUNE 28, 2005

ATTENDEES: CAMERON DUNCAN AND CHRIS DRAKOS.

KEN BROWN, ZONING, NEED TO ADDRESS THE ABOVE ISSUES. SEPARATE DEMO PERMITS TO BE OBTAINED TO DEMO EACH STRUCTURE. NEW CERTIFIED ADDRESS TO BE OBTAINED FROM SLC ENG DEPT; PROPERTIES TO BE COMBINED TO ELIMINATE THE NEED FOR CROSS ACCESS AND DRAINAGE EASEMENTS, PERIMETER PARKING LOT LANDSCAPING, FRONT AND CORNER SIDE YARD LANDSCAPING AT 1500 NORTH, ETC. SUBDIVISION REVIEW SCREENING CHECKLIST TO BE SUBMITTED PRIOR TO PERMIT ISSUANCE.

BARRY WALSH, TRANS; NEED OR SIGNATURE FROM UDOT. PLANS SHOW 3 EXISTING POWER POLES WITH LIGHTS ON BATH. BECK ST AND HOT SPRINGS RD NEED BECK ST POLES RELOCATED TO 18" BEHIND CURB.

CRAIG SMITH, ENG; SID WAIVER REQD FOR PORTION OF WARM SPRINGS RD, VACATE AND PURCHASE 1500 N AT FAIR MARKET VALUE.

BRAD STEWART, PUBLIC UTILITIES; WILL SPRINKLE OFFICE AND SHOP. ASKING FOR VACATION OF 1500 N; NEW PUMPS, CANOPY/ NO DRAINS UNDER CANOPY. EXISTING STORAGE TANKS IN 1500 N ROW. TRY TO KEEP HYDRANT WITHIN 100-150FT OF FUELING AREA. WATCH 1500 N HYDRANT RELOCATION, GENERALLY 4FT FROM BLDG; NEED PLANS, UTILITY DEMANDS.

WAYNE LEYDSMAN, FIRE; ACCESS GOOD, 50FT ENTRY, TRUCK REPAIR (TRAILER), BLDG 21, 100SQFT WITH 2ND FLOOR OFFICE. BLDG WILL BE FULLY SPRINKLED PER CH 9 IFC27; TRUCK FUELING ISLANDS AND TANKS PROPOSED

From: McCandless, Ray
Sent: September 08, 2005 9:21 AM
To: Brown, Ken
Subject: 1500 North Street Closure

Ken,

9/14/2005

McCandless, Ray

From: Larson, Bradley
Sent: Wednesday, August 17, 2005 10:15 AM
To: McCandless, Ray
Subject: Petition 400-05-23 / requested closure of a portion of 1500 North Street

Ray,

The Fire Department has no objections to the above requested petition. Please feel free to contact me should you have any questions. Thank you.

Brad Larson
Deputy Fire Marshal
Salt Lake City Fire Department
801-799-4162 office
801-550-0147 cell
bradley.larson@slcgov.com

McCandless, Ray

From: Walsh, Barry
Sent: Tuesday, July 26, 2005 5:04 PM
To: McCandless, Ray
Cc: Young, Kevin; Weiler, Scott; Smith, Craig; Stewart, Brad; Larson, Bradley
Subject: Pet 400-05-23 road closure.
Categories: Program/Policy

July 26, 2005

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: Petition #400-05-23 for Closure of 1500 North Street right of way between Beck Street and Hot Springs Street to be declared surplus and sold.

Dear Ray:

The Division of Transportation review comments and recommendations are for approval of the proposed closure of 1500 North Street subject to the following:

1. The 1500 North right of way corridor has not been developed as / or used for a public transportation roadway and has no defined access from Hot Springs Street frontage.
2. We recommend closing/vacating the entire roadway of 1500 North Street as shown to the abutting properties on both sides per the fully approved site plans subject to permit issuance of a complete development design package for all civil public and private transportation corridors in compliance with city standards.
3. All utilities and utility easements shall remain as required and approved by the entity concerned.

Please feel free to call me at 535-6630 if you have any further questions.

Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
Craig Smith, Engineering
Brad Stewart, Utilities
Brad Larson, Fire
file

McCandless, Ray

From: Smith, Craig
Sent: Monday, September 19, 2005 11:45 AM
To: McCandless, Ray
Subject: petition 400-05-23
Categories: Program/Policy

Good morning Ray-

I have reviewed petition 400-05-23, a request to close 1500 North between Hot Springs Street and Beck Street. As you mentioned in the request, the street only exists on paper. The Engineering Department has no interest in this street and recommends the street be sold to the abutting property owners at fair market value.

Sincerely,
Craig W Smith
SLC Engineering

6. PLANNING COMMISSION MINUTES

comments. Mr. Marriott had assumed that was the approval he needed to proceed with his outdoor patio project. Mr. Ikefuna said that the Permits Department had doubled the building permit fee as the penalty for violation of the required ordinance.

Mr. Ikefuna reminded the Planning Commission that an election for a new chair and vice-chair was past due and a vote was needed by the end of the meeting.

Mr. Ikefuna announced that two dates were available for the Planning Commission Retreat: Wednesday, November 16th or Wednesday, December 7th at 5:00 p.m. He recommended December 7th, thus giving time to schedule an out of state facilitator. The Planning Commissioners did not come to a decision on the date. Staff was asked to survey Commissioners by e-mail as most would not be available for December 7, 2005.

Mr. Ikefuna asked Mr. Doug Dansie to speak to the Planning Commission regarding an emergency request from Westminster College proposal to modify previously approved Alumni House plans. The charge before the Planning Commission was to decide if the request to modify a previously approved petition should be administratively approved or if the petition should be re-heard at a public hearing.


Mr. Dansie said that in January, 2003, a rezone and planned development was approved for Westminster College. The original plan was to renovate the Alumni House. As time progressed the College realized it would be more costly to renovate the building than to tear it down and build a new Alumni House. The major change would be the addition of a sub-grade basement, which would not require any adjustment to the exterior appearance. He asked the Commission if they wanted staff to approve the change as an administrative decision or if they wanted to advertise the action and bring it back to the Planning Commission as a public hearing.

Commissioner Diamond, Commissioner McDonough, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted for a public hearing. As this was a majority, the request will be scheduled for a future meeting.

PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters (6:03 P.M.)

None

PUBLIC HEARINGS

 Petition No. 400-05-23, - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district.

At 6:04 p.m. Chairperson Chambless introduced Petition No. 400-05-23 and Ray McCandless, Principal Planner. Mr. McCandless stated that the applicant requested that

Salt Lake City close 1500 North Street between Beck Street and Hot Springs Street (745 West). The applicant also requested that the City declare the closed street portion surplus property, and allow the applicant to purchase it at fair market value and that it be incorporated together with the petitioner's abutting property. Mr. McCandless stated that the street property requested for closure consisted of 13,200 square feet and measured 66 feet wide by 200 feet in length. The site is located in the M-1 "Light Industrial" zoning district.

Chairperson Chambless asked for questions from Staff. Commissioner De Lay asked what the fair market value was on the property. Mr. John Spencer, Real Property Agent with Salt Lake City Property Management, stated that full property value, as stated by the County Assessor, would be about \$35,000.

Chairperson Chambless opened the public hearing and asked the petitioner to come forward. Mr. Gregory Savage and Mr. Drakos addressed the Planning Commissioners. Commissioner Scott asked whether the fuel tanks on the property were still in use. Mr. Savage stated that the fuel tanks were currently in use and they may or may not be removed when a new facility is constructed. Mr. Lynn Pace, City Attorney, further stated that the tanks were an environmental issue and any standards or conditions added by the Commissioners would not change the effect of the existing law or the rules already in place. He said the decision before the Planning Commissioners involved closing a road and the fuel tanks would not change the liability or risk in that respect.

Chairperson Chambless asked for representatives from the Community Council or anyone else from the public that wished to speak on this matter. No response was heard. Chairperson Chambless closed the public hearing and asked for discussion and/or a motion.

Motion for Petition No. 400-05-23:

Commissioner De Lay moved that the Planning Commission approve Petition No. 400-05-23, based on the analysis and findings outlined in the staff report with the following conditions:

- 1. That all applicable City Codes and Salt Lake City departmental requirements be met, including providing the necessary easements for any existing or future utility infrastructure.**
- 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.**

Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". There was none opposed. The motion passed.

Petition No. 400-05-20, by Salt Lake City Council, requesting that properties located at approximately 405 West 2300 North on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district.

**7. NOTICE FOR THE OCTOBER 12, 2005
PLANNING COMMISSION PUBLIC
HEARING**

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 12, 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, September 28, 2005

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA

5. PUBLIC HEARINGS

- *a) **Petition No 400-05-23** - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
- b) **Petition Number 400-05-20** - by Salt Lake City Council, requesting that properties located at approximately **405 West 2300 North** on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
- c) **Petition 400-04-25** - by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls. (Staff - Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

6. UNFINISHED BUSINESS

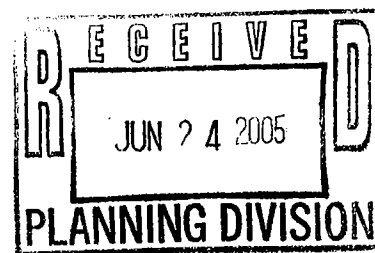
PETITION NO. 400-05-23

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>6/28/05</u>	<u>ALH</u>	Petition delivered to Planning
<u>6/28/05</u>	<u>Ran</u>	Petition assigned to: <u>Ran</u>
<u>10/12/05</u>	<u>Ran</u>	Planning Staff or Planning Commission Action Date
<u>10/28/05</u>	<u>Ran</u>	Return Original Letter and Yellow Petition Cover
<u>10/28/05</u>	<u>Ran</u>	Chronology
<u>10/28/05</u>	<u>Ran</u>	Property Description (marked with a post it note)
<u>N/A</u>	<u>Ran</u>	Affected Sidwell Numbers Included
<u>10/28/05</u>	<u>Ran</u>	Mailing List for Petition, include appropriate Community Councils
<u>10/28/05</u>	<u>Ran</u>	Mailing Postmark Date Verification
<u>10/28/05</u>	<u>Ran</u>	Planning Commission Minutes
<u>10/28/05</u>	<u>Ran</u>	Planning Staff Report
<u>10/28/05</u>	<u>Ran</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>11/1/05</u>	<u>Ran</u>	Ordinance Prepared by the Attorney's Office
<u>11/1/05</u>	<u>Ran</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Ran M Y Council 10/28/05</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office



Holme Roberts & Owen LLP
Attorneys at Law



Petition 400-05-23

June 24, 2005

Hand Delivered

Douglas Wheelwright
Salt Lake City Planning Department
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: *Petition for Street Closure*

Dear Mr. Wheelwright:

On behalf of Chris L. Drakos we write to petition for the closure of an undeveloped and abandoned portion of 1500 North Street that runs between Hot Springs Street and Beck Street (the "Abandoned Street"). Mr. Drakos is the record title holder of the property located at 1515 North Beck Street, and more particularly described as Lots 1 and 26, Block 9, Empire Addition. This property fronts the north side of Abandoned Street. The property which fronts the Abandoned Street on the south side (Lots 9 and 10, Block 8, Empire Addition) is owned by Mr. Drakos' grandparents, Chris Drakos and Ruth Drakos. A Joinder in Petition for Street Closure signed by Mr. and Mrs. Drakos is attached to this Petition under Tab No. 1.

The Abandoned Street was apparently created in the early 1900's when the Empire Addition subdivision was subdivided and platted. The Abandoned Street, however, was never paved or otherwise improved and to the best of our information was never used as a public street. For at least the last 35 years the area of the Abandoned Street has been used by the Drakos family in the operation of its trucking business, Montana Brand. Attached to this Petition under Tab No. 2 are photographs of the Abandoned Street. As shown in the photographs, the Abandoned Street provides no public thoroughfare nor is there any possibility that it will ever do so. Moreover, underground fuel storage tanks have been placed beneath the Abandoned Street.

Greggory J. Savage
299 South Main Street, Suite 1800 Salt Lake City, Utah 84111-2263
tel 801.521.5800; fax 801.521.9639
greggory.savage@hro.com

Holme Roberts & Owen LLP
Attorneys at Law

Douglas Wheelwright
June 24, 2005
Page 2

Practically speaking there is no possible public benefit or public use of the Abandoned Street. In light of the circumstances there is no value to the Abandoned Street other than to the Drakos family. Rather, in light of the existence of the underground storage tanks, there is likely only liability to the City. As such, we request that the City pass an ordinance officially closing the Abandoned Street and thereafter deed the Abandoned Street to Chris L. Drakos.

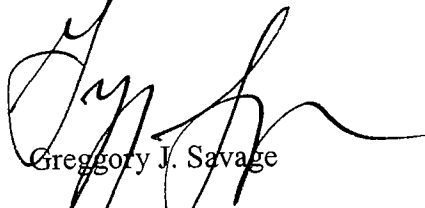
Also attached to this Petition are the following materials:

- Tab No. 3 The certified legal description of the area referred to in this Petition as the Abandoned Street.
- Tab No. 4 Address labels of all property owners within 450 feet of the Abandoned Street provided by the Salt Lake County Recorder's Office.
- Tab No. 5 A Sidwell map with the Abandoned Street highlighted and property owners identified.

Enclosed is a check in the amount of \$314.43 to cover the filing fee and the costs of first class postage for each address identified under Tab No. 4.

If you or other members of the Planning staff have any questions, please contact me.

Sincerely,



Greggory J. Savage

c: Chris L. Drakos
Enclosures: Tab Nos. 1-5
Check

BOUNDARY DESCRIPTION

A parcel of land, being that portion of 1500 North Street between Hot Springs Street and Beck Street, to be vacated, situate in the Southeast Quarter of the Southeast Quarter of Section 23, Township 1 North, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the east line of Hot Springs Road, which is located North 0°03'05" East 667.23 feet along the Section line and West 524.12 feet from the Southeast Corner of Section 23, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running:

thence North 43°53'46" West 66.00 feet along said east line of Hot Springs Road to the north line of 1500 North Street;

thence North 46°06'20" East 200.00 feet along said north line to the west line of Beck Street;

thence South 43°53'44" East 66.00 feet along said west line to the south line of said 1500 North Street;

thence South 46°06'20" West 200.00 feet along said south line to the point of beginning.

Parcel contains: 13,200 square feet or 0.30 acres.

Dm
10/27/05

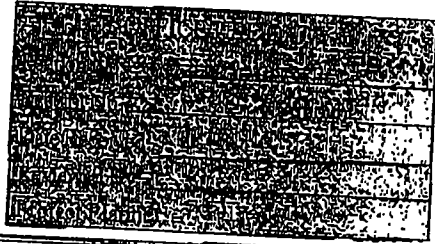
June 7, 2005
Date

Dusty Bishop
Dusty L. Bishop
License No. 4938720





Street Closure



Date September 19, 2005

Name of Applicant	<u>Chris L. Drake</u>	Phone	<u>(801) 521-5800</u>
Address of Applicant	<u>299 S. Main Street, STE #1800, SLC, Utah 84111 * Counsel</u>		
E-mail Address of Applicant	<u>robert.mooney@chro.com</u>	Cell/Fax	<u>(801) 521-9639</u>

Please include with the application:

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

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

Sidwell maps and names of property owners are available at:

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

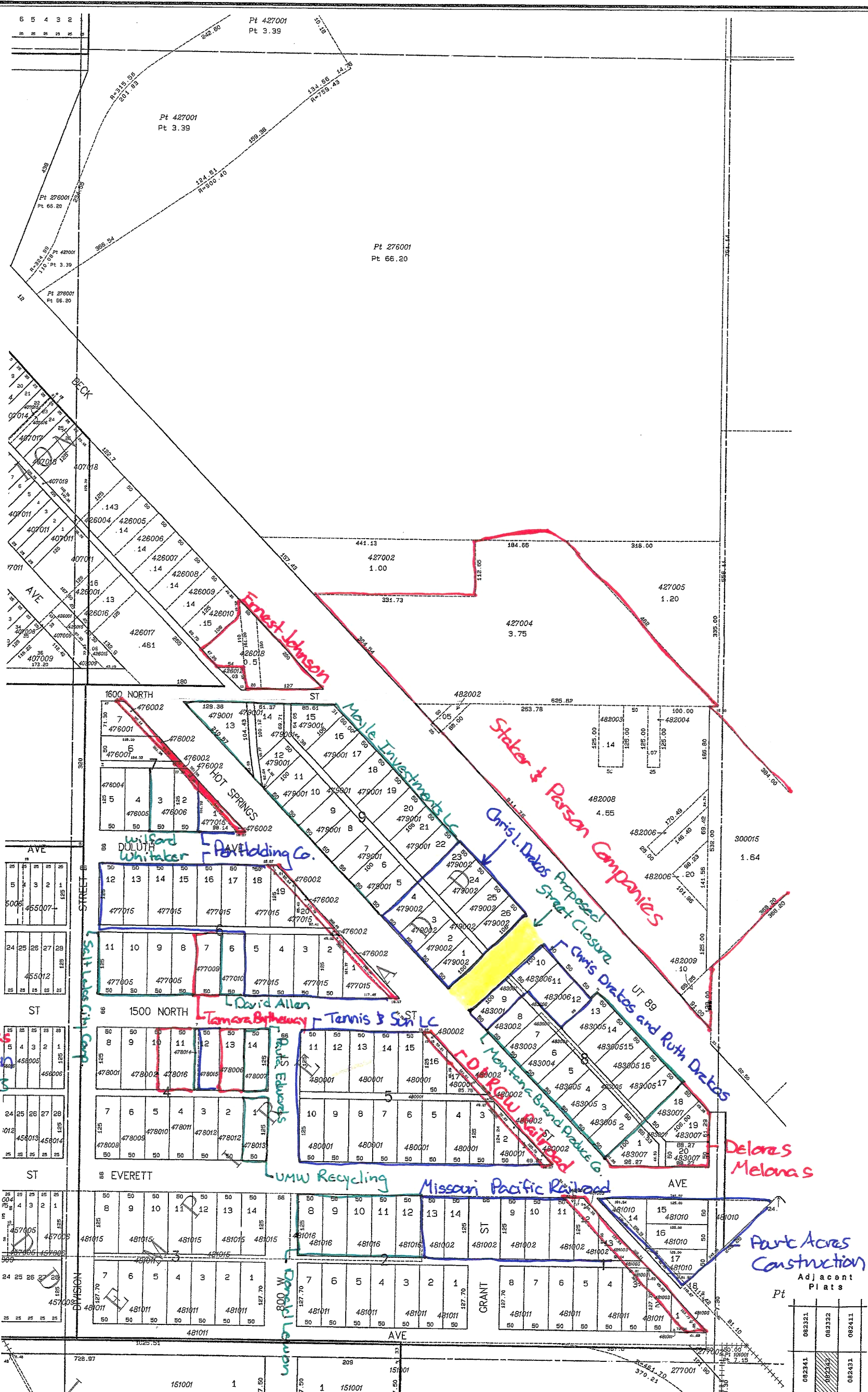
File the complete application at:

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

Signature of Property Owner or authorized agent

Title of Agent

Attorney for Chris L. Drake



8006 William Sales
 8015 Rick Nielsen
 8014 Ted Sommers
 806 David Allen

082321	082322	082411
082341	082342	082431
082621	082622	082511

E. 1/2 S.E. 1/4 SEC. 23 T.1N. R.1W.

PREPARED BY SALT LAKE COUNTY RECORDER GARY OTT
 Copyright 1998

This map is not intended to represent actual physical property lines. In order to establish exact physical boundaries a survey of the property may be necessary

08-23-42

REMARKS

Petition No. 400-05-23

By Chris L. Drakos

Is requesting a Street Closure of an undeveloped and abandoned portion of 1500 North Street that runs between Hot Springs Street and Back Street (the "Abandoned Street").

Date Filed _____

Address _____