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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** March 13, 2008

**SUBJECT:** Petition No. 400-06-50 – A petition submitted by Utah Metal Works requesting the closure of Everett Avenue from Dexter Street to Hot Springs Street and 800 West from 1500 North to Everett, and to allow the property to be sold to the applicant.

**STAFF REPORT BY:** Jennifer Bruno, Budget & Policy Analyst

**AFFECTED COUNCIL DISTRICTS:** District 3

**ADMINISTRATIVE DEPT:** Community and Economic Development  
**AND CONTACT PERSON:** Nick Britton, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement once a week for 4 weeks prior to the Public Hearing **\*\*Note: A public hearing date has been set for April 1, 2008.\*\***

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## NEW INFORMATION:

Council Staff has spoken with the petitioner. Utah Metal Works has not progressed significantly in working out an agreement with the property owner of 800 West and 1500 North. The petitioner would be agreeable to the Council adopting Phase 1 and the Everett Avenue Portion of Phase 2, leaving the public hearing open for the 800 West portion of Phase 2. It is their hope to work out an agreement with that property owner at some point in the future (possibly after they see the improvements to the other closed streets), and come back to the Council without having to go through the full planning commission process. Making a motion to continue the public hearing to a future date would preserve this possibility for the applicant.

## POTENTIAL MOTIONS:

*(TO END/CONTINUE THE PUBLIC HEARING)*

1. [**“I move that the Council”**] close the public hearing related to ordinances defined as Exhibits 2a and 2b, and continue the public hearing for Exhibit 2c to a future date – to allow the petitioner to work with an abutting property owner on a mutually agreeable solution for that section of the possible street closure.

And

*(TO ADDRESS STREET CLOSURES)*

2. [**“I move that the Council”**] Adopt an ordinance closing and abandoning a portion of Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street, and a portion of 800 West from Everett Avenue northward to a point approximately halfway to 1500 North, subject to conditions outlined in the ordinance (Exhibit 2a - addressing “Phase 1” - Planning Commission Recommended)

And/or

3. [**“I move that the Council”**] Adopt an ordinance closing and abandoning a portion of Everett Avenue from a point approximately halfway between 800 West and Hot Springs Street, eastward to Hot Springs Street, subject to conditions outlined in the ordinance (Exhibit 2b - addressing the Everett Avenue portion of “Phase 2” - Planning Commission Recommended)

And/or

4. [**“I move that the Council”**] Adopt an ordinance closing and abandoning a portion of 800 West from a point approximately halfway between Everett Avenue and 1500 North, northward to 1500 North, subject to conditions outlined in the ordinance. (Exhibit 2c - addressing the 800 West portion of “Phase 2” - NOT recommended by the Planning Commission)

**Or**

**5. [“I move that the Council”]** Not adopt any of the ordinances stated above.

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The following information was provided previously for the Council Work Session on March 13, 2008. It is provided again for your reference.

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**KEY ELEMENTS:**

- A. The Administration has prepared three ordinances for Council consideration, in order to allow the Council to take action on parts of the street closures and not others:
1. Exhibit 2a (addressing “Phase 1”): closing and abandoning a portion of Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street, and a portion of 800 West from Everett Avenue northward to a point approximately halfway to 1500 North.
  2. Exhibit 2b (addressing the Everett Avenue portion of “Phase 2”): closing and abandoning a portion of Everett Avenue from a point approximately halfway between 800 West and Hot Springs Street, eastward to Hot Springs Street.
  3. Exhibit 2c (addressing the 800 West portion of “Phase 2”): closing and abandoning a portion of 800 West from a point approximately halfway between Everett Avenue and 1500 North, northward to 1500 North.
  4. All three ordinances are subject to the conditions of approval identified by the Planning Commission (see item #B.5).
  5. The City Recorder is instructed not to record the ordinance(s) until the conditions have been met and certified by the Planning Director and the City Property Manager.
  6. The petitioner has one year after adoption to meet all conditions outlined in the ordinance, after which point the ordinance becomes null and void.
- B. Key points in the Administration’s transmittal are the following:
1. The petitioner is requesting that Salt Lake City close Everett Avenue between Dexter St and Hot Springs Street, and 800 West between Everett and 1500 North. The petitioner would pave these surfaces to allow for better road conditions for their heavy trucks, as well as flexibility in staging these trucks and other materials. The petitioner has separated these requests into two “Phases” in order to allow flexibility to address property and access issues (**see attached map**):
    - i. *Phase 1* - Everett Avenue between Dexter Street and halfway between 800 West and Hot Springs Street & 800 West between Everett Avenue and halfway between Everett Avenue and 1500 North.
    - ii. *Phase 2* - Everett Avenue, from halfway between 800 West and Hot Springs Street, eastward to Hot Springs Street & 800 West, from halfway between Everett Avenue 1500 North, northward to 1500 North.
  2. The subject portion of Everett Avenue is 850 feet long and 66 feet wide (56,100 square feet). The subject portion of 800 West is 264 feet long and 66 feet wide (17,424 square feet). The total acreage is 1.81 acres. Both subject streets are partially improved rights-of-way, but are not currently maintained and have been heavily damaged by the truck traffic common in the M-2 (Heavy Manufacturing) Zoning District.
    - i. At this time the petitioner is only requesting the portion identified as “Phase 1” be closed (see attached map). There are still property ownership and access issues that the petitioner would like to resolve before closing “Phase 2” (see #A.3.)

- ii. The Planning Commission voted to forward a recommendation to close the entirety of Everett Avenue between Dexter and Hot Springs Street (“Phase 1” and part of “Phase 2”). The Planning Commission recommended not closing the northern half portion of 800 West (the 800 West part of “Phase 2”). *See key element #H for a further discussion of Planning Commission action.*
  - iii. If the closures are approved, the petitioner would work with the City’s Property Management Division to determine fair market value.
- 3. The petitioner owns abutting property to the South, North, East and West of Phase 1 of the Street Closure. With regard to Phase 2, the petitioner abuts the proposed street closures along with Union Pacific (in negotiations to sell to Rocky Mountain Power) on Everett Avenue, as well as Kristina Nielson on 800 West (owner of the property at 1475 North 800 West).
  - i. The petitioner is currently in negotiations with Rocky Mountain Power to provide an access easement or find another property/access resolution.
  - ii. The petitioner has attempted to negotiate access and easements with the property owner at 1475 North 800 West. However, these attempts have not been successful, and the property owner is not willing to grant approval at this time to the 800 West portion of Phase 2 of the closure, even with an easement.
- 4. Everett Avenue and 800 West are both identified as local streets in the Salt Lake City Major Street Plan (2006).
  - i. Planning staff notes that the traffic pattern of this area is incompatible because of the close proximity of heavy manufacturing uses and single-family residential uses. Traffic serving heavy manufacturing uses substantially deteriorates the roadways used by single family residential traffic.
  - ii. The Capitol Hill Master Plan recommends that the street layout should be improved to better serve existing and proposed land uses (*see Master Plan Considerations item #B for a further discussion of the Capitol Hill Master Plan*).
  - iii. The proposed street closures, if approved, would re-route residential traffic down Hot Springs Street to 1500 North.
  - iv. The Administration’s transmittal notes that residents currently avoid this portion of Everett Avenue (even though it is in some cases the most direct route) because of the poor condition of the roadway.
  - v. There are no plans by the City to improve or upgrade 800 West or Everett Avenue at this time.
- 5. The petitioner is planning to re-pave the purchased streets, and use them for better circulation between the properties owned by Utah Metal Works, particularly in the winter months. The ordinances require the execution of a development agreement in order for the petitioner to take ownership of the streets, providing for the following:
  - i. Installation of gates at Everett Avenue and Hot Springs and Dexter Street, with access at all times for emergency services. If Phase 2 (800 West) is approved a fence will be required there as well.
  - ii. If Phase 1 is approved and not Phase 2, a hammerhead will be required to be constructed along Everett Avenue to allow fire access turnaround in the area.
  - iii. Installation of a solid wall or fence between 7 and 10 feet high. Any outdoor storage shall be stacked lower than the enclosing wall or fence.
  - iv. Landscaping of the first 25 feet of front yard and 15 feet of corner side yards.
  - v. Easements for the various public utilities.
  - vi. Frontage improvements, at the expense of the petitioner, shall be made along Hot Springs Street and 1500 North.
  - vii. Documentation must be provided to the Planning Division that this is not a Brownfield site.

6. The Planning staff report notes the following findings:
  - i. Closing the Phase 1 portions of Everett and 800 West would not deny access to adjacent property owners. Phase 2 would not commence until consent has been given by the two adjacent property owners who depend on these areas for access.
  - ii. The applicant is willing to purchase the property at fair market value.
  - iii. Hard surfacing of the proposed property will provide room for parking and staging for business-related activities of the petitioner. As a result, trailers will be stored on-site instead of along public rights-of-way. This will provide relief to the poor condition of some of the roads in Swedetown, and decrease interactions between incompatible traffic.
  - iv. Planning Staff finds that the public policy reasons for closure outweigh the alternatives to closure, outlined in their staff report to the Planning Commission.
- C. The petitioner's property is zoned M-2 (Heavy Manufacturing). The properties immediately to the North, South, East and West of the petitioner's property are also zoned M-2 (Heavy Manufacturing). Properties located East of Hot Springs Street are zoned M-1 (Light Manufacturing). The surrounding land uses in all directions but North are industrial. The land uses to the North (along 1500 North) are residential, and are legal with nonconforming status. Residential uses are no longer permitted in the M-2 zone.
- D. All necessary City departments and divisions reviewed the proposal and recommended approval of the street closure subject to City standards and specific requirements outlined in the ordinance.
  1. The petitioner will have to secure an avigation easement from the Department of Airports if any new development is pursued on the site, as it is located in Airport Influence Zone H.
  2. The petitioner will have to provide Public Utilities and to the Fire Department a means for accessing the interior of the site for emergency response issues, as well as the utilities which run under the proposed street closures.
- E. The Capitol Hill Community Council was notified of the proposed street closure but did provide comment.
- F. On March 8, 2007, the Planning Division held an open house regarding the proposed street closure. 10 people attended, including the applicant. All that attended were generally supportive of the closures. Comments received were the following:
  1. Those attending wanted to see fences in-between Utah Metal Works' property and the residential uses;
  2. Those attending wanted to see a stoplight on Beck Street at Everett Avenue (*staff note: this would be an action undertaken by the Utah Department of Transportation*);
  3. Those attending supported trucks and trailers being taken off Hot Springs Street.
- G. Subsequent to the open house, the property owner at 1475 North 800 West (the parcel that abuts the "Phase 2" portion of 800 West) indicated that she does not want her access via 800 West taken away. She voiced no objections to "Phase 1" of the closure, but did not support Utah Metal Works obtaining the portion of the street abutting her property. This property owner also testified at the Planning Commission public hearing.
- H. On September 26, 2007, the Planning Commission voted 7-1 to recommend approval of the proposed street closure (Phase 1 and the Everett Ave portion of Phase 2 only), and the subject

property be declared surplus. The Planning Commission included the Everett portion of Phase 2, as the applicant has been working through access issues with this property owner, and this property owner has not objected to the closure. Other items discussed included:

1. Because of objections raised by the property owner at 1475 North 800 West, Planning Staff changed their recommendation to the Commission that the City approve Phase 1 and the Everett portion of Phase 2 only. Their previous recommendation had been to approve both Phases, subject to successful access negotiations.
2. One property owner in the area voiced support for the entire petition, while one other property owner and one resident voiced opposition for the 800 West portion of Phase 2.
3. Questions were raised relating to the environmental status of the site – this was included as a part of the Planning Commission motion, and incorporated into the Development Agreement referenced in item A.5.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:**

1. The Council may wish to consider the phasing of the street closure requests. It is Council Staff's understanding that if the Council adopts the ordinance dealing with the Phase 1 street closure, and not the Phase 2 street closures, the petitioner would have to re-submit an application if they were able to resolve their property/access issues at some point in the future. The Council may wish to clarify options with the City Attorney's office.
2. The Council may wish to request an update from the Administration regarding the status of the Utah Metal Works' negotiations with Rocky Mountain Power, and the status of the transaction between Rocky Mountain Power and Union Pacific property.
3. The Council may wish to ask the Administration to provide an update on the status of the development agreement, considering that there is a one year time frame with which to complete the development agreement.
4. 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.

The subject street closure request is the southernmost border of “Swedetown.” The following are policy statements and action steps stated in the Capitol Hill Master Plan related to Swedetown:

Policy Statements

- Initiate redevelopment of Swedetown in the non-residential area first.
- Ensure the new interchange at 1800 North enhances access to Swedetown.
- Ensure that any vacations/street closures in this area do not eliminate important buffer areas between land uses.

Action Steps

- Develop a small area master plan to address issues including the redevelopment of Swedetown as an industrial park.
- Take actions to maintain and enhance the appearance of existing industrial redevelopment including zoning changes from industrial to business park to encourage redevelopment in the Swedetown area.
- Encourage the Utah Department of Transportation to place a stop light at Beck Street and Everett Avenue.
- Provide sewer, water and other general infrastructure improvements.

- C. The Salt Lake City Major Streets Plan (2006) identifies both 800 West and Everett Avenues as local streets, and does not anticipate them developing into anything more than local streets in the future.

- D. The purpose of the Heavy Manufacturing District (M-2) is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate, for a nuisance free environment.
- 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.

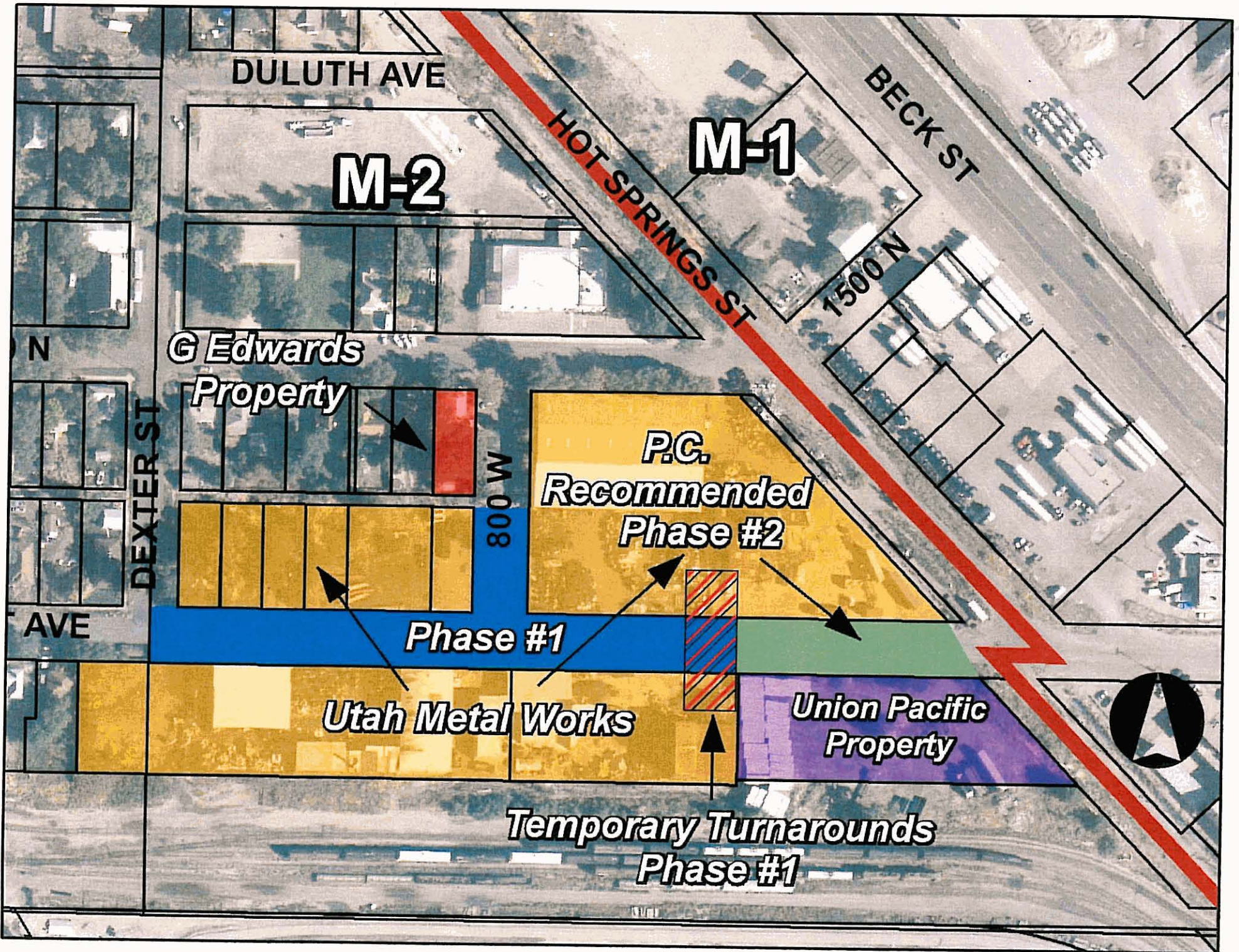
## **CHRONOLOGY:**

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

- |                      |   |
|----------------------|---|
| • December 13, 2006  | Petition assigned to Planning                   |
| • March 8, 2007      | Open House held                                 |
| • September 26, 2007 | Planning Commission Hearing                     |
| • October 2, 2007    | Ordinance requested from City Attorney's Office |
| • January 7, 2007    | Ordinance received from City Attorney's Office  |
| • February 15, 2008  | Transmittal received in Council Office          |

cc: David Everitt, Lyn Creswell, Esther Hunter, Ed Rutan, Lynn Pace, Melanie Reif, Orion Goff, Larry Butcher, Rick Graham, Jeff Neirmeyer, Tim Harpst, Max Peterson, Mary De La Mare Schaefer, Cheri Coffey, Nick Britton, Karen Hale, Sylvia Richards, Quin Card, Nick Tarbet, Barbara Mellen, Janice Jardine, Sarah Church

File Location: Community and Economic Development Dept., Planning Division, Street Closures, Utah Metal Works, Everett Avenue (between Dexter and Hot Springs Street), 800 West from 1500 North to Everett






# SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

## CITY COUNCIL TRANSMITTAL

**TO:** David Everitt, Chief of Staff **DATE:** February 7, 2008

**FROM:** Mary De La Mare-Schaefer, Acting Community Development Director 

**RE:** Petition 400-06-50: Street Closure by Utah Metal Works requesting the closure of Everett Avenue from Dexter Street to Hot Springs Street and 800 West from 1500 North to Everett to allow the property to be sold to the applicant

**STAFF CONTACTS:** Nick Britton, Principal Planner, at 535-7932 or [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com)

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** The fair market value of the surplus property has not been determined. Utah Metal Works is currently working with Property Management to determine that value.

### DISCUSSION:

**Issue Origin:** The applicant, Utah Metal Works, has requested that the City close segments of both Everett Avenue and 800 West and sell the property to the applicant at fair market value so they may incorporate the land into their property. The subject portion of Everett Avenue is approximately 850 feet in length and 66 feet in width. The subject portion of 800 West is approximately 264 feet in length and 66 feet in width. Both roads connect to other public rights-of-way. These segments are partially improved rights-of-way but are not currently maintained and have been heavily damaged by high volume truck traffic common in M-2 (Heavy Manufacturing) Zoning Districts. The Salt Lake City Council has authority to approve street closures.

The streets in question are found in an area of the city referred to as "Swedetown." The neighborhood is a mix of industrial and residential uses located between Beck Street and I-15 in the Capitol Hill community. The applicant has requested the closure in two phases, as detailed below (see map on page 2):

▪ **Phase I**

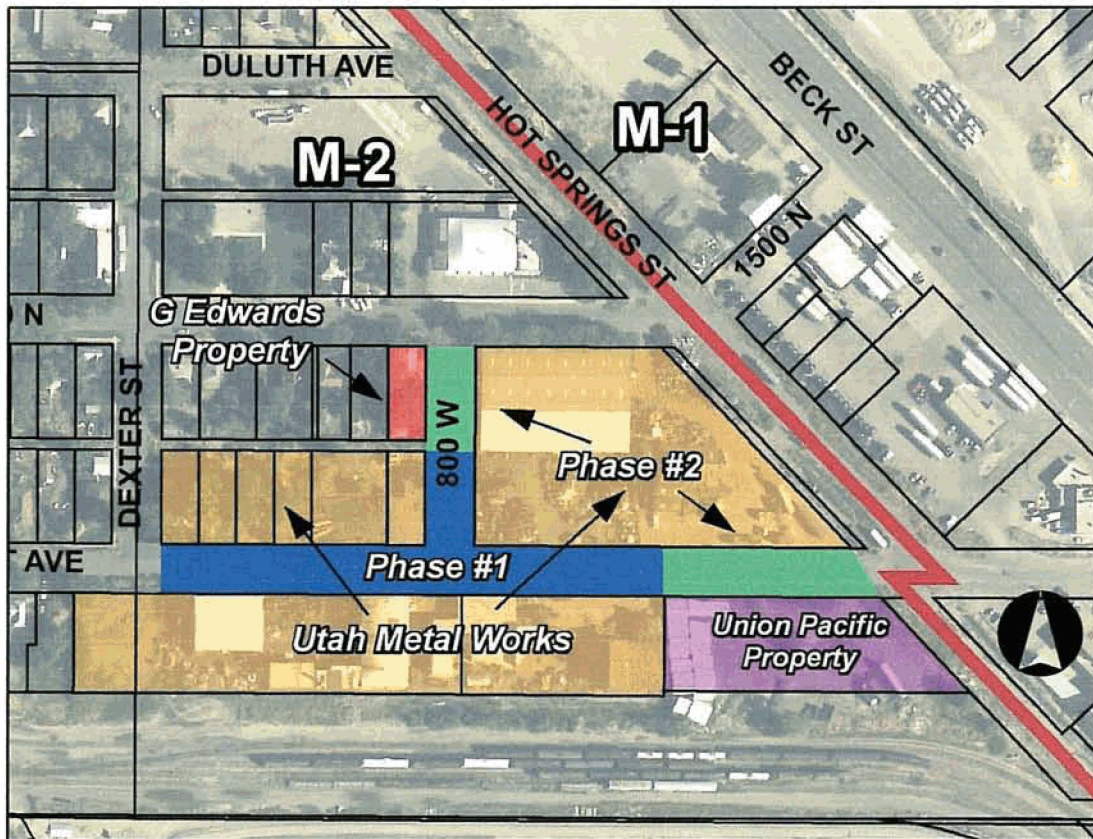
- Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street
- 800 West from Everett Avenue northward to the alleyway between Everett Avenue and 1500 North.

▪ **Phase II**

- The remainder of Everett Avenue, from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street.
- 800 West from the alleyway between Everett Avenue and 1500 northward to 1500 North.

The applicant requested these street closures for the following purposes:

1. Enable the hard surfacing of a portion of their property at the northwest corner of Everett Avenue and 800 West. However, because of required landscape front yard setbacks in the M-2 Zoning District, the applicant is unable to hard surface the desired area; and
2. Enable the applicant, who uses the streets for its normal business operations, to continue using the space without impacting public streets.
3. Enable the applicant also to repave Everett Avenue and 800 West because they are poorly maintained, are in poor condition, and become hazardous to traffic in the winter.



At this time, the applicant is seeking approval only for Phase I of the closure.

**Analysis:** The phased approach is a result of the applicant's inability to obtain approval from abutting property owners of the Phase II portions of Everett Avenue and 800 West. Union Pacific owns the property at 709 Everett Avenue, and Rocky Mountain Power is in negotiations to purchase the property from Union Pacific; Utah Metal Works is currently in negotiations with Rocky Mountain Power. The property at 1475 North 800 West is residential, and the owners are currently unwilling to grant approval since they access their property via 800 West. Utah Metal Works has been working with them to establish an easement. However, the property owners have not agreed to forego their access. Planning staff worked with the applicant to determine the most appropriate way to proceed with this petition given the request and the condition of the neighborhood.

At this time, the only street that could be closed by the City Council without impacting a neighboring property owner's access is Phase I. Both halves of Phase II require additional work by the applicant, either through property acquisition or through some sort of agreement between Utah Metal Works and the property owner.

Should the Phase I closure be approved prior to the petitioner attaining access agreements from the property owners that abut Phase II segments, a temporary hammerhead would be required on Everett Avenue at the east end of the Phase I closure (see map on page 2). No hammerhead would be required on 800 West as the stub street would be short enough to allow any vehicles using 800 West to back up. There are no plans by the City to improve or upgrade 800 West at this time.

As a result of the proposed closure, any residential traffic entering the area from Beck Street via Everett Avenue would be routed north onto Hot Springs Street and then west on 1500 North. Residents to the west of Utah Metal Works' property stated at an Open House that they do not typically use the subject portion of Everett Avenue for access to their neighborhood. Instead, they enter the neighborhood via Everett Avenue but use Hot Springs Street and 1500 North. Neighborhood residents can also access their properties from Beck Street via Chicago Street. There is no access to the area from the west because of Interstate 15 and railroad tracks. Utah Metal Works proposes to repave and maintain the Everett Avenue right-of-way as an internal driveway; therefore, any business-related traffic would access Utah Metal Works' site from Everett Avenue at Hot Springs Street or Dexter Street.

The *Capitol Hill Master Plan* recommends that the street layout plan should be improved to better serve existing and proposed land uses. The proposed street closure will improve access for both industrial and residential traffic. While residential traffic will be rerouted off of the most direct route (Everett Avenue), residents of the neighborhood indicated that they avoid Everett Avenue already. However, if the streets remain public, there remains the potential for Utah Metals Works' business operations and its heavy equipment traffic to materially degrade public streets and impact the public and private utility lines beneath Everett Avenue. Furthermore, closing Everett Avenue and 800 West will eliminate potential conflicts between Utah Metal Works operations and residential traffic. While most residents in Swedetown avoid Everett

Avenue, leaving it as public right-of-way allows the possibility of conflicts and raises maintenance issues with a heavily abused road already in poor condition.

The City Council has adopted the following policy considerations to guide the decision-making process for requests to close and vacate City-owned street rights-of-way (Section E.2 of the Salt Lake City Council Policy Guidelines):

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 relating to each of these policies (see Exhibit 5-b, page 6).

All of the comments received by Planning Staff from other City departments were supportive of the proposed closure provided certain conditions were met (see Exhibit 5-b, pages 2 – 3). The street closure request provided the opportunity for other city departments and divisions to address other issues in the neighborhood. There were concerns from Engineering staff about the environmental integrity of the site, but overall, the proposed street closures were considered an improvement to the existing conditions. The most significant conditions of approval are that Utah Metal Works would be required to obtain easements from the Department of Airports and Public Utilities. Utah Metal Works would also need to install gates on their property at the closure points and provide the Fire Department with the means of accessing the interior of Utah Metal Works' property. They will be required to fence and landscape their property along remaining street frontages where possible in accordance with the Zoning Ordinance. The full list of recommended conditions of approval is found in Exhibit 5-b on page 8.

***Master Plan Considerations:*** The master plan document for this area, the *Capitol Hill Master Plan* adopted in 1999, notes that the Swedetown neighborhood lacks proper circulation and access and where it does have access—Everett Avenue is one of the listed locations—the access and visibility are poor. The Plan calls for infrastructure improvements to the area and a redesign and widening of the neighborhood's streets to improve access, circulation, and visibility into the area. The two action items for the neighborhood are: 1) the creation of a street layout plan to better serve the existing and proposed land uses, and 2) the installation of a stoplight at the intersection of Beck Street and Everett Avenue. The future land use map for this part of Capitol Hill calls for business park uses. Everett Avenue and 800 West are both identified as local streets in the *Salt Lake City Major Street Plan* adopted in 2006.

## **PUBLIC PROCESS:**

Residents and business owners in the Swedetown neighborhood were invited to an Open House held March 8, 2007. The Capitol Hill Community Council was also notified of the petition but did not respond. Planning staff received a phone call from a nearby property owner requesting more information and voicing opposition to the closure of the northern half of the 800 West (part of Phase II).

Abutting property owners and interested individuals, including Community Council chairs and business groups, were notified of the proposed closure and invited to attend the Planning Commission public hearing on the matter held on September 26, 2007. At the Planning Commission hearing, the aforementioned member of the public expressed her opposition to the Phase II portion of 800 West but had no issues with the rest of the proposed closure.

Two members of the Planning Commission expressed concerns with closing a street that abutting property owners do not wish closed. They also expressed concerns with the environmental issues raised by the Engineering Division. The Planning Commission voted seven to one to forward a positive recommendation to the City Council regarding Phase I of the proposed closure—Everett Avenue from Dexter Street to a point approximately halfway between 800 West and Hot Springs Street, and 800 West from Everett Avenue northward to the alleyway located halfway between Everett Avenue and 1500 North.

The Planning Commission also recommended approval for half of the Phase II proposal, which is a portion of Everett Avenue from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street. The Phase II portion of 800 West was not included in the Planning Commission recommendation. The Planning Commission also declared the subject portions of right-of-way surplus property. A map showing the Planning Commission recommendation is found in Exhibit 6. The petitioner's original request is reflected in the map on page 2 of this letter.

The ordinances attached in Exhibit 2 of this transmittal reflect both the proposal from Utah Metal Works and the Planning Commission recommendation. They are as follows:

- **Ordinance 2-a** reflects the street closures included in Phase I, which was recommended for approval by the Planning Commission.
- **Ordinance 2-b** reflects the street closure included in the Everett Avenue portion of Phase II, which was recommended for approval by the Planning Commission. The ordinance refers to the closure as Phase II(A).
- **Ordinance 2-c** reflects the street closure included in the 800 West portion of Phase II which was *not* recommended for approval by the Planning Commission. The ordinance refers to the closure as Phase II(B).

**RELEVANT ORDINANCES:**

Utah State Code, Title 10-9a-609.5: Vacating or altering a street or alley

City Code, Section 2.58- Sale of Real Property-Notice and Hearing

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3. City Council Public Hearing Notice
4. Mailing List
5. Planning Commission Hearing
  - a. Original Notice and Postmark
  - b. Staff Report: September 26, 2007
  - c. Minutes: September 26, 2007
6. Map of Planning Commission Recommendation
7. Original Petition

# Exhibit 1 Chronology



## **Chronology**

Petition 400-06-50

- December 4, 2006:** Petition received by Planning Division.
- December 13, 2006:** Petition assigned to Nick Britton.
- December 14, 2006:** Information routed to applicable City staff.
- January 25, 2007:** Requested full site plan from applicant.
- February 5, 2007:** Sent a letter to applicant with concerns and potential conditions that may be placed on any approval.
- February 21, 2007:** Notice of Open House sent to property owners in “Swedetown” neighborhood.
- March 5, 2007:** Planning met with representatives from Engineering, Transportation, and Public Utilities to discuss their major concerns or issues and how they may be resolved.
- March 8, 2007:** Open House held.
- April 11, 2007:** Meeting with applicant to discuss conditions and issues identified in a letter from March 20, 2007.
- April 13, 2007:** Meeting with applicant at site and requested further information. Applicant expressed interested in closing a portion of Hot Springs Street to make it easier for applicant to meet proposed conditions.
- April 24, 2007:** Planning met with representatives from Engineering, Transportation, and Public Utilities to discuss latest proposal from applicant.
- May 14, 2007:** Letter received from Transportation addressing the applicant’s request regarding Hot Springs Street. Forwarded to applicant.
- July 18, 2007:** Meeting with applicant to discuss timeline. Applicant proposed a phased street closure approach. Requested outline and map of their proposal.
- July 30, 2007:** Proposal letter from applicant received.
- August 23, 2007:** Update of proposal submitted by applicant due to inability to obtain signatures from the property owner at 1475 North 800 West.
- September 11, 2007:** Notice of Planning Commission mailed.
- September 26, 2007:** Planning Commission voted to forward a positive recommendation to City Council regarding the entirety of Phase 1 and portion of Phase 2.
- October 2, 2007:** The ordinance was requested from the City Attorney’s Office due on October 17.
- January 7, 2008:** The final stamped ordinances was received from the City Attorney’s Office.

Exhibit 2-a  
Proposed Ordinance for Phase I

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2008

(Phase I Closure -- Closing and abandoning portions of Everett Avenue and 800 West as public streets, with conditions and time limitation)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF EVERETT AVENUE FROM DEXTER STREET EASTWARD TO A POINT APPROXIMATELY HALFWAY BETWEEN 800 WEST AND HOT SPRINGS STREET AS A PUBLIC STREET, AND A PORTION OF 800 WEST FROM EVERETT AVENUE NORTHWARD TO A POINT APPROXIMATELY HALFWAY TO 1500 NORTH AS A PUBLIC STREET, PURSUANT TO PETITION NO. 400-06-50.

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

WHEREAS, the title to the closed portions of the streets shall remain with the City until sale for fair market value or its equivalent.

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

SECTION 1. Closing and Abandoning Streets. A portion of Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street, and a portion of 800 West from Everett Avenue northward to a point approximately halfway to 1500 North, which are the subject of Petition No. 400-06-50, and which are more particularly described on Exhibit "A" attached hereto, and the same hereby are, closed and abandoned and declared no longer needed or available for use as streets.

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. These street closures are conditioned upon the following:

- a. Payment to the City of fair market value of those portions of the streets, or their equivalent, and title to those portions of these streets shall remain with the City until sale for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58;
- b. Execution and recording of an avigation easement acceptable to the City's Airport and Planning Division;
- c. Execution and recording of a private utility easement between petitioner and Chevron for the gas line that runs beneath Everett Avenue; and
- d. Execution and recording of a development agreement that specifically and adequately addresses the following points:
  - i. Installation of gates at Everett Avenue and Hot Springs, and at Everett Avenue and Dexter Street, which will allow for unimpeded, free, and workable access at all times by Fire and emergency services. Any plans concerning or otherwise impacting fire suppression and/or safety shall be submitted to the Salt Lake City Fire Department for review and

approval. As part of its review, the City's Fire Department may make recommendations, including but not limited to requiring additional fire hydrants to service the property, which must be adhered to before approval will be granted. Further, if Phase 2(b) of the development is later approved by the City for development, a fence must be installed enclosing the north end of the property at 800 West.

ii. Utah Metal Works, the site operating on the north and south of Everett Avenue and on the east and west of 800 West, which are the subject locations for the street closure at issue in this petition (Petition No. 400-06-50), must and will come into compliance with Section 21A.28.010(B)(3)(b) (Outdoor Sales, Display or Storage in Manufacturing Districts) and Section 21A.28.030(E) (Landscape Yard Requirements for M-2 Heavy Manufacturing District) before development approval is granted.

With respect to Section 21A.28.010(B)(3)(b), a solid wall or fence not less than seven feet (7') but not greater than ten feet (10') in height shall be installed, and any outdoor storage shall be stacked lower than the enclosing wall or fence. Said fence shall include the entrance and exit gates and shall not encroach into any sight distance triangle. Said fence shall also run along 1500 North and Dexter Street.

With respect to Section 21A.28.030(E), the first twenty five feet (25') of the front yard and the first fifteen feet (15') of corner side yards shall be landscaped. Said landscaping shall be conformance with the requirements of Chapter 21A.48, including Section 21A.48.110. Structures in existence as of the date this ordinance is passed will not be subject to the landscaping requirements.

iii. Execution and recording of a public utilities easement in favor of Salt Lake City. The easement shall cover the water and storm drains that serve the properties along 800 West and Everett Avenue, and shall be the width of the current right-of-way along Everett Avenue. No trees, fences, buildings, or structures of any kind shall be allowed and nothing shall be stored in the easement area. A drainage impact fee to be specified by the City's Public Utilities Department shall be paid for any new impervious surface(s) to the Utah Metal Works property.

iv. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North. Said improvements shall be at petitioner's sole expense.

v. The public rights-of-way along Hot Springs Street, 1500 North Street, and the remaining portions of Everett Avenue must remain open for public use. No trucks or trailers shall be parked or staged along these streets.

vi. Utah Metal Works shall file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted the proposed street closure must have at least eight (8) feet of street frontage. In addition, the plat must be noted that there is no sewage system on Utah Metal Works site.

vii. Documentation shall be provided to the Planning Division certifying that the proposed location is not a Brownfield site.

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 have been met, as certified by the Salt Lake City Property Manager and Salt Lake City Planning Director.

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 conditions identified above.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date January 7, 2007  
By Melanie Beif

HB\_ATTU-#2042-v1-Closing\_a\_portion\_of\_Everett\_Ave\_and\_portion\_of\_800\_West\_-\_Phase\_I.DOC



EXHIBIT "A"  
*Phase I*

From a Point of Beginning at the Northwest corner of Lot 8, Block 3 of the Empire Addition, according to the official plat thereof, filed in Book "E" of the plats at page 58 of the official plats of the Salt Lake County Recorder, thence bearing N 0 degrees 05' W 66 feet along the Dexter Street Right of Way to the Southwest corner of Lot 7, Block 4 of the Empire Addition, thence running East 350 feet along the South edge of Block 4 of the Empire Addition, to the Southeast corner of Lot 1, Block 4 of the Empire Addition, thence bearing N 0 degrees 05' W 132 feet along the East edge of Block 4 of the Empire Addition, thence running East 66 feet to the center point of the vacated alley in Block 5 of the Empire Addition, thence bearing S 0 degrees 05' E 132 feet to the Southwest corner of Lot 10, Block 5 of the Empire Addition, thence bearing East 250 feet to the Southeast corner of Lot 6, Block 5 of the Empire Addition, thence South 66 feet across the Everett Avenue Right of Way to the Northeast corner of Lot 12, Block 2 of the Empire Addition, thence running West 666 feet along the South edge of the Everett Avenue Right of Way, to the Point of Beginning at Lot 8, Block 3 of the Empire Addition.

Exhibit 2-b  
Proposed Ordinance for Phase II(A): Everett Avenue

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2008

**(Phase II(A) Closure** -- Closing and abandoning a portion of Everett Avenue as a public street, with conditions and time limitation)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF EVERETT AVENUE FROM A POINT APPROXIMATELY HALFWAY BETWEEN 800 WEST AND HOT SPRINGS STREET EASTWARD TO HOT SPRINGS STREET AS A PUBLIC STREET, PURSUANT TO PETITION NO. 400-06-50.

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 the portion of the street will not be adverse to the general public's interest; and

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

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

SECTION 1. Closing and Abandoning Street. A portion of Everett Avenue from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street, which is the subject of Petition No. 400-06-50, and which is more particularly described on Exhibit "A" attached hereto, 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. These street closures are conditioned upon the following:

a. Payment to the City of fair market value of those portions of the streets, or their equivalent, and title to those portions of these streets shall remain with the City until sale for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58;

b. Execution and recording of an avigation easement acceptable to the City's Airport and Planning Division;

c. Execution and recording of a private utility easement between petitioner and Chevron for the gas line that runs beneath Everett Avenue; and

d. Execution and recording of a development agreement that specifically and adequately addresses the following points:

i. Installation of gates at Everett Avenue and Hot Springs, and at Everett Avenue and Dexter Street, which will allow for unimpeded, free, and workable access at all times by Fire and emergency services. Any plans concerning or otherwise impacting fire suppression and/or safety shall be submitted to the Salt Lake City Fire Department for review and approval. As part of its review, the City's Fire Department may make recommendations, including but not limited to requiring additional fire hydrants to service the property, which must be adhered to before approval will be granted. Further, if Phase 2(b) of the development is later

approved by the City for development, a fence must be installed enclosing the north end of the property at 800 West.

ii. Utah Metal Works, the site operating on the north and south of Everett Avenue and on the east and west of 800 West, which are the subject locations for the street closure at issue in this petition (Petition No. 400-06-50), must and will come into compliance with Section 21A.28.010(B)(3)(b) (Outdoor Sales, Display or Storage in Manufacturing Districts) and Section 21A.28.030(E) (Landscape Yard Requirements for M-2 Heavy Manufacturing District) before development approval is granted.

With respect to Section 21A.28.010(B)(3)(b), a solid wall or fence not less than seven feet (7') but not greater than ten feet (10') in height shall be installed, and any outdoor storage shall be stacked lower than the enclosing wall or fence. Said fence shall include the entrance and exit gates and shall not encroach into any sight distance triangle. Said fence shall also run along 1500 North and Dexter Street.

With respect to Section 21A.28.030(E), the first twenty five feet (25') of the front yard and the first fifteen feet (15') of corner side yards shall be landscaped. Said landscaping shall be conformance with the requirements of Chapter 21A.48, including Section 21A.48.110. Structures in existence as of the date this ordinance is passed will not be subject to the landscaping requirements.

iii. Execution and recording of a public utilities easement in favor of Salt Lake City. The easement shall cover the water and storm drains that serve the properties along 800 West and Everett Avenue, and shall be the width of the current right-of-way along Everett Avenue. No trees, fences, buildings, or structures of any kind shall be allowed and nothing shall

be stored in the easement area. A drainage impact fee to be specified by the City's Public Utilities Department shall be paid for any new impervious surface(s) to the Utah Metal Works property.

iv. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North. Said improvements shall be at petitioner's sole expense.

v. The public rights-of-way along Hot Springs Street, 1500 North Street, and the remaining portions of Everett Avenue must remain open for public use. No trucks or trailers shall be parked or staged along these streets.

vi. Utah Metal Works shall file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted the proposed street closure must have at least eight (8) feet of street frontage. In addition, the plat must be noted that there is no sewage system on Utah Metal Works site.

vii. Documentation shall be provided to the Planning Division certifying that the proposed location is not a Brownfield site.

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 have been met, as certified by the Salt Lake City Property Manager, Salt Lake City Airport Director, Salt Lake City Planning Director, and Salt Lake City Public Utilities Director.

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 conditions identified above.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date January 7, 2008  
By Melanie Pfeiffer

EXHIBIT "A"  
*Phase II(A)*

From a Point of Beginning at the Southwest corner of Lot 5, Block 5 of the Empire Addition, thence East 269.87 feet to the Hot Springs Street Right of Way at the Southeast corner of Lot 1, Block 5 of the Empire Addition, thence bearing S 44 degrees 01' E 91.78 feet along the Hot Springs Street Right of Way to the Northeast corner of Lot 12, Block 1 of the Empire Addition, thence running West 333.54 feet along the South edge of the Everett Avenue Right of Way to the Northeast corner of Lot 12, Block 2 of the Empire Addition, thence North 66 feet across the Everett Avenue Right of Way to the Point of Beginning at the Southwest corner of Lot 5, Block 5 of the Empire Addition.



Exhibit 2-c  
Proposed Ordinance for Phase II(B): 800 West

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2008

**(Phase II(B) Closure -- Closing and abandoning a portion of 800 West as a public street, with conditions and time limitation)**

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 800 WEST FROM THE ALLEYWAY BETWEEN EVERETT AVENUE AND 1500 NORTH NORTHWARD TO 1500 NORTH AS A PUBLIC STREET, PURSUANT TO PETITION NO. 400-06-50.

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 the portion of the street will not be adverse to the general public's interest; and

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

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

SECTION 1. Closing and Abandoning Street. A portion of 800 West from the alleyway between Everett Avenue and 1500 North northward to 1500 North, which is the subject of Petition No. 400-06-50, and which is more particularly described on Exhibit "A" attached hereto, 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. These street closures are conditioned upon the following:

a. Payment to the City of fair market value of those portions of the streets, or their equivalent, and title to those portions of these streets shall remain with the City until sale for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58;

b. Execution and recording of an avigation easement acceptable to the City's Airport and Planning Division;

c. Execution and recording of a private utility easement between petitioner and Chevron for the gas line that runs beneath Everett Avenue; and

d. Execution and recording of a development agreement that specifically and adequately addresses the following points:

i. Installation of gates at Everett Avenue and Hot Springs, and at Everett Avenue and Dexter Street, which will allow for unimpeded, free, and workable access at all times by Fire and emergency services. Any plans concerning or otherwise impacting fire suppression and/or safety shall be submitted to the Salt Lake City Fire Department for review and approval. As part of its review, the City's Fire Department may make recommendations, including but not limited to requiring additional fire hydrants to service the property, which must be adhered to before approval will be granted. Further, if Phase 2(b) of the development is later

approved by the City for development, a fence must be installed enclosing the north end of the property at 800 West.

ii. Utah Metal Works, the site operating on the north and south of Everett Avenue and on the east and west of 800 West, which are the subject locations for the street closure at issue in this petition (Petition No. 400-06-50), must and will come into compliance with Section 21A.28.010(B)(3)(b) (Outdoor Sales, Display or Storage in Manufacturing Districts) and Section 21A.28.030(E) (Landscape Yard Requirements for M-2 Heavy Manufacturing District) before development approval is granted.

With respect to Section 21A.28.010(B)(3)(b), a solid wall or fence not less than seven feet (7') but not greater than ten feet (10') in height shall be installed, and any outdoor storage shall be stacked lower than the enclosing wall or fence. Said fence shall include the entrance and exit gates and shall not encroach into any sight distance triangle. Said fence shall also run along 1500 North and Dexter Street.

With respect to Section 21A.28.030(E), the first twenty five feet (25') of the front yard and the first fifteen feet (15') of corner side yards shall be landscaped. Said landscaping shall be conformance with the requirements of Chapter 21A.48, including Section 21A.48.110. Structures in existence as of the date this ordinance is passed will not be subject to the landscaping requirements.

iii. Execution and recording of a public utilities easement in favor of Salt Lake City. The easement shall cover the water and storm drains that serve the properties along 800 West and Everett Avenue, and shall be the width of the current right-of-way along Everett Avenue. No trees, fences, buildings, or structures of any kind shall be allowed and nothing shall

be stored in the easement area. A drainage impact fee to be specified by the City's Public Utilities Department shall be paid for any new impervious surface(s) to the Utah Metal Works property.

iv. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North. Said improvements shall be at petitioner's sole expense.

v. The public rights-of-way along Hot Springs Street, 1500 North Street, and the remaining portions of Everett Avenue must remain open for public use. No trucks or trailers shall be parked or staged along these streets.

vi. Utah Metal Works shall file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted the proposed street closure must have at least eight (8) feet of street frontage. In addition, the plat must be noted that there is no sewage system on Utah Metal Works site.

vii. Documentation shall be provided to the Planning Division certifying that the proposed location is not a Brownfield site.

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 have been met, as certified by the Salt Lake City Property Manager, Salt Lake City Airport Director, Salt Lake City Planning Director, and Salt Lake City Public Utilities Director.

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 conditions identified above.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATTYY-#2340-v1-Closing\_a\_portion\_of\_800\_West\_-\_Phase\_III.DOC

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date January 7, 2007  
By Melanie Heif

EXHIBIT "A"  
*Phase II(B)*

From a point of Beginning at the Northeast corner of Lot 14, Block 4 of the Empire Addition, thence East along the 1500 North Street Right of Way to the Northwest corner of Lot 11, Block 5 of the Empire Addition, thence S 0 degrees 05' E 132 feet to the midpoint of the vacated alley in Block 5 of the Empire Addition, thence West 66 feet across the 800 West Street Right of Way to the midpoint of the alley in Block 4 of the Empire Addition, thence N 0 degrees 05' W 132 feet to the Point of Beginning at the Northeast corner of Lot 14, Block 4 of the Empire Addition.

**Exhibit 3**  
**City Council Public Hearing Notice**



## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance relative to Petition 400-06-50 to consider closing portions of Everett Avenue and 800 West Street. The closure has been proposed in two phases. The closure has been requested by Utah Metal Works. The closures requested are as follows:

- **Phase I**
  - Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street
  - 800 West from Everett Avenue northward to the alleyway between Everett Avenue and 1500 North.
- **Phase II**
  - The remainder of Everett Avenue, from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street.
  - 800 West from the alleyway between Everett Avenue and 1500 northward to 1500 North.

If approved, Utah Metal Works will purchase the land at fair market value and incorporate the land into their existing properties.

The City Council hearing will be held:

**Date:**

**Time:** 7:00 PM

**Place:** Room 315 (City Council Chambers)  
Salt Lake City and County Building  
451 South State Street  
Salt Lake City, UT 84111

You are invited to attend this hearing, ask questions, or provide input concerning the topic listed above. If you have any questions, contact Nick Britton at 535-7932 between the hours of 8:00 AM and 5:00 PM, or send an e-mail to [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com).

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact City Council ADA Coordinator at (801) 535-7971; TDD (801) 535-6021.

Exhibit 4  
Mailing List



0823456010000 RESIDENT 870 W EVERETT AVE SALT LAKE CITY UT	84116	08234570030000 RESIDENT 4572 W BINGHAM PARK DF WEST JORDAN UT	84088	08234770050000 RESIDENT 451 S STATE ST # 225 SALT LAKE CITY UT	84111
08234560110000 RESIDENT 870 W EVERETT AVE SALT LAKE CITY UT	84116	08234570040000 RESIDENT 867 W EVERETT AVE SALT LAKE CITY UT	84116	08234770090000 RESIDENT 1152 W 400 N SALT LAKE CITY UT	84116
08234560120000 RESIDENT 885 W 1500 N SALT LAKE CITY UT	84116	08234570050000 RESIDENT 269 E 200 N LEHI UT	84043	08234770100000 RESIDENT PO BOX 510818 SALT LAKE CITY UT	84151
08234560130000 RESIDENT 885 W 1500 N SALT LAKE CITY UT	84116	08234570060000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT	84116	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT	84116
08234560140000 RESIDENT PO BOX 21 RICHMOND UT	84333	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE	68102	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT	84116
08234560150000 RESIDENT 871 W 1500 N SALT LAKE CITY UT	84116	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE	68102	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT	84116
08234560160000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT	84116	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE	68102	08234780010000 RESIDENT 839 W 1400 N SALT LAKE CITY UT	84116
08234570010000 RESIDENT 1700 FARNAM ST # 10S-FL OMAHA NE	68102	08234760020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE	68102	08234780020000 RESIDENT 871 W DULUTH AVE SALT LAKE CITY UT	84116
08234570020000 RESIDENT 1700 FARNAM ST # 10S-FL OMAHA NE	68102	08234770020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE	68102	08234780060000 RESIDENT 143 S PUEBLO ST SALT LAKE CITY UT	84104

This list of ownership was compiled by the Salt Lake County Recorder's office, with a copy being sent to the city it pertains to. Any alteration or deletion will be tracked and appropriate action taken . Feb2006Page 3 of 4



08234830040000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT 84116	08251510010000 RESIDENT 13111 NORTHWEST FWY # HOUSTON TX 77040	08234550150000 RESIDENT 1554 N DEXTER ST SALT LAKE CITY UT 84116
08234830050000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT 84116	08262260010000 RESIDENT 13111 NORTHWEST FWY # HOUSTON TX 77040	08234560010000 RESIDENT 885 W 1500 N SALT LAKE CITY UT 84116
08234830060000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT 84116	08262770010000 RESIDENT PO BOX 50085 WATSONVILLE CA 95077	08234560020000 RESIDENT 4972 S 1130 W TAYLORSVILLE UT 84123
08234830070000 RESIDENT 1461 N BECK ST SALT LAKE CITY UT 84116	08262770020000 RESIDENT P O BOX 50085 WATSONVILLE CA 95077	08234560030000 RESIDENT 871 W 1500 N SALT LAKE CITY UT 84116
08234830080000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT 84116	08265030010000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE 68102	08234560050000 RESIDENT 4097 W CONTINENTAL DR WEST VALLEY UT 84120
08243000080000 RESIDENT 695 W EVERETT AVE SALT LAKE CITY UT 84116	08265030020000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE 68102	08234560060000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT 84116
08243000170000 RESIDENT PO BOX 520342 SALT LAKE CITY UT 84152	08265030020000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE 68102	08234560070000 RESIDENT 4363 S 700 W RIVERDALE UT 84405
08243000200000 RESIDENT PO BOX 3429 OGDEN UT 84409	08234550120000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT 84116	08234560080000 RESIDENT 1119 N SONATA ST SALT LAKE CITY UT 84116
08251010010000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE 68102	08234550140000 RESIDENT 724 S 300 E SALT LAKE CITY UT 84111	08234560090000 RESIDENT 1119 N SONATA ST SALT LAKE CITY UT 84116

This list of ownership was compiled by the Salt Lake County Recorder's office, with a copy being sent to the city it pertains to. Any alteration or deletion will be tracked and appropriate action taken . Feb2006Page 2 of 4



0823455010000 RESIDENT PO BOX 65644 SALT LAKE CITY UT	84165	08234800020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE	68102	08234810100000 RESIDENT 695 W EVERETT AVE SALT LAKE CITY UT	84116
08234550110000 RESIDENT 210 S RIO GRANDE ST SALT LAKE CITY UT	84101	08234530110000 RESIDENT 1700 FARNAM ST #1000 OMAHA NE	68102	08234810110000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE	68102
08234780130000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT	84116	08234550050000 RESIDENT 871 W DULUTH AVE SALT LAKE CITY UT	84116	08234810150000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT	84116
08234780140000 RESIDENT 2931 W 8870 S WEST JORDAN UT	84088	08234550060000 RESIDENT 1936 COVE RD WEISER ID	83672	08234810160000 RESIDENT 2748 E WILSHIRE DR SALT LAKE CITY UT	84109
08234780150000 RESIDENT 981 W FREMONT AVE SALT LAKE CITY UT	84104	08234550070000 RESIDENT PO BOX 65644 SALT LAKE CITY UT	84165	08234820080000 RESIDENT PO BOX 3429 OGDEN UT	84409
08234780160000 RESIDENT PO BOX 510818 SALT LAKE CITY UT	84151	08234550080000 RESIDENT 53 W ANGELO AVE SALT LAKE CITY UT	84115	08234820090000 RESIDENT PO BOX 3429 OGDEN UT	84409
08234790010000 RESIDENT 3214 N UNIVERSITY AVE 60 PROVO UT	84604	08234550090000 RESIDENT PO BOX 65644 SALT LAKE CITY UT	84165	08234830010000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116
08234790020000 RESIDENT 1436 W 2200 S WOODS CROSS UT	84087	08234810020000 RESIDENT 1400 DOUGLAS ST STOP 1 OMAHA NE	68179	08234830020000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116
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0823456010000 RESIDENT 870 W EVERETT AVE SALT LAKE CITY UT 84116	08234570030000 RESIDENT 4572 W BINGHAM PARK DF WEST JORDAN UT 84088	08234770050000 RESIDENT 451 S STATE ST # 225 SALT LAKE CITY UT 84111
08234560110000 RESIDENT 870 W EVERETT AVE SALT LAKE CITY UT 84116	08234570040000 RESIDENT 867 W EVERETT AVE SALT LAKE CITY UT 84116	08234770090000 RESIDENT 1152 W 400 N SALT LAKE CITY UT 84116
08234560120000 RESIDENT 885 W 1500 N SALT LAKE CITY UT 84116	08234570050000 RESIDENT 269 E 200 N LEHI UT 84043	08234770100000 RESIDENT PO BOX 510818 SALT LAKE CITY UT 84151
08234560130000 RESIDENT 885 W 1500 N SALT LAKE CITY UT 84116	08234570060000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT 84116	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT 84116
08234560140000 RESIDENT PO BOX 21 RICHMOND UT 84333	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE 68102	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT 84116
08234560150000 RESIDENT 871 W 1500 N SALT LAKE CITY UT 84116	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE 68102	08234770150000 RESIDENT 758 W 1500 N SALT LAKE CITY UT 84116
08234560160000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT 84116	08234570090000 RESIDENT 1700 FARNUM ST 10TH FLF OMAHA NE 68102	08234780010000 RESIDENT 839 W 1400 N SALT LAKE CITY UT 84116
08234570010000 RESIDENT 1700 FARNAM ST # 10S-FL OMAHA NE 68102	08234760020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE 68102	08234780020000 RESIDENT 871 W DULUTH AVE SALT LAKE CITY UT 84116
08234570020000 RESIDENT 1700 FARNAM ST # 10S-FL OMAHA NE 68102	08234770020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE 68102	08234780060000 RESIDENT 143 S PUEBLO ST SALT LAKE CITY UT 84104

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08234830040000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116	08251510010000 RESIDENT 13111 NORTHWEST FWY # HOUSTON TX	77040	08234550150000 RESIDENT 1554 N DEXTER ST SALT LAKE CITY UT	84116
08234830050000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116	08262260010000 RESIDENT 13111 NORTHWEST FWY # HOUSTON TX	77040	08234560010000 RESIDENT 885 W 1500 N SALT LAKE CITY UT	84116
08234830060000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116	08262770010000 RESIDENT PO BOX 50085 WATSONVILLE CA	95077	08234560020000 RESIDENT 4972 S 1130 W TAYLORSVILLE UT	84123
08234830070000 RESIDENT 1461 N BECK ST SALT LAKE CITY UT	84116	08262770020000 RESIDENT P O BOX 50085 WATSONVILLE CA	95077	08234560030000 RESIDENT 871 W 1500 N SALT LAKE CITY UT	84116
08234830080000 RESIDENT 1507 N BECK ST SALT LAKE CITY UT	84116	08265030010000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE	68102	08234560050000 RESIDENT 4097 W CONTINENTAL DR WEST VALLEY UT	84120
08243000080000 RESIDENT 695 W EVERETT AVE SALT LAKE CITY UT	84116	08265030020000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE	68102	08234560060000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT	84116
08243000170000 RESIDENT PO BOX 520342 SALT LAKE CITY UT	84152	08265030020000 RESIDENT 1700 FARNAM ST #10TH FL OMAHA NE	68102	08234560070000 RESIDENT 4363 S 700 W RIVERDALE UT	84405
08243000200000 RESIDENT PO BOX 3429 OGDEN UT	84409	08234550120000 RESIDENT 1775 N CHICAGO ST SALT LAKE CITY UT	84116	08234560080000 RESIDENT 1119 N SONATA ST SALT LAKE CITY UT	84116
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0823455010000 RESIDENT PO BOX 65644 SALT LAKE CITY UT 84165	08234800020000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE 68102	08234810100000 RESIDENT 695 W EVERETT AVE SALT LAKE CITY UT 84116
08234550110000 RESIDENT 210 S RIO GRANDE ST SALT LAKE CITY UT 84101	08234530110000 RESIDENT 1700 FARNAM ST #1000 OMAHA NE 68102	08234810110000 RESIDENT 1700 FARNAM ST 10FL SOI OMAHA NE 68102
08234780130000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT 84116	08234550050000 RESIDENT 871 W DULUTH AVE SALT LAKE CITY UT 84116	08234810150000 RESIDENT 805 W EVERETT AVE SALT LAKE CITY UT 84116
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Exhibit 5-a  
Planning Commission Hearing  
Original Notice and Postmark: September 26, 2007

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, September 26, 2007 at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

1. **APPROVAL OF MINUTES FROM WEDNESDAY, SEPTEMBER 12, 2007**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **OTHER BUSINESS**
  - a. **City Creek Center**— Clarification of subsurface parking structures and subsurface structural pedestals for future buildings.
  - b. **Petition 400-07-18, Riparian Corridor Overlay**—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting (Staff—Marilynn Lewis at 535-6409 or [marilynn.lewis@slcgov.com](mailto:marilynn.lewis@slcgov.com)).
5. **ISSUES ONLY HEARING**
  - a. **Petition 430-07-01, Conditional Building and Site Design Review**— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).
  - b. **Petition 430-07-04, Conditional Building and Site Design Review**—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).
6. **PUBLIC HEARING**
  - a. **Petition 400-06-50, Utah Metal Works Street Closure**— a request by Utah Metal Works, at 805 West Everett Avenue, is requesting the city close segments of two roads: a) Everett Avenue from Hot Springs Street to Dexter Street; and b) 800 West from 1500 North to Everett Avenue. The closure will occur in two phases, with the first including only half of the requested Everett Avenue segment and half of the 800 west segment. The second phase will include the remainder of the request. The subject rights-of-way are in the M-2 (Heavy Manufacturing) Zoning District (Staff—Nick Britton at 535-7932 or [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com)).
  - b. **Petitions 410-07-23, Belmont Downtown Phase II**— a request by Brent Hilton for approval of a 30 unit residential conditional use planned development located at approximately 994 South 200 East. The subject property is located in the Moderate Density Multi Family Residential (RMF-35) Zoning District (Staff—Nick Norris at 535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)).
  - c. **Airport Light Rail Transit Line**—UTA is requesting that the Planning Commission forward a positive recommendation to the City Council concerning a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line; including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)).

Visit the Planning and Zoning Enforcement Division's website at [www.slcgov.com/CED/planning.com](http://www.slcgov.com/CED/planning.com) for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

Exhibit 5-b  
Planning Commission Hearing  
Staff Report: September 26, 2007

# PLANNING COMMISSION STAFF REPORT

## Utah Metal Works Street Closures

Petition #400-06-50: A two phase street closure request, including Everett Ave. from Hot Springs St. to Dexter St. and 800 West from 1500 North to Everett Ave.  
September 26, 2007



Planning and Zoning Division  
Department of Community  
Development

### Applicant:

Utah Metal Works

### Staff:

Nick Britton, Principal Planner  
535-7932  
nick.britton@slcgov.com

### Tax ID:

N/A

### Current Zone:

M-2 (Heavy Manufacturing)

### Master Plan Designation:

Business Park

### Council District:

Council District 3  
Eric Jergensen

### Acreage:

Phase 1: ~1.14 acres  
Phase 2: ~0.67 acres  
Total: ~1.81 acres

### Current Use:

Public Street

### Applicable Land Use

#### Regulations:

- Chapter 2.58 of Salt Lake City Code
- Section 10-8-8 of Utah State Code

### Attachments:

- A. Proposed Phased Closure Outline
- B. Map of Proposed Closure
- C. Department Comments
- D. Open House Notice and Comments
- E. Photographs

### REQUEST

Utah Metal Works is requesting that the city close, declare as surplus property, and sell portions of Everett Avenue and 800 West. The closure consists of two phases:

#### 1. Phase 1

- a. Everett Avenue from Dexter Street eastward to a point approximately halfway between 800 West and Hot Springs Street
- b. 800 West from Everett Avenue northward to the alleyway between Everett Avenue and 1500 North.

#### 2. Phase 2

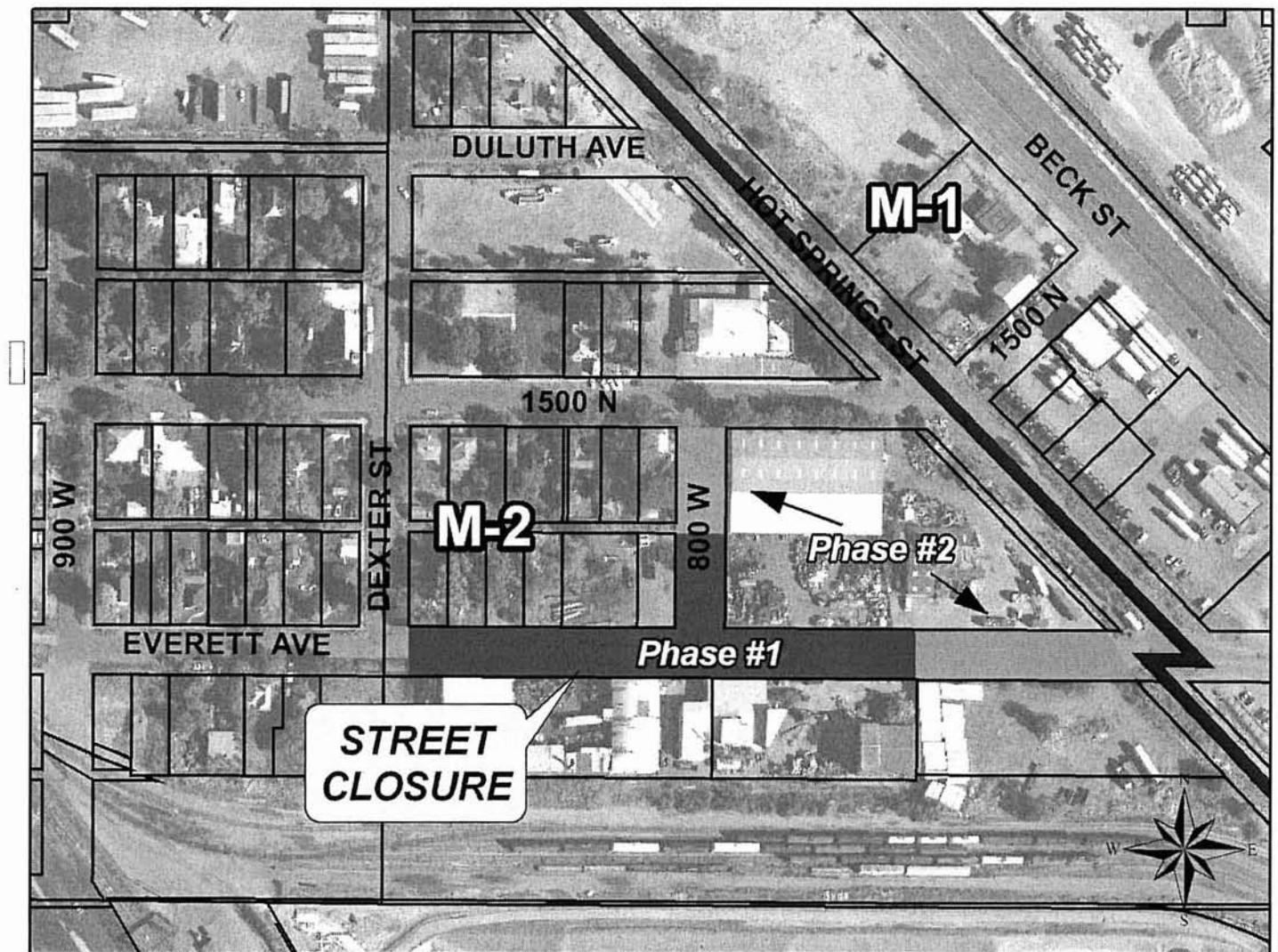
- a. The remainder of Everett Avenue, from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street.
- b. 800 West from the alleyway between Everett Avenue and 1500 northward to 1500 North.

Please see the vicinity map on page 2 of this report for clarification. This street closure is being handled through phases because currently Utah Metal Works does not own land that abuts the Phase 2 portions of Everett Avenue and 800 West. There are negotiations underway between Utah Metal Works and Union Pacific to obtain permission to proceed with Phase 2 of this approval as Union Pacific owns the land at the southwest corner of Hot Springs Street and Everett Avenue. The Phase 2 portion of 800 West requires written approval from the owners of 1475 North 800 West, at the southwest corner of 1500 North and 800 West. If these requirements cannot be obtained before closure of the Phase 1 segments, the City will require a hammerhead on Everett Avenue to meet the requirements of the Fire Department. More information is available on page 4.

### RECOMMENDATION

Planning staff is recommending approval for the closure of both Phase 1 and Phase 2 and that they are declared surplus property with conditions. Please see page 8 of this report for the full recommendation and conditions.

## Vicinity Map



## Comments

### *Department/Division Comments*

Plans and relevant information were routed to all required departments and divisions on December 14, 2006. There were also a series of meetings involving the applicants, Planning, Engineering, Transportation, and Public Utilities to determine any issues that would require attention prior to a potential approval. A summary of this information is found below by department or division.

#### **A. Airport (Allen McCandless)**

Mr. McCandless noted that this site is in Airport Influence Zone H and any new development in this zone would require an aviation easement. However, a street closure does not require this easement and this proposal did not create any observed impacts to airport operations.

#### **B. Building Services Division**

No comments were received from Building Services.

**C. Engineering (Craig Smith, Scott Weiler)**

Mr. Smith originally responded with a number of issues that they understood to be problems with the request and the site, including environmental issues, the use of the public right-of-way for staging their vehicles, and the fact that Utah Metal Works had been told previously they had outgrown this location. Mr. Weiler followed up with Mr. Leydsman from the Fire Department and Planning staff to go over the main issues and with conditions. They also requested that the conditions discussed be forwarded to the applicant. Planning sent a letter to the applicant on February 6, 2007 outlining some of the conditions that would be required as part of the recommendation for approval. In the DRT meeting on February 27, 2007, Mr. Weiler remarked that a waiver would be required on the subdivision plat due to the absence of a sewer system. Utah Metal Works would also be required to install public way improvements along Hot Springs Street and 1500 North.

**D. Fire Department (Wayne Leydsman)**

Mr. Leydsman requested additional information upon review of the proposal. Planning staff visited the site with Mr. Leydsman and spoke to the applicant about the proposal and his plans. Upon inspection, the Fire Department did not object to the proposed road closures as long as the roads would remain accessible to fire or emergency services. Additionally, if any gates are placed at the proposed closure points on Everett Avenue or 800 West, fire and emergency services must have access at all times either through an automated system or a key box. The Fire Department indicated that an additional fire hydrant may be required. All plans must be submitted to the Fire Department for a final formal review.

**E. Planning Division (Doug Wheelwright, Nick Britton)**

The Planning Division noted that Utah Metal Works would have to comply with the fencing requirements for the M-2 District as outlined in Chapter 21A.28.010B(3)(b) and the landscaping requirements as outlined in Chapter 21A.28.030E except where existing buildings prevented compliance. Furthermore, as part of the phased approach to this street closure, a hammerhead will be required at the eastern end of the Everett Avenue closure, as requested by the Fire Department. The northern end of 800 West would remain a stub street (approximately 125 feet in length). This hammerhead will only be required should letters of consent not be available at the time of the final approval from the property owner at 709 West Everett Avenue.

**F. Police Department**

No comments were received from the Police Department.

**G. Property Management**

No comments were received from Property Management.

**H. Public Utilities Department (Jason Brown, Brad Stewart)**

The Public Utilities Department reviewed the proposal and has noted that there are numerous water and storm drain lines down Everett Avenue and 800 West that serve properties along the roads and that these mains must remain in place. An easement with the width of the existing right-of-way over the existing mains would be required to be dedicated to Salt Lake City Corporation. No trees, fences, structures, or anything that may interfere with operation and maintenance of the water and drain lines would be allowed within the easements. A \$343 per quarter acre drainage impact fee would also be required should any new impervious surfaces be added to the site. Public Utilities also noted that there is a Chevron gas line running down Everett Avenue. Utah Metal Works would have to contact the appropriate parties to record a private easement.



## **I. Transportation Division (Barry Walsh)**

The Transportation Division had no objection to the proposed closures or the declaration of the land as surplus property. Mr. Walsh noted that fire and emergency access will still be required and that a subdivision will be necessary to bring the parcels into compliance with the underlying M-2 zoning. Public way improvements would also be required on all remaining street frontages.

### ***Community Council Comments***

The Capitol Hill Community Council was notified of this petition via e-mail on January 3, 2007. No response was received from the community council.

### ***Open House Comments***

A neighborhood Open House was held at the City & County Building on March 8, 2007 at 5:00 PM. Residents, business owners, and property owners in the Swedetown neighborhood were invited to attend the Open House by mail. Ten people attended the Open House, including two representatives of Utah Metal Works and Councilmember Eric Jergensen. Planning staff briefed the public on the proposed closure and took comments. Comments were generally centered on three topics:

- The public wanted to see fences in-between Utah Metal Works' property and the residential uses;
- The public wanted to see a stoplight on Beck Street at Everett Avenue;
- The public wanted to see the trucks and trailers taken off Hot Springs Street.

Overall, the public in attendance seemed supportive of the street closures provided the closure addressed the above issues.

### ***Public Comments***

The owner of the property at 1475 North 800 West—the parcel that abuts the Phase 2 portion of 800 West— informed Planning staff that she did not want her access via 800 West taken away through this process. She said she had no problem with the Phase 1 portion of the closure (from Everett Avenue to the alley), but she had serious issues with her property abutting property owned by Utah Metal Works.

## **Analysis**

### ***Background Information***

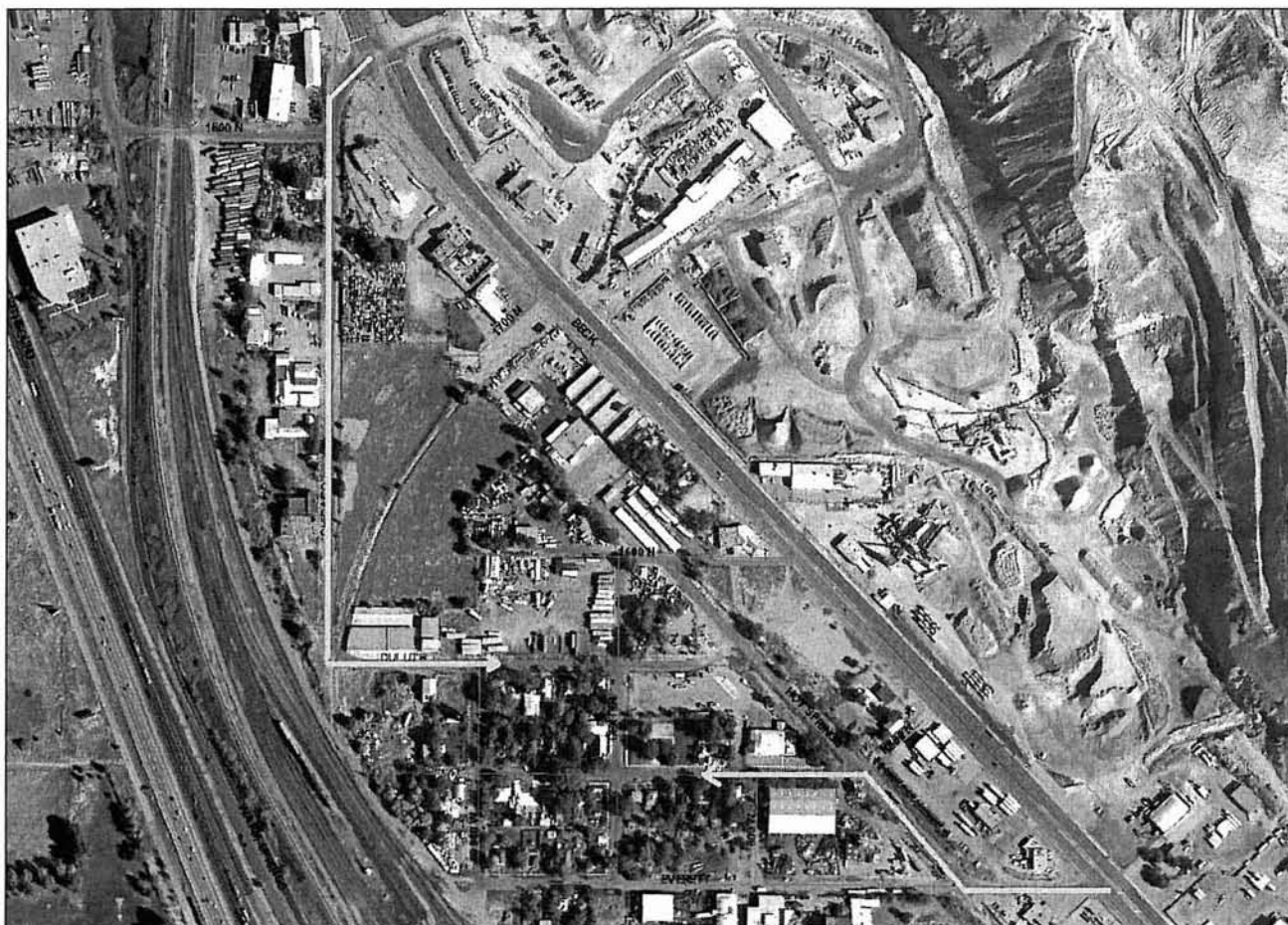
Mark Lewon, representing Utah Metal Works, is requesting that the City close a portion of Everett Avenue from Dexter Street easterly to Hot Springs Street and a portion of 800 West from 1500 North southerly to Everett Avenue. The closure would take place in two phases. Please see page 2 of this staff report for a map of the two phases of the street closure.

The entire proposed closure is a T-shaped intersection in the neighborhood called Swedetown which is a mix of industrial and residential uses. The approximate total acreage of the subject right-of-ways is 1.8 acres. Both segments are paved but are in very poor condition due to heavy truck traffic and drainage issues. Because Utah Metal Works occupies parcels on the north and south sides of Everett Avenue and the east and west sides of 800 West, there is frequent business-related traffic crossing both streets. The applicant has requested this street closure so that the business can hard surface a portion of their property at the northwest corner of Everett Avenue and 800 West. The hard surfacing is intended to relieve some drainage and parking issues. Since the M-2 zoning district requires a 25 foot landscape buffer in all required front yards and a 15 foot landscape buffer in required corner side yards, Utah Metal Works would not be able to hard surface this portion of their property under current conditions.

The street closure is being brought to the Planning Commission in a phased approach because the applicant wishes to take care of some site issues as soon as possible and does not know if and when Union Pacific will consent to the street closure. Furthermore, the property owners at 1475 North 800 West use 800 West for their parking access and have not consented. As a result, the northern half of that street closure becomes part of Phase 2 as well. If consent for both portions of Phase 2 is obtained by Utah Metal Works prior to final approval of Phase 1, both phases will be combined for final approval. If Phase 1 is approved prior to any change in the status of Phase 2, then Utah Metal Works will be required to install a temporary turnaround in the form of a hammerhead or a cul-de-sac at western terminus of the Phase 1 Everett Avenue closure. This turnaround will be subject to approval by the Fire Department. Ultimately, Utah Metal Works intends to purchase the property located at 709 Everett Avenue, currently owned by Union Pacific, and incorporate the parcel into their site.

The subject portions of both Everett Avenue and 800 West are identified as local roads in the Salt Lake City Transportation Master Plan. Both streets are paved but in poor condition due to heavy truck traffic. Everett Avenue serves as an access road for the Swedetown neighborhood, including residential uses found in-between Beck Street and Interstate 15. Most of the neighborhood, however, is industrial and zoned M-1 or M-2. The *Capitol Hill Master Plan* calls out business park uses for the future land use of the area.

Because Everett Avenue is one of the main access routes for traffic into the Swedetown neighborhood, a closure would require alternate routes for traffic, especially for residents, of off Beck Street. Access to the neighborhood from Beck Street would still via Everett Avenue, but traffic would be required to make a right on Hot Springs Street and then a left on 1500 North to continue to the west. Alternately, traffic can access the neighborhood from the north via Chicago Street. The two entrances are shown on the map below:



The applicant is also requesting that the City declare the subject right-of-ways surplus property and allow the abutting property owners to purchase the property at fair market value. There are currently two other property owners who abut the streets that Utah Metal Works requested for closure: Paula Edwards at 1475 North 800 West and Missouri Pacific Railroad at 709 Everett Avenue.

### ***Master Plan Specifications***

The master plan document for this area is the *Capitol Hill Master Plan*, adopted in 1999. The plan remarks that the Swedetown neighborhood lacks proper circulation and access and where it does have access—Everett Avenue is one of the listed locations—the access and visibility are poor. The Master Plan calls for infrastructure improvements to the area and a redesign and widening of the neighborhood’s streets to improve access, circulation, and visibility into the area. The two action items for the neighborhood are the creation of a street layout plan to better serve the existing and proposed land uses, and the installation of a stoplight at the intersection of Beck Street and Everett Avenue. The future land use map for this part of Capitol Hill calls for business park uses.

The Transportation Master Plan, adopted in 1996, identifies the subject segments of both Everett Avenue and 800 West as local streets. There are no plans for improvement to either of these rights-of-way at this time.

### ***Standards of Review***

The Planning Commission will need to review the street closure request as it relates to the following Salt Lake City Council Policy Guidelines for Street Closures and Findings.

#### 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:** In Phase 1, no property owners would be denied access to their property should the subject rights-of-way be closed as proposed. The residential properties to the west of the Utah Metal Works site would be accessed from Beck Street via Everett Avenue and Hot Springs Street, from Beck Street via 1600 North and Dexter Street, or from Beck Street via Chicago Street and Duluth Avenue. The new access routes would not be as direct as the current route from Beck Street via Everett Avenue, but these proposed street closures would alleviate conflicts between Utah Metals Works traffic between buildings across Everett Avenue and 800 West and regular residential traffic. The railroad property south of the Utah Metal Works site would still be accessed via Hot Springs Street as it is currently.

Phase 2 would only occur provided the owners of 1475 North 800 West and 709 Everett Avenue (Union Pacific) consent. Utah Metal Works intended to purchase the property at 709 Everett Avenue at a future date which would allow that portion of Phase 2 to move forward. Utah Metal Works has been in contact with the owners at 1475 North 800 West in hopes of obtaining their consent in exchange for a parking easement.

**Finding:** In Phase 1, the proposed street closure will not deny access to adjacent property owners. Phase 2 will not commence until consent has been given by the two property owners who depend on the Phase 2 parts of the closure for their access.

**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 applicant has agreed to purchase the portions of the property they would be entitled to purchase should the street be closed and declared surplus property. Missouri Pacific Railroad and Paul Edwards also abut the subject right-of-way and would also have the opportunity to purchase half of the right-of-way along their property lines if they so choose should Phase 2 be approved. The applicant and other property owners will have to contact Property Management Division to determine the fair market value of the property.

**Finding:** The right-of-way will be sold at fair market value to all abutting property owners wishing to purchase their half of the closed streets.

**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 has stated that he wishes to hard surface a portion of his property at the northwest corner of Everett Avenue and 800 West. The applicant has stated that a considerable “mud pit” exists there and because of business-related traffic, that mud is scattered throughout the area (see Exhibit E for photographs). Everett Avenue is also in poor condition as a result of the traffic and is missing portions of its pavement and is deeply rutted in various spots. As noted above, the zoning ordinance does not provide any relief to the landscaping requirements for the M-2 district. Furthermore, as noted in the Department Comments, parking for Utah Metal Works vehicles and trailers is often off-site, especially along Hot Springs Street. Hard surfacing a portion of the parcel will provide room for parking and staging for business-related activities and the trailers will be stored on-site instead of along public rights-of-way.

The proposed street closures will also lessen the potential for conflict between Utah Metal Works traffic, especially large trucks, and residential traffic traveling between homes west of the Utah Metal Works site and Beck Street, east of the site. While the proposed road closure will require a permanent detour for residential traffic, Staff does not believe that the inconvenience is considerable given the benefits to the proposed closure outlined above.

**Finding:** The closure and sale of the Everett Avenue and 800 West right-of-way will provide a relief to the poor condition of some of the roads in Swedetown and decrease the interactions between residential traffic and industrial traffic.. It will also provide a solution for Utah Metal Works’ parking and staging overflow.

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

**Discussion:** The alternative to closing these segments of Everett Avenue and 800 West is for the streets to remain open. Because there is no process in the Zoning Ordinance for forgoing the landscaping requirements in the M-2 district, there would have to be another solution to decreasing the sediment pollution that plagues the Swedetown neighborhood. A comment from Public Utilities indicated that Utah Metal Works had been told that they had outgrown their site; this could also be considered as an alternative to closing the streets. However, for what can be considered a minor inconvenience to

residential traffic, these street closures can begin to address some of the current problems in Swedetown, including environmental issues and public safety issues.

**Finding:** While there are a couple of alternatives, as noted above, to closing the two streets as requested by the applicant, it is the opinion of Staff that the public policy reasons outweigh those alternatives.

## **Recommendation**

Staff recommends that the Planning Commission declare the subject rights-of-way surplus and forward a positive recommendation to the City Council recommending both Phase 1 and Phase 2 closures of Everett Avenue from Dexter Street to Hot Springs Street and the closure of 800 West from 1500 North to Everett Avenue. Staff recommends the following conditions:

1. Any new development will require an avigation easement from the Salt Lake City Division of Airports.
2. Gates must be placed at each end of the segment of Everett Avenue (at Hot Springs Street and Dexter Street) that Utah Metal Works has requested that the city close upon completion of both phases. Fire and emergency services shall have access to the area at all times either through an automated system or a key box. In addition, the Salt Lake City Fire Department may require an additional fire hydrant to service the property. Final plans must be submitted to and approved by the Fire Department. A fence must enclose the north end of the property at 800 West if and when Phase 2 is approved.
3. The Utah Metal Works site must come into compliance with Chapter 21A.28.030E, which requires 25 foot landscaping in the front yard and 15 foot landscaping in corner side yards, and Chapter 21A.28.010B(3)(b) which requires a 7 to 10 foot solid fence around yards in the M-2 District where there is "outdoor storage of auto bodies, or other metal, glass bottles, rags, rubber, paper or other articles commonly known as junk." There must be a fence placed between the Utah Metal Works property and all residential uses along 1500 North and Dexter Street. The setback requirement will not apply where there is an existing building on the site.
4. An easement dedicated to Salt Lake City is required for the numerous water and storm drain lines that serve the properties along 800 West and Everett Avenue. The easement shall be the width of the current right-of-way along Everett Avenue. No trees, fences, buildings, or structures of any kind would be allowed and nothing could be stored within this easement. A \$343 per quarter-acre drainage impact fee will be assessed for any new impervious surfaces added to Utah Metal Works property.
5. Utah Metal Works must work with Chevron to establish a private utility easement for the gas line that runs beneath Everett Avenue.
6. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North, at the expense of the applicant.
7. The public rights-of-way along Hot Springs Street, 1500 North, Dexter Street, and the remaining portions of Everett Avenue must remain open for public use. No trailers or trucks can be parked or staged along these streets.
8. Utah Metal Works must file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted by the proposed street closure must have at least eighty foot (80') of street frontage. It must be noted on the plat that there is no sewage system on the site.





**UTAH METAL WORKS, INC.**  
BROKERS AND PROCESSORS IN SCRAP METAL

August 23, 2007

Mr. Doug Wheelwright  
Salt Lake City Planning  
451 South State Street  
Salt Lake City, UT 84111

Re: Closure of Roads – Everett Avenue

Dear Doug:

Pursuant to our meeting on July 18, 2007, this letter will set forth a proposal for a phased closure of certain roads in and around Everett Avenue and 800 West in the northwest corner of Salt Lake City, Utah. As we discussed, this letter is a proposal, and remains subject to changes proposed by Utah Metal Works ("UMW") and the various City departments as the process progresses.

As you know, initially UMW applied to have the City abandon that portion of Everett Avenue, to the west of Hot Springs Road, together with a portion of 800 West, going north from Everett Avenue to 1500 North (the "Abandonment"). You have informed us that the City will not agree to closing the portion of Everett Avenue from Hot Springs Road running to the east UMW property boundary, as it would result in the loss of frontage for the property owned by the Union Pacific Railroad (or an affiliated entity) (the "UP Property"). To allow UMW to move forward with completing certain drainage and paving upgrades, the City indicated it may be willing to complete the approval process for closure of this east portion of Everett Avenue fronting on the UP Property at the same time as the remainder of the closure. The City's approval for the closure of that last portion of Everett Avenue in front of the UP Property being approved would be dependent upon completion of certain conditions precedent, as described in this letter.

Also, for unknown reasons, the owners of the property located at 1475 N. 800 West have been unwilling to sign a letter indicating their approval of UMW buying 800 West in front of their house, in spite of the offer of an easement tied to the property. UMW believes that these owners will sign a letter when they fully understand what an easement is.

UMW, then, respectfully requests that the City move forward with the appropriate processes within the planning department and relevant City authorities to complete the Abandonment. In that connection, UMW is working to obtain written confirmation from the owner of the UP Property that such owner will not object to the closure of Everett Avenue. Enclosed with this letter is the new site plan, showing the portions of streets to be abandoned, and the proposed hammerhead/t-design for turnaround. UMW and the City understand that,

805 EVERETT AVENUE • P.O. BOX 1073  
SALT LAKE CITY, UTAH 84110  
TELEPHONE: (801) 364-5679  
FAX: (801) 364-5676  
WEBSITE: www.umw.com

023 364849v1

 Institute of  
Scrap  
Recycling  
Industries, Inc.  
THE ORIGINAL RECYCLERS™



## UTAH METAL WORKS, INC.

### BROKERS AND PROCESSORS IN SCRAP METAL

unless all contingencies are completed at or prior to completion of the City's approval processes, the Abandonment will be completed in two phases, as follows:

Phase 1: The City will take appropriate steps to move the approval process through the planning commission staff, Planning Commission, and City Council. Once approved, the City will abandon the portion of Everett Avenue running west from the east UMW property boundary, and the portion of 800 West requested in the original application. The City's requirements regarding the abandonment of this portion of the road are either already resolved or will be addressed during this approval process (including the Chevron pipeline depth and easement). If the phase 2 contingencies have not been completed at the time the City has completed its processes, then UMW will provide for a hammerhead or t-design at the east end of the UMW property on the east side of Everett Avenue, to provide for vehicle turn-around. The City will deed those portions of the abandoned streets to UMW.

Phase 2: Upon the earlier of UMW's acquisition of the UP Property, or UMW's acquisition of a letter from the owner of the UP Property stating that the owner has no objection to loss of its Everett Avenue frontage, the City will abandon the remainder of Everett Avenue, from the east boundary of UMW's property to Hot Springs Avenue. The City will then deed the remainder of the abandoned Everett Avenue to UMW. Upon UMW's acquisition of a letter from the owners of the property at 1475 N. 800 West consenting to UMW buying the street from the City in exchange for an easement, the City will abandon the remainder of 800 West from the original application.

Upon completion of Phase 1, UMW will obtain appropriate building permits and begin work on drainage, paving, and concrete work on the abandoned streets and surrounding UMW property. UMW and the City will work together toward a coordinated plan for the work, including drainage and paving issues on the remainder of Everett Avenue, to avoid duplicative and unnecessary work at such time as the Phase 2 requirements are completed.

We look forward to completing the approval process and moving forward quickly on this matter. If you have any questions, please let me know.

Sincerely,

Utah Metal Works



Mark Lewon  
VP-Operations

805 EVERETT AVENUE • P.O. BOX 1073  
SALT LAKE CITY, UTAH 84110  
TELEPHONE: (801) 364-5679  
FAX: (801) 364-5676  
WEBSITE: [www.umw.com](http://www.umw.com)



**Exhibit B:** Map of Proposed Street Closure

455012

ST

456005  
456006

456013  
456014

ST

457005  
457006

457008

477005 477005 477010 477015 477015 477015

1500 NORTH

478001 478002 478016 478015 478006 478007

478008 478010 478011 478012 478012 478013

EVERETT

481015 481015 481015 481015 481015 481016 481016 481016

481011 481011 481011 481011

Tennis + Sun, LLC

Tennis + Sun, LLC

Donald Lewon

481011 481011 481011 481011

483001 483002 483003 483004 483005 483005 483005 483007 483007 483007

481002 481002 481002 481002 481002 481002 481002 481002

481010 481010 481010 481010 481010 481010 481010 481010

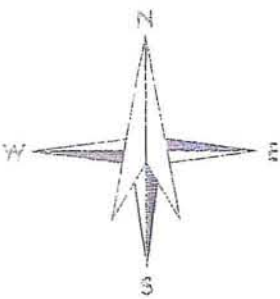
Utah Metal Works Property  
Phase 1  
Phase 2

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

0' 100' 200' 300' 400'

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





**Britton, Nick**

---

**From:** McCandless, Allen  
**Sent:** Monday, December 18, 2006 1:50 PM  
**To:** Britton, Nick  
**Cc:** Pack, Russ; Domino, Steve  
**Subject:** FW: Street Closure Petition (400-06-50)

Nick,

Thank you for the notice for petition 400-06-50, a proposed street closure for portions of Everett Avenue and 800 West. The proposal does not create any observed impacts to airport operations. This location is in Salt Lake City's airport influence zone H, a zone requiring avigation easements for new development. -- Allen McCandless, Planning Manager

---

**From:** Pack, Russ  
**Sent:** Thursday, December 14, 2006 4:16 PM  
**To:** McCandless, Allen  
**Subject:** FW: Street Closure Petition (400-06-50)

---

**From:** Britton, Nick  
**Sent:** Thursday, December 14, 2006 1:14 PM  
**To:** Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Pack, Russ; Querry, Chuck; Rutan, Ed; Zunguze, Louis  
**Cc:** Coffey, Cheri; Wheelwright, Doug; Paterson, Joel; LoPiccolo, Kevin  
**Subject:** Street Closure Petition (400-06-50)

The Planning Division is currently reviewing Petition #400-06-50, a request for a street closure of **Everett Avenue** from Dexter Street to Hot Springs Street and of **800 West** from 1500 North to Everett Avenue. The streets are located in the M-2 Zoning District. Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have. If you would like to review the details of the proposed street closure, please let me know by December 20 and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-7932.

Thank you.

Nick Britton  
Planning Division  
451 South State St. Room 406  
Salt Lake City, UT 84111  
(801) 535-7932

**Britton, Nick**

---

**From:** Brown, Jason  
**Sent:** Tuesday, December 19, 2006 4:21 PM  
**To:** Britton, Nick  
**Cc:** Garcia, Peggy  
**Subject:** Petition #400-06-50 Request from Utah Metal Works to close a portion of Everett and 800 West  
**Categories:** Program/Policy

Nick;

Public Utilities has reviewed the above mentioned petition and offers the following comments;

Within the existing right of way of the affected streets, there are numerous water and storm drain lines. These mains serve the properties with along 800 West and Everett with culinary and fire protection services as well as helping to providing redundancy to the water supply system. These water and storm drain mains must remain in place. A thirty foot wide easement will be required, dedicated to Salt Lake City Corporation, over the existing mains to provide for maintenance and operation. Contact Karryn Greenleaf at 483-6769 to begin this process. No trees, buildings, structures, shrubs, fences or any thing that would interfere with the operation and maintenance of the main would be allowed within the easements.

All sewer, water and storm drain issues must be completed and fees paid in full prior to any approvals from our Department. A \$343 per quarter acre drainage impact fee will be accessed for any new impervious surface added to this property.

If you have any comments or questions pleas do not hesitate to contact me.

Sincerely,

Jason Brown, PE

Development Review Engineer  
Salt Lake City Public Utilities  
1530 South West Temple  
Salt Lake City, UT 84115  
(801) 483-6729  
(801) 483-6855 fax  
[jason.brown@slcgov.com](mailto:jason.brown@slcgov.com)

**Britton, Nick**

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**From:** Smith, Craig  
**Sent:** Tuesday, December 19, 2006 1:08 PM  
**To:** Britton, Nick  
**Cc:** Weiler, Scott; Walsh, Barry; Stewart, Brad  
**Subject:** Utah Metal Works

December 19, 2006

Good morning Nick-

The request for a closure of a segment of Everett Ave and 800 west by Utah Metal Works has been a hotly contested issue for the past 2 years. I was under the impression the planning department was against this partial closure, for it might negatively hamper the other neighbors in the area by limiting access to main thoroughfares. As I recall, Utah Metal Works were told they had outgrown their location and should consider moving to a larger site. It should also be mentioned this company seems to have created environmental hazards with their business. In addition, it should be noted they occupy a large portion of the public way by staging numerous trucks and trailers illegally.

I am not denying their petition, I simply feel further discussions need to happen so I might be better informed to address Engineering's response.

Sincerely,  
Craig

**Britton, Nick**

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**From:** Leydsman, Wayne  
**Sent:** Friday, February 02, 2007 11:00 AM  
**To:** Weiler, Scott  
**Cc:** Stewart, Brad; Britton, Nick; Nalder, Kevin  
**Subject:** RE: Petition#400-06-50 Requested Street Closure Everitt Street and 800 West/FD Plan Review#237 for Followup.

Thanks for the reminder. After surveying the area in person, the fire department would not object to their proposed road closure to the public with the understanding that the existing roads are to remain accessible to the fire department, and on both ends in the event of an emergency on the UMW property or if we require access to the rear of other neighboring properties. The UMW representative stated that it would remain open, for their use.

Any gates installed shall allow fire/emergency vehicle access at all times and shall be automatic or be provided with a key box(s) if they are closed and/or locked after working hours.

UMW shall provide their plan to our department for a final formal review and approval once all other issues are resolved. Since there is a waterline and fire hydrants on this road, Public Utilities may require a special easements be placed over this line. In addition the fire department may require UMW to provide at least one additional fire hydrant to help us protect their property. Please forward this note on to them and all concerned city agencies. Please call me at 799-4164 or e-mail me if any additional questions occur.

Sincerely,

Wayne Leydsman  
 Inspector/Plans Examiner  
 SLCFD

---

**From:** Weiler, Scott  
**Sent:** Thursday, February 01, 2007 4:27 PM  
**To:** Leydsman, Wayne  
**Cc:** Britton, Nick  
**Subject:** RE: Petition#400-06-50 Requested Street Closure Everitt Street and 800 West/FD Plan Review#237 for Followup.

Wayne,

Have you met with representatives of UMW? I am interested in the progress with this petition.

Thanks,  
 Scott

---

**From:** Leydsman, Wayne  
**Sent:** Tuesday, December 26, 2006 1:17 PM  
**To:** Britton, Nick; Smith, Craig; Stewart, Brad; Walsh, Barry; Weiler, Scott; Spencer, John  
**Subject:** Petition#400-06-50 Requested Street Closure Everitt Street and 800 West/FD Plan Review#237 for Followup.

I require additional information on this requested closure request. Perhaps a current aerial photo would be helpful. The fire department is very concerned if homes or other businesses may be affected by this closure, in terms of FD access requirements. This may require an in-person survey by our inspectors and or a visit with

2/9/2007

representatives of UMW's. We will need to evaluate this request further after the Holiday's, so addition time is requested.

The requestors may contact our office at 799-4150, and ask for me after January 4<sup>th</sup>, 2007.

W. Leydsman  
Inspector/Plans Examiner  
SLCFD

2/9/2007



**Britton, Nick**

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**From:** Britton, Nick  
**Sent:** Thursday, December 14, 2006 1:14 PM  
**To:** Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Pack, Russ; Querry, Chuck; Rutan, Ed; Zunguze, Louis  
**Cc:** Coffey, Cheri; Wheelwright, Doug; Paterson, Joel; LoPiccolo, Kevin  
**Subject:** Street Closure Petition (400-06-50)  
**Categories:** Program/Policy

The Planning Division is currently reviewing Petition #400-06-50, a request for a street closure of **Everett Avenue** from Dexter Street to Hot Springs Street and of **800 West** from 1500 North to Everett Avenue. The streets are located in the M-2 Zoning District. Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have. If you would like to review the details of the proposed street closure, please let me know by December 20 and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-7932.

Thank you.

Nick Britton  
Planning Division  
451 South State St. Room 406  
Salt Lake City, UT 84111  
(801) 535-7932

**Britton, Nick**

---

**From:** Walsh, Barry  
**Sent:** Tuesday, December 19, 2006 11:09 AM  
**To:** Britton, Nick  
**Cc:** Young, Kevin; Smith, Craig; Weiler, Scott; Butcher, Larry; Leydsman, Wayne; Stewart, Brad; Spencer, John; Johnson, Linda  
**Subject:** Petition 400-06-50  
**Categories:** Program/Policy

December 19, 2006

Nick Britton, Planning

Re: Petition 400-06-50, request by Utah Metal Works, Inc. to close a segment of Everett Avenue and 800 West.

The division of transportation review comments and recommendations are as follows:

We have no opposition to the closure of these roadways from public to private ownership subject to all abutting properties maintaining access and circulation as needed. The transfer of ownership of the public roadways may be to one owner or each abutting owner as determined, with appropriate access easements and maintenance agreements to satisfy all parties. This includes all emergence access requirements and conditions required by Fire and Police.

It is not clear as to which parcels are to be combined in order to maintain compliance of - properties fronting on a dedicated public right of way etc. Final approvals are subject to the overall final plan and agreements submittal.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
Scott Weiler, P.E.  
Larry Butcher, Permits  
Wayne Leydsman, Fire  
Brad Stewart, Public Utilities  
John Spencer, Property Management.  
Linda Johnson, Police  
File.

**Britton, Nick**

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**From:** Leydsman, Wayne  
**Sent:** Tuesday, December 26, 2006 1:17 PM  
**To:** Britton, Nick; Smith, Craig; Stewart, Brad; Walsh, Barry; Weiler, Scott; Spencer, John  
**Subject:** Petition#400-06-50 Requested Street Closure Everitt Street and 800 West/FD Plan Review#237 for Followup.  
**Categories:** Program/Policy

I require additional information on this requested closure request. Perhaps a current aerial photo would be helpful. The fire department is very concerned if homes or other businesses may be affected by this closure, in terms of FD access requirements. This may require an in-person survey by our inspectors and or a visit with representatives of UMW's. We will need to evaluate this request further after the Holiday's, so addition time is requested.

The requestors may contact our office at 799-4150, and ask for me after January 4<sup>th</sup>, 2007.

W. Leydsman  
Inspector/Plans Examiner  
SLCFD

**Britton, Nick**

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**From:** Stewart, Brad  
**Sent:** Wednesday, March 28, 2007 8:54 AM  
**To:** Britton, Nick  
**Subject:** FW: Comments on Proposal to close Everett Ave.  
**Categories:** Program/Policy

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**From:** Stewart, Brad  
**Sent:** Wednesday, March 28, 2007 8:52 AM  
**To:** Wheelwright, Doug  
**Cc:** Weiler, Scott; Walsh, Barry; Mo, Bernard; Garcia, Peggy  
**Subject:** Comments on Proposal to close Everett Ave.

Doug,

Transportation Engineering (Barry Walsh), City Engineering (Scott Weiler), and Public Utilities met to discuss what public ROW improvements ought to be included in the conditions of approval for the possible vacation of Everett Ave. Here are our findings and comments:

General Findings –

- Mark Lewon does not have frontage on Hot Springs Street. D&RGW railroad owns a 13 foot strip on the west side of the ROW.
- There are no current CIP dollars designated for public funded improvements to dove tail with Utah Metal Works improvements.
- There is a petroleum line in Everett Ave that the refinery will want to have an easement for to allow access

Public Utilities –

- If Everett is vacated we need to retain an easement the full width (66 feet) for the operation, maintenance, repair, and replacement of existing water and storm drain pipes. Karryn Greenleaf will help with the language and agreements.
- The owner of the vacated Everett Ave. would not be allowed to put structure or store piles of scrap materials in the easement. Truck parking and maneuvering would be acceptable. PU will need 24 hour access.
- Very Important – PU needs to have the right to add future utilities to the retained corridor for a future, larger diameter, storm drainage pipe, and a possible future sewer.
- It should be noted on any future plats that there is no sanitary sewer to service any of these properties.
- If the vacation of Everett Avenue between Hot Springs Road and Dexter Street, as well as 800 West between Everett Avenue and 1500 North is approved, Utah Metal Works will have property frontage on 1500 North, Dexter Street and Everett Avenue (west of Dexter Street) and a 66' frontage on Hot Springs Road. SLC should not require the immediate installation of curb and gutter on these remaining street frontages of Utah Metal Works. Catching the flow will concentrate it and discharge it onto a neighboring property. Until other improvements are made it is premature to require curb and gutter.

An SID waiver might be a viable option.

#### City Engineering

Drive approaches meeting APWA Standard Plan 221 or 225 must be installed by the applicant where the vacated Everett Avenue connects to Hot Springs Road and Dexter Street as well as where the vacated 800 West connects to 1500 North Street. This will help to provide definition between the public street system and the private streets, owned by Utah Metal Works.

#### Transportation Engineering

I am in agreement with the evaluation of drainage impacts to abutting properties. I am also in agreement with Engineering to define the division between public roadways and private drives (The closure points of Everett & 800 W) with a designated driveway access and pavement delineation with concrete.

Our main concern is that with the traffic focus being limited to Warm Spring Road to Chicago St by way of 1500 North or Duluth that these roadways be passable for two way traffic 30 feet wide and parking restrictions provided in a reasonable and enforceable manner to assure public safety and access.

Thanks,

Brad Stewart, Scott Weiler, Barry Walsh



GEORGE G. SHAW, AICP  
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP  
DEPUTY PLANNING DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON  
MAYOR

A. LOUIS ZUNGUZE  
COMMUNITY DEVELOPMENT DIRECTOR

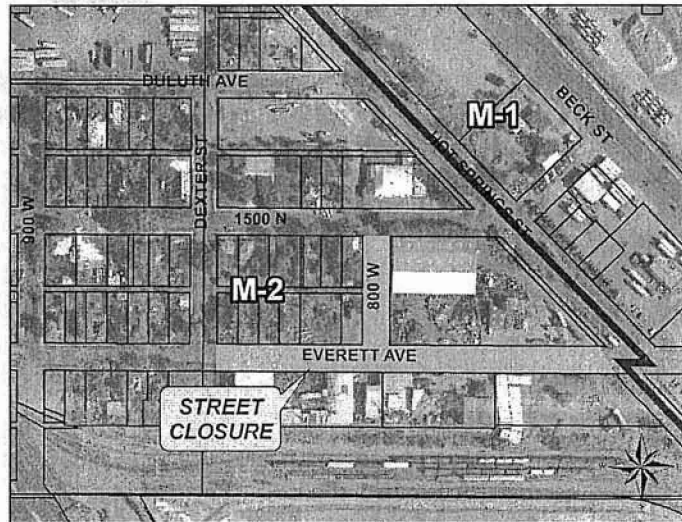
February 22, 2007

Dear Property Owner:

The Salt Lake City Planning Division has received **Petition #400-06-50** from Utah Metal Works requesting that the City close portions of Everett Avenue and 800 West. The segments requested for closure are as follows:

- Everett Avenue from Dexter Street to Hot Springs Street
- 800 West from 1500 North to Everett Street

If the requested closure is approved, the land would be declared surplus and sold to Utah Metal Works. Access to the properties west of Beck Street between 1500 North and Everett Avenue would be limited and require a detour using Hot Springs Street and 1500 North.



To gather public input, the Planning Division is holding a meeting for property owners in the neighborhood who may be impacted by the street closure. The meeting will be on March 8, 2007 from 5:00 PM to 6:00 PM in Room 126 of the City & County Building located at 451 South State Street.

If you have any questions or are unable to attend the meeting and wish to comment on the proposal, please contact Nick Britton at 535-7932 or at [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com).

Thank you,

Nick Britton  
Principal Planner  
451 S. State Street, Room 406  
Salt Lake City, UT 84111  
[nick.britton@slcgov.com](mailto:nick.britton@slcgov.com)

# OPEN HOUSE

March 8, 2007

## 400-06-50 Everett Avenue & 800 West Street Closures

Please provide us with the following information, so that we may contact you for further comment:

Name: John C Solt

Address: 814 W 1500N SLC UT 84116

Phone: (801) 359-2141 (601) 520-0000

Comments: Would like to see fence around  
~~the~~ the Area of Hot Springs, 1500N  
and Everett Ave. And move the trailers  
off of Hot Springs st ~~to~~ to somewhere  
on Everett Ave Area. I think metal  
works will keep the trailers off the  
main road in to 1500N. If this  
Happens I would sign off on this.



# OPEN HOUSE

March 8, 2007

## 400-06-50 Everett Avenue & 800 West Street Closures

Please provide us with the following information, so that we may contact you for further comment:

Name: Willie Salas

Address: 809 W 1500 N, SLK, UT 84114

mailing Address: 860 E 4500 S, suite 308, SLK, UT 84107

Phone: 801-599-8010 / 801-539-0938

Comments:

Agree to close Everett Ave and Fence installed and maintained.

Recommend Fence Behind 809 W 1500 N, next to land

owned by Utah Metal Works

# OPEN HOUSE

March 8, 2007

## 400-06-50 Everett Avenue & 800 West Street Closures

Please provide us with the following information, so that we may contact you for further comment:

Name:

Mary Joet

Address:

889 Duluth Ave

Salt Lake City, Ut 84116

Phone:

801-355-8507 & 801-578-5766

Comments:

I agree with the recommendation to close Everett Ave and 800 West to help facilitate Utah Metal & their operations.

Grateful for the opportunity to come & express my views.

# OPEN HOUSE

March 8, 2007

## 400-06-50 Everett Avenue & 800 West Street Closures

Please provide us with the following information, so that we may contact you for further comment:

Name:

David B Allen

Address:

(812 W 1500 N) Town Home  
(819 W 1500 N) Properties  
personal address 3487 S 2000 E

Phone:

512 84109

Comments:

I agree to closure of Everett  
ave (leaving Hot Springs road open)  
providing that they fence their  
property abutting Hot Springs road  
and to prohibit parking semi  
trailers on Hot Springs road.

**OPEN HOUSE**

March 8, 2007

**400-06-50 Everett Avenue & 800 West Street Closures**

Please provide us with the following information, so that we may contact you for further comment:

Name: Ruth Finley

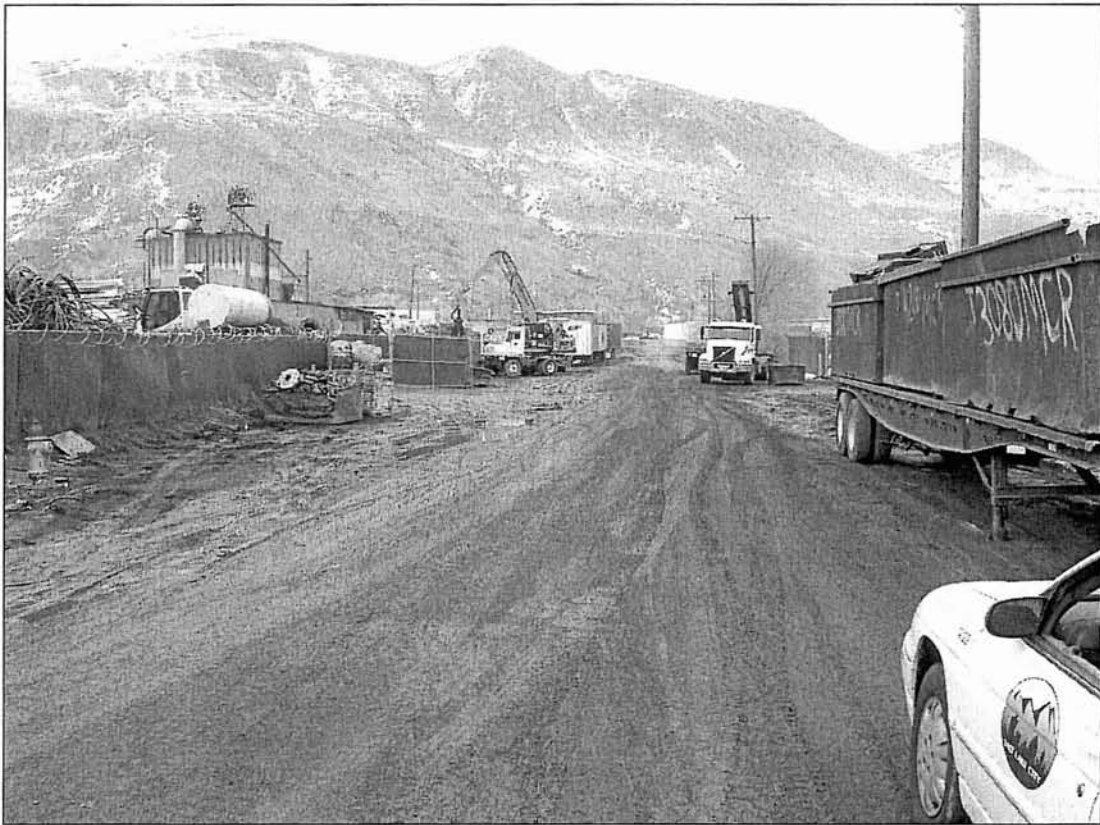
Address: 876 W 1500N  
SLC UT 84116

Phone: 521-2038 - 979-3022

Comments: I approve the closure  
of Everet ave.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Everett Avenue, facing east.



Everett Avenue, facing west.



800 West, facing south.

Exhibit 5-c  
Planning Commission Hearing  
Agenda and Minutes: September 26, 2007



**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, September 26, 2007**

Present for the Planning Commission meeting were Acting Chair Mary Woodhead and Commissioners Peggy McDonough, Babs De Lay, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, and Robert Forbis. Chair Matthew Wirthlin and Commissioner Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner; Nick Britton, Principal Planner; Lex Traughber, Principal Planner; Marilyn Lewis, Principal Planner and Tami Hansen, Senior Secretary. Also present were: Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, and Lex Traughber.

#### **PUBLIC HEARING**

**Petition 400-06-50, Utah Metal Works Street Closure**— a request by Utah Metal Works, at 805 West Everett Avenue, is requesting the city close segments of two roads: a) Everett Avenue from Hot Springs Street to Dexter Street; and b) 800 West from 1500 North to Everett Avenue. The closure will occur in two phases, with the first including: only half of the requested Everett Avenue segment and half of the 800 west segment. The second phase will include the remainder of the request. The subject rights-of-way are in the M-2 (Heavy Manufacturing) Zoning District.

*(This item was heard at 9:32 p.m.)*

Acting Chair Woodhead recognized Nick Britton as staff representative.

Mr. Britton stated that these two closures were occurring in phases because the applicant had failed to secure approval from two abutting property owners, one at 1475 North 800 West and one to the south, the Union Pacific property. He stated that if the first phase was approved prior to the second phase, one of the conditions would require a hammerhead to allow fire access and turn around in the area.

Acting Chair Woodhead invited the applicant to the table.

Mark Lewon (Chief of Operations for Utah Metal Works) stated that the future planned development would include a second phase, which he would also like approved tonight so he did not have to come back before the Commission. He stated that the property that Utah Metal Works was trying to obtain by offering an easement and the city was requiring fencing around the properties and suggested installing gates to close off access to the street, which the applicant was willing to comply with.

Acting Chair Woodhead opened the public portion of the hearing.

Mary Solt (889 Duluth Avenue) stated she was in support of the petition.

Joe Edwards (1475 North 800 West) In a written statement stated he was in opposition of the petition.

Kristina Nielson (1475 North 800 West) noted she was a property owner for twenty years and was in opposition of this petition.

Mr. Britton in response to Commissioners questions stated that Phase One could be approved without approving Phase Two, or half of Phase Two could be approved tonight. He noted that the reason that the north part of the property was not part of Phase One was because they did not have access to it, and the standards in the code required that no one loose access to their property.

Commissioner McHugh inquired how the property owners at 1475 North 800 West would obtain access short of selling the property.

Mr. Britton stated by either granting an easement to the property owner or half of the street would be closed.

Commissioner McHugh inquired if since Utah Metal Works did not have written agreement from the home owner or the railroad, how could the Commission approve a Phase Two.

Commissioner De Lay inquired if this was a brown field area and there were environmental regulations for expansions and soils.

Commissioner McHugh stated they were not expanding, but planning on paving.

Acting Chair Woodhead closed the public portion of the hearing.

Mr. Lewon approached the table with his council Mr. Greg Williams.

Commissioner McHugh noted that Commissioner Scott had just mentioned that the Commission could approve Phase Two pending the approval.

Mr. Lewon noted that Rocky Mountain Power was in negotiations to do a land swap with Utah Metal Works to obtain more property.

Commissioner Chambless inquired if Mr. Lewon had had a discussion with the home owner regarding these issues.

Mr. Lewon stated that he had been over a few times, but felt they were not receptive.

Commissioner Chambless stated there should be a way to create a win/win situation.

Commissioner Muir noted that the ordinance forces a dialogue, so the Commission does not need to make that a condition.

Acting Chair Woodhead inquired why the applicant needed the additional property if they were going to give the home owner an easement across it.

Mr. Lewon stated it was for control, and he was trying to have future situations covered so he did not have to come back before the Planning Commission.

Commissioners De Lay and Forbis suggested a condition for approval be that the EPA or the City Attorney reviews this petition to make sure that Utah Metal Works was complying with the brown field environmental standards.

Acting Chair Woodhead noted she had a problem with that because she did not know the role EPA played in this, and by asking the City attorney to assure that the regulatory obligations were met was probably appropriate.

Commissioner Chambless stated that it was unfortunate there are certain neglected areas in the City where streets were unpaved, and he suggested that Mr. Lewon take a different approach in the future with his neighbors in negotiating property.

Mr. Wheelwright stated that staff would like to modify their recommendations at this point and noted that this was the first communication staff had had with the property owners at 1475 North 800 West. He noted that the Council would not close that street portion of 800 West if the abutting property owner objected. He stated that staff would suggest that the Commission approve Phase One and the Everett Street portion of Phase Two and not the 800 West portion, which would be looked at in the future if the applicant was successful in bringing forth a new application.

Commissioner Muir inquired why the Commission could not forward the whole petition to the City Council to work out, instead of forcing the applicant to come back to the Commission.

Mr. Wheelwright stated that the City Council would not want to deal with the complicated parts of this petition.

Commissioner Muir stated that hypothetically if the City Council approved Phase One and then a portion of Phase Two that would still force the applicant to come to the Commission because that portion of the application would be closed.

Commissioner McHugh noted that if the petition was forwarded as was, there was a chance the City Council would deny the whole thing because it was still messy and complicated.

Commissioner Muir noted that one benefit of forwarding this petition to the City Council would be to give the applicant time to work with the neighbor.

Acting Chair Woodhead stated that there was a long history of concern in regards to closing streets in the City where residential abutting properties did not approve of it, so by sending recommendation to the City Council that stated that the Commission would like to go ahead with that, may not send the right message.

Commissioner De Lay stated that the basic tenant of the law stated that the Commission could not deny access to someone, so she clarified that what she thought the Commission was suggesting was to go ahead with Phase One, and make sure the attorney approved the environmental issues and then it could be passed onto the City Council.

**Commissioner Scott made a motion regarding Petition 400-06-50 that the Planning Commission declare the subject right-of-way of Everett Avenue from Dexter to Hot Spring Road and 800 West from Everett Avenue to the mid-portion of the alley behind the homes on approximately 1500 North surplus, and forward a positive recommendation to the City Council recommending both Phase One and the Everett Avenue portion of Phase Two street closures with the following conditions that should be modified to include Phase Two of the Everett Avenue section:**

- 1. Any new development will require an avigation easement from the Salt Lake City Division of Airports.**
- 2. Gates must be placed at each end of the segment of Everett Avenue (at Hot Springs Street and Dexter Street) that Utah Metal Works has requested that the city close upon completion of both phase. Fire and emergency services shall have**

access to the area at all times either through an automated system or a key box. In addition, the Salt Lake City Fire Department may require an additional fire hydrant to service the property. Final plans must be submitted to and approved by the Fire Department. A fence must enclose the north end of the property at 800 West if and when Phase 2 is approved.

3. The Utah Metal Works site must come into compliance with Chapter 21A.28.030E, which requires 25 foot landscaping in the front yard and 15 foot landscaping in corner side yards, and Chapter 21A.28.010B(3)(b) which requires a 7 to 10 foot solid fence around yards in the M-2 District where there is "outdoor storage of auto bodies, or other metal, glass bottles, rags, rubber, paper or other articles commonly known as junk." There must be a fence placed between the Utah Metal Works property and all residential uses along 1500 North and Dexter Street. The setback requirement will not apply where there is an existing building on the site.
4. An easement dedicated to Salt Lake City is required for the numerous water and storm drain lines that serve the properties along 800 West and Everett Avenue. The easement shall be the width of the current right-of-way along Everett Avenue. Not trees, fences, buildings, or structures of any kind would be allowed and nothing could be stored within this easement. A \$343 per quarter-acre drainage impact fee will be assessed for any new impervious surfaces added to Utah Metal Works property.
5. Utah Metal Works must work with Chevron to establish a private utility easement for the gas line that runs beneath Everett Avenue.
6. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North, at the expense of the applicant.
7. The public rights-of-way along Hot Springs Street, 1500 North, Dexter Street, and the remaining portions of Everett Avenue must remain open for public use. No trailers or trucks can be parked or staged along these streets.
8. Utah Metal Works must file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted by the proposed street closure must have at least eight foot (80') of street frontage. It must be noted on the plat that there is no sewage system on the site.

Commissioner De Lay stated she would like an amendment to the motion to add another condition:

9. Require the review of the City Attorney for possible conflicts with FEDA regulation guiding brown field development and/or improvement.

Commissioner Scott accepted the amendment to the motion.

Commissioner McDonough seconded the motion.

All in favor voted, "aye", Commissioner Muir voted, "nay," because he was opposed to condition 9. The motion passed.

Exhibit 6  
Map of Planning Commission Recommendation

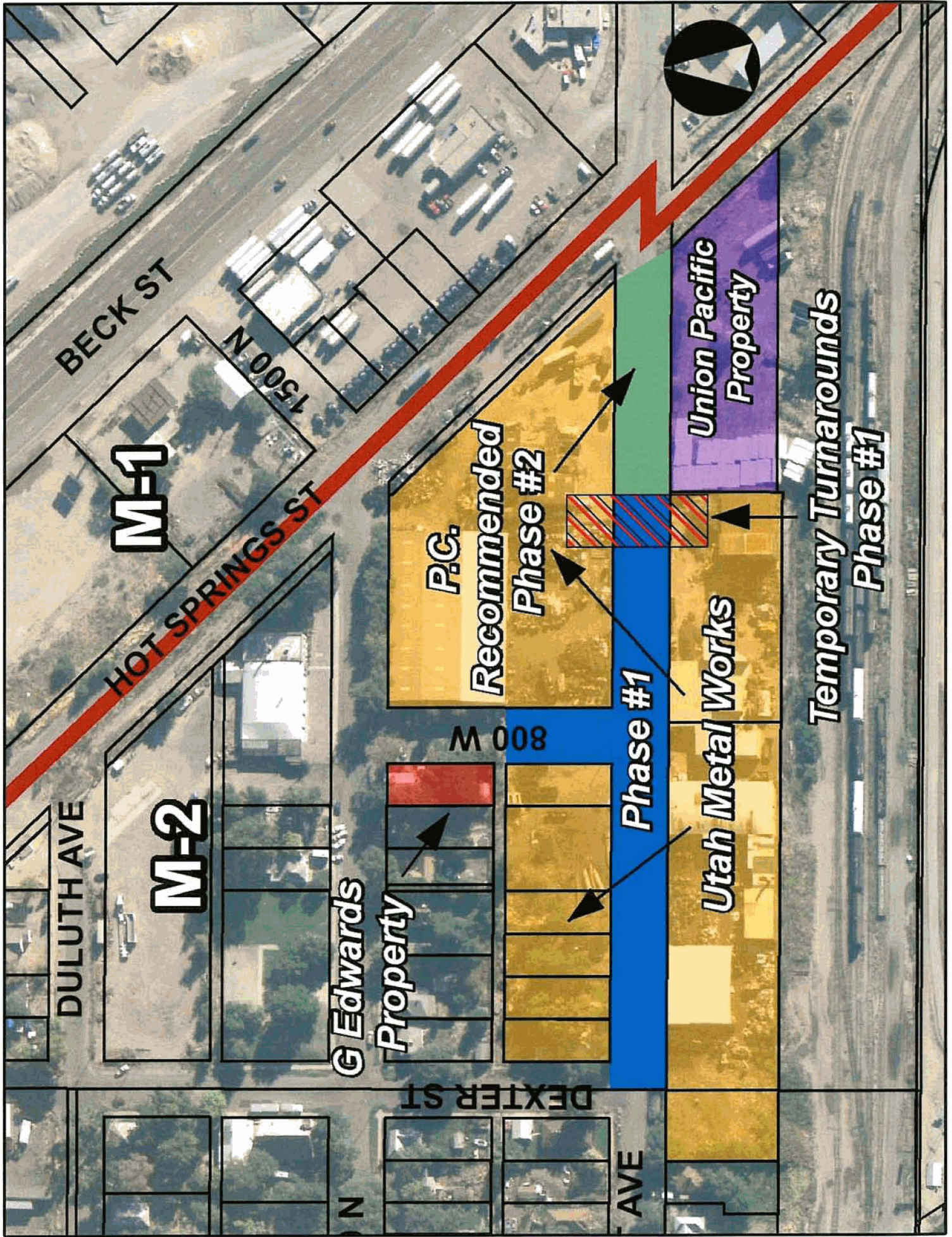


Exhibit 7  
Original Petition



# Street Closure

OFFICE USE ONLY	
Petition No.	400-06-50
Receipt No.	Amount: 334.32 (34.32 per)
Date Received:	12-4-06
Reviewed By:	[Signature]
Project Planner:	

Date December 5, 2006

Name of Applicant	<u>Utah Metal Works, Inc.</u>	Phone	<u>364 5679</u>
Address of Applicant	<u>805 W. Everett Ave Salt Lake City, UT 84116</u>		
E-mail Address of Applicant	<u>mark@umw.com</u>	Cell/Fax	<u>364 5676</u>

SALT LAKE CITY PLANNING

### 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 addressed 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

[Signature] for Utah Metal Works, Inc.  
 Title of agent





# Neighbor Consent Form

SALT LAKE CITY PLANNING

**Applicant:** Utah Metal Works, Inc.  
**Subject Address:** 800 West between Everett Ave and 1500 North, Everett Ave Dexter St to Hot Spgs  
**Matter to be Considered:** City vacating streets

1. Please attach a copy of the appropriate form being considered along with the necessary information for your neighbors to review.
2. You need to obtain signatures of approval from all abutting property owners. You may need to obtain signatures of approval from owners of properties across the street. The Planning staff will guide you on which signatures to obtain.

My signature below attests that I have seen the plans and examined the proposal of my neighbor at the address listed above and I have no objection to his/her proposed request. I understand that the Zoning Administrator has authority to grant this request without a public hearing. I understand that if I do not sign this form, my neighbor may elect to have the case heard by the Board of Adjustment where a public hearing will be held. I also understand that anyone aggrieved by a decision of the Zoning Administrator may appeal to the Board of Adjustment within 30 days from the decision.

<u>Park Avenue Court Co by Ernest W. Field</u>	<u>[Signature]</u>	<u>11-27-03</u>
Print Name and Address	Signature	Date
<u>Bodega Bay</u>	<u>[Signature]</u>	
Print Name and Address	Signature	Date
<u>WmW Land</u>	<u>[Signature]</u>	<u>11/22/06</u>
Print Name and Address	Signature	Date
<u>Barbara Diegel</u>	<u>[Signature]</u>	<u>11/23/06</u> (1475 N 800 West)
Print Name and Address	Signature	Date
<u>ANNE HENDERSON</u>	<u>[Signature]</u>	<u>11/24/06</u>
Print Name and Address	Signature	Date
<u>WILLIAM SALAI</u>	<u>[Signature]</u>	<u>11/27/06</u> (807 West)
Print Name and Address	Signature	Date
<u>DAVID DOWNS</u>	<u>[Signature]</u>	<u>11/27/06</u> (870+878 West)
Print Name and Address	Signature	Date
<u>David Lindell</u>	<u>[Signature]</u>	<u>11-27-06</u> (875 West)
Print Name and Address	Signature	Date
<u>Tennis &amp; Sun LLC by Donald Lewon</u>	<u>[Signature]</u>	<u>11/27/06</u> (805 West)
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date

REMARKS

Petition No. 400-06-50

By Utah Metal Works, Inc.

Street Closure

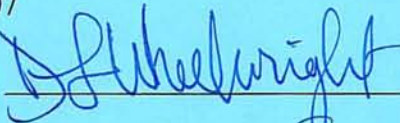
Date Filed 12/04/2006

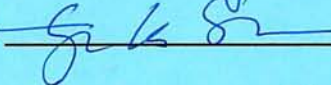
Address Everett Avenue

**COMMUNITY DEVELOPMENT  
COUNCIL SUBMITTAL CHECKLIST**

**Petition No and Basic Information:** 400-06-50: Street closure requests for Everett Avenue and 800 West by Utah Metal Works

**Date:** October 23, 2007

**Supervisor Approval:** 

**Division Director Approval:** 

**Contact Person:**

**Phone No.**

- Initiated by
- City Council Member
  - Property Owner
  - Board / Commission
  - Mayor
  - Other

Contact Person

Mark Lewon, Utah Metal Works

**Completed Check List attached:**

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

**Public Process:**

- |   |   |
|---|---|
| <input type="checkbox"/> Community Council (s)          | <input type="checkbox"/> City Web Site            |
| <input type="checkbox"/> Public Hearings                | <input type="checkbox"/> Flyers                   |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission   | <input type="checkbox"/> Newspaper Advertisement  |
| <input type="checkbox"/> HAAB review                    | <input type="checkbox"/> City Television Station  |
| <input type="checkbox"/> Board of Adjustment            | <input type="checkbox"/> On Location Sign         |
| <input type="checkbox"/> City Kiosk                     | <input type="checkbox"/> City Newsletter          |
| <input checked="" type="checkbox"/> Open House          | <input type="checkbox"/> Administrative Hearing   |
| <input type="checkbox"/> Other                          |   |

**Compatible with ordinance:**

Section 2.58 of the Salt Lake City Code

**Modifications to Ordinance:**

**Approvals / Input from Other Departments / Divisions**

<u>Division</u>	<u>Contact Person</u>
<input checked="" type="checkbox"/> Airport:	Allen McCandless
<input type="checkbox"/> Attorney:	
<input type="checkbox"/> Business Licensing:	
<input checked="" type="checkbox"/> Engineering:	Craig Smith, Scott Weiler
<input checked="" type="checkbox"/> Fire:	Wayne Leydsman
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input type="checkbox"/> Permits / Zoning:	
<input type="checkbox"/> Police:	
<input type="checkbox"/> Property Management:	
<input type="checkbox"/> Public Services:	
<input checked="" type="checkbox"/> Public Utilities:	Jason Brown, Brad Stewart
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> RDA :	
<input type="checkbox"/> Zoning Enforcement	

### PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
12/4/2006	DM	14	DFW	GS	Petition Delivered to Planning
12/13/06	inb	14	DFW	GS	Petition Assigned to <u>Nick Britton</u>
9/26/07	inb	14	DFW	GS	Planning Staff or Planning Commission Action Date
10/3/07	inb	14	DFW	GS	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
10/1/07	inb	14	DFW	GS	Table of Contents
10/1/07	inb	14	DFW	GS	Chronology
1/7/08	inb	14	DFW	GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
10/1/07	inb	14	DFW	GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
10/1/07	inb	14	DFW	GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
10/1/07	inb	14	DFW	GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
9/20/07	inb	14	DFW	GS	Planning Commission Staff Report
10/11/07	inb	14	DFW	GS	Planning Commission Minutes and Agenda
10/1/07	inb	14	DFW	GS	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____
					Petition filed with City Recorder's Office