

# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** April 1, 2008

**SUBJECT:** Petition No. 400-06-31 – First Industrial Development Services, Inc., requesting to close a portion of 300 South Street (between approximately 5100 West and 5200 West)

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

**AFFECTED COUNCIL DISTRICTS:** District 2

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

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

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## POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance close a portion of 300 South Street, between approximately 5100 West and 5200 West, and declaring it surplus for sale to the abutting property owner.
  2. **["I move that the Council"]** Not adopt an ordinance close a portion of 300 South Street, between approximately 5100 West and 5200 West, and declaring it surplus for sale to the abutting property owner.
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The following information was provided previously for the Council Work Session on February 19, 2008. It is provided again for your reference.

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## KEY ELEMENTS:

- A. A resolution has been prepared for Council consideration that would close a portion of 300 South Street between approximately 5100 West and 5200 West and declare the portion surplus property for sale to the petitioner and abutting property owner to the South. (Staff note: Council Staff will work with the Administration to obtain an ordinance rather than a resolution. A resolution was prepared because when this petition was processed in the Planning Division, State law had temporarily required that street closures be processed through resolution rather than by ordinance. State law has since changed back to requiring adoption by ordinance).
- B. Key points from the Administration's transmittal are the following:
  1. The subject property was deeded to the City as a condition of subdivision approval for a radio tower facility in 1994. The use no longer exists and the subject property has never been used as a public right-of-way or developed as a street. The area has been developed in such a way that this right-of-way will not be needed in the foreseeable future.

2. The portion of 300 South is a 66 foot x 627 foot right-of-way (.95 acres). It is currently unimproved and is not scheduled for improvement.
  3. The petitioner owns the property directly to the north of the subject portion of 300 South. The petitioner is not associated with the 1994 subdivision approval.
  4. The petitioner is also not associated with the previous street closure petition for this stretch of right-of-way (Petition #400-04-43), which was submitted by Menlo Associates, LLC in October of 2004. The City Council held a public hearing on April 12, 2005 regarding the previous petition, at which time the property owner to the South (SorTech, LLC) submitted a letter objecting to the closure. Menlo Associates, LLC subsequently withdrew the previous petition.
  5. After the current petitioner acquired the property to the north from Menlo Associated, LLC, they reached an agreement with SorTech, LLC. Both adjoining property owners are now in favor of the petition, and have each agreed to purchase half of the surplus property, should the Council ultimately vote to close the street.  
*\*UPDATE:* Since the Transmittal was submitted to Council Staff, Planning Staff has indicated that First Industrial Development Services has purchased the property to the South from SorTech, LLC. They are now the only abutting property owner, aside from Kern River Gas to the east.
  6. Kern River Gas Transmission abuts the property to the east, and is supportive of the proposal but is not interested in purchasing any of the surplus property.
  7. The petitioner is requesting the portion of the street be closed, the property declared surplus and the property be sold to them at a fair market value to incorporate the property as part of a future development.
- C. The petitioner's property is zoned Light Industrial M-1. The surrounding properties are also zoned Light Manufacturing.
- D. Surrounding land uses include:
1. Utilities to the east (Natural Gas Transfer Station and Electric Utility Substation)
  2. A distribution warehouse to the west.
  3. Vacant land to the north and the south.
- E. The Planning staff report notes the following findings:
1. The proposed street closure will not deny access to adjacent properties.
  2. The right of way will be sold at fair market value.
  3. The subject right-of-way is not currently utilized as a street, and its sale will not impact traffic flow in the area.
  4. The Salt Lake City Transportation Master Plan does not identify this portion of 300 South and there are no plans to extend or otherwise improve it.
  5. No other property owners would be impacted in any way by this closure.
- F. The Transportation Division, Public Utilities Department, Property Management, and Engineering all reviewed the previous petition. Only Public Utilities commented on the current petition, and voiced no objections. The other departments and divisions did not comment on the current petition but were supportive of the previous petition (#400-04-03) for the closure of this section of 300 South.
- G. On December 13, 2006, the Planning Commission voted to forward a positive recommendation to the City Council to declare the property surplus and close the street.

1. The petitioner (the property owner to the North) spoke at the hearing and indicated that they need this property for future development needs.
2. No negative comments were received at the Public Hearing.

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

Council Members may wish to consider adjusting the Council's street closure policy to ensure a consistent policy direction with streets and alleys. (Please refer to the next section for the Council's street closure policy.) Planning staff has indicated to Council staff that the current street closure procedure does not require Community Council notification and review. (Currently, the Planning Commission agenda is mailed to Community Council Chairs. A Planning Commission hearing notice is mailed to property owners within a 300-foot radius of a proposed street closure.) It should be noted in this case however, that Planning Staff contacted the Poplar Grove Community Council regarding this petition, requesting input. No response was received from the Community Council.

During the Council's alley policy discussions, Council Members adopted the following modifications for alley closures or vacations:

1. Shift the focus to consideration of a proposed request with demonstrated public benefit rather than supporting closure/vacation whenever possible.
2. Require an evaluation and documented demonstration of public interest versus private interest. The standard should be to demonstrate an over-riding public purpose, rather than an over-riding private interest.
3. Include neighborhood and community council review and comment as part of the public process prior to the Administration formalizing their recommendation to the City Council.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. The Council's street closure policy includes the following:
  1. It is Council policy to close public streets and sell the underlying property. The Council does not close streets when that action would deny all access to other property.
  2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential or commercial.
  3. There are instances where the City has negotiated with private parties to allow the parties to make public improvements in lieu of a cash payment. The Council and the Administration consider these issues on a case-by-case basis.
  4. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the petitioner that the sale and/or closure of the street would accomplish the stated public policy reasons.
  5. The City Council should determine whether the stated public policy reasons outweigh alternatives to the sale or closure of the street.
- B. The subject property is located in an industrial area in the Northwest Quadrant which does not have a specific master plan.
- C. The Transportation Master Plan (adopted 1995) called for an eastward extension of 300 South beyond the RC Willey distribution center site to provide access to surrounding properties not yet developed. The Major Street Plan of the Transportation Master Plan was

amended in 1996 and the designation of 300 South east of 5200 West was changed to a local street classification. Local streets and areas are allowed to be developed as needed to access surrounding properties and are not mapped on the Major Street Plan. Since the Kern River Gas Transmission Company developed the entire abutting property to the east, it eliminated any need to extend 300 South farther east.

D. The purpose of the Light Industrial District M-1 is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

E. State Code states the following with regard to alley or street vacations.

**”72-5-105. Highways, streets, or roads once established continue until abandoned -- Temporary closure.**

(1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until abandoned or vacated by order of a highway authority having jurisdiction or by other competent authority.

(2) (a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road assessed to each of the adjoining owners.

(b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).

(3) (a) In accordance with this section, a state or local highway authority may temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D road or R.S. 2477 right-of-way.

F. The Council’s adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

1. is aesthetically pleasing;
2. contributes to a livable community environment;
3. yields no negative net fiscal impact unless an overriding public purpose is served; and
4. Forestalls negative impacts associated with inactivity.

## **BUDGET RELATED FACTS:**

Property management has not yet determined a value for this property in the case of this petition. However, when this segment of City right-of-way was considered for street closure previously (Petition #400-04-43, Menlo Associates LLC), Property Management estimated that the City would receive approximately \$17,300. This estimate will be updated for the current petition.

The City-owned property to be sold is a 66 foot x 627 foot right-of-way (.95 acres). Consistent with City policy, the Property Management Division recommended that the property be declared surplus and sold at fair market value. The Administration found the following:

1. Ownership interest in these two streets is minimal.
2. Fair market value of the land contained in these two private streets is also minimal.

## **CHRONOLOGY:**

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

- August 22, 2006                      Petition received by Planning Division.
- October 30, 2006                    Petition assigned to Planner
- December 13, 2006                 Planning Commission Hearing
- January 26, 2007                    Resolution requested from City Attorney's Office
- February 5, 2007                    Resolution received form City Attorney's Office

cc: David Everitt, Esther Hunter, Lyn Creswell, Sam Guevara, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Mary De La Mare-Schaefer, Doug Wheelwright, Cheri Coffey, Nick Britton, Barry Esham, Janice Jardine, Russell Weeks

File Location: Community Development Dept., Planning Division, Street Closures, First Industrial Development Services, Inc., 300 South (between approximately 5100 West and 5200 West)

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON  
MAYOR

**CITY COUNCIL TRANSMITTAL**

**TO:** Lyn Creswell, Chief Administrative Officer **DATE:** March 15, 2007  
**FROM:** Louis Zunguze, Community Development Director  
**RE:** Petition 400-06-31: Request by First Industrial Development Services, Inc., that 300 South from approximately 5200 West to approximately 5100 West be closed and sold to the abutting property owners

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

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

**DOCUMENT TYPE:** Resolution

**BUDGET IMPACT:** Property Management has not yet determined the value of the street property.

**DISCUSSION:**

**Issue Origin:** First Industrial Development Services, Inc., represented by James Merrill, has requested that a portion of 300 South from 5200 West to approximately 5100 West be closed and sold at fair market value to the abutting property owners. The applicant abuts the subject right-of-way to the north and SorTech, LLC, abuts the right-of-way to the south. Kern River Gas Transmission abuts the property to the east and is supportive of the proposal but is not interested in purchasing any of the surplus property. As a result, only First Industrial Development Services, Inc. and SorTech, LLC will have the opportunity to purchase the surplus property. Both have agreed to purchase their half of the surplus property at fair market value and are currently working with the Property Management Division to determine this value. The property owners wish to use the right-of-way to access their properties from the southern and northern side of their properties respectively.

The subject right-of-way is approximately 66 feet in width and 627 feet in length, an area of 0.95 acres. The subject right-of-way ends at approximately 5100 West and does not connect with any other rights-of-way. This segment of 300 South is an unimproved right-of-way and is not scheduled for improvement. The Mayor of Salt Lake City has authority to approve street closures.

This closure was originally requested by the previous owner, Menlo Associates, LLC, on October 22, 2004 (Petition #400-04-43). The Planning Commission heard the petition on January 12, 2005, and forwarded a favorable recommendation to the City Council for the street closure and for the sale of the surplus property to the applicant. The City Council held a public hearing for the matter on April 12, 2005, at which time a letter of protest was filed by an adjacent property owner (SorTech, LLC) objecting to the closure. In September of 2005, Petition #400-04-43 was withdrawn by the applicant. Subsequently, the new owner, First Industrial Development Services, Inc., filed a new petition, #400-06-31, renewing the request for street closure (see Exhibit 6 for the letter from First Industrial Development Services, Inc., requesting the closure). With this request, First Industrial Development Services, Inc., sought and received support from SorTech, LLC.

**Analysis:** As a result of this proposed closure, all traffic heading eastbound on 300 South would head north along 5200 West to 150 North or turn around and head westbound on 300 South. The closure would provide First Industrial Development Services, Inc., and SorTech, LLC, with the ability to further develop their properties efficiently, as their access would not be hampered by the existence of a dirt road at the western entrance to their properties. The closure of this segment of 300 South would not prevent any property owners in the vicinity from accessing their property. This portion of the road is not used by regular vehicular traffic or pedestrian traffic as it does not currently provide access to any property. The Salt Lake City Transportation Master Plan does not include this segment of 300 South and there are no plans to upgrade or improve it in any way.

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. Staff found that the proposed street closure met all four policy considerations outlined above (see Exhibit 5b, page 4).

All of the comments received by Planning Staff from other City Departments and Divisions were supportive of the proposed closure. No issues were raised.

***Master Plan Considerations:*** There is one Master Plan document that is applicable to this area. The Transportation Master Plan's Major Street Plan does not identify this subject portion of 300 South, but 300 South west of the proposed closure is classified as a collector street; 5200 West north of the proposed closure is also classified as a collector street and the Transportation Master Plan proposes the extension of 5200 West southward to 500 South. It is not anticipated that this portion of 300 South will be extended eastward past 5200 West. There currently is no land use Master Plan document for this area of Salt Lake City.

**PUBLIC PROCESS:**

Notice of this request was sent by Planning Staff to the Poplar Grove Community Council on November 2, 2006, requesting input; Staff had not received a response from the Community Council representatives prior to the Planning Commission meeting on December 13, 2006. Planning Staff received no calls from the public regarding this proposal.

Abutting property owners were notified of the closure and invited to attend the Planning Commission public hearing on the matter held on December 13, 2006. The Planning Commission requested that Kern River Gas Transmission Corporation be involved in the valuation discussions along with SorTech, LLC and the applicant. No other issues were raised. The Planning Commission unanimously voted to forward a positive recommendation to the City Council regarding the closure of 300 South from 5200 West to approximately 5100 West, a right-of-way measuring 627 feet in length by 66 feet in width, and to declare the subject property surplus.

**RELEVANT ORDINANCES:**

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

Utah State Code, Title 10-8-8 to 10-8-8.5 includes regulations regarding Street Vacations.



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6. Original Petition

# Exhibit 1 Chronology

**Petition #400-06-31**  
Chronology

- August 22, 2006:** Petition received by Planning Division.
- October 30, 2006:** Petition assigned to Nick Britton.
- October 30, 2006:** Information routed to applicable city staff.
- November 2, 2006:** Notice was sent to Poplar Grove Community Council Chairperson.
- November 29, 2006:** Notice of Planning Commission public hearing mailed to abutting property owners.
- December 13, 2006:** Planning Commission voted to declare the subject right-of-way surplus and to forward a positive recommendation to City Council regarding the closure of 300 South from 5200 West to approximately 5100 West
- January 26, 2007:** The resolution was requested from the City Attorney's Office.
- February 5, 2007:** The final stamped resolution was received from the City Attorney's Office.

Exhibit 2  
Proposed Resolution

SALT LAKE CITY RESOLUTION

NO. \_\_\_\_\_ OF 2007

(Recommending Approval of Partial Street Closure Located at 300 South Between 5100 West and 5200 West)

A RESOLUTION RECOMMENDING APPROVAL OF PARTIAL STREET CLOSURE LOCATED AT 300 SOUTH BETWEEN 5100 WEST AND 5200 WEST, PURSUANT TO PETITION NO. 400-06-31.

WHEREAS, pursuant to Utah Code Annotated Section 10-9a-609.5, the City Council, as the land use authority, is required to make a recommendation to the Mayor, as the Chief Executive Officer, regarding the vacating or altering of a street or alley within a subdivision; and

WHEREAS, the City has received a petition requesting a partial street closure located at 300 South between 5100 West and 5200 West; and

WHEREAS, public hearings have been held before the Planning Commission and the City Council regarding this matter; and

WHEREAS, the City Council has determined that the partial street closures would be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah:

SECTION 1. The City Council hereby recommends the following partial street closure at 300 South from approximately 5100 West to 5200 West, as more particularly described on Exhibit A attached hereto.

SECTION 2. The City Council further recommends that such partial street closure be conditioned upon payment to the City of fair market value for the street property, consistent with Salt Lake City Code Chapter 2.58.

SECTION 3. Effective Date. This resolution shall become effective on the date of its first publication and shall be recorded with the Salt Lake City County Recorder.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

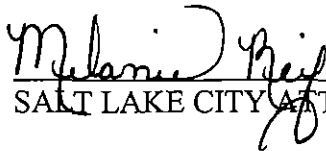
SALT LAKE CITY COUNCIL

By: \_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
SALT LAKE CITY ATTORNEY

\\RESOLUTION\Recommending Approval of Partial Street Closure at 300 South between 5100 West and 5200 West.doc

**EXHIBIT A**

A parcel of land located in the Northeast Quarter of Section 1, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING the southwest corner of Lot 1, First Industrial 5200 West Subdivision, recorded November 28, 2006 as Entry No. 9921646 in Book 2006P at Page 350 in the records of Salt Lake County, said corner being North 00°16'15" West 66.00 feet along the west line of the Northeast Quarter of Section 1, Township 1 South, Range 2 West, Salt Lake Base and Meridian and North 89°50'48" East 33.00 feet from the Center Quarter Corner of said Section 1, and thence along the south line of said Lot 1 North 89°50'48" East 627.03 feet to the southeast corner thereof; thence along the east line of the West Half of the Southwest Quarter of the Northeast Quarter of said Section 1 South 00°15'55" East 66.00 feet to the south line of said Northeast Quarter of Section 1; thence along said south line South 89°50'48" West 627.02 feet to a point 33.00 feet perpendicularly distant easterly of said west line of the Northeast Quarter; thence parallel to said west line North 00°16'15" West 66.00 feet to the POINT OF BEGINNING. Said parcel contains 41,384 square feet or 0.95 acres, more or less.

*ms  
12/19/06*

Exhibit 3  
City Council Public Hearing Notice



## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting a resolution to close a portion of 300 South from 5200 West to approximately 5100 West. The street closure has been requested by First Industrial Development Services. If approved the abutting property owners to the north and south will purchase the land at fair market value and incorporate the land into their 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 the Planning Division at (801) 535-7971; TDD (801) 535-6021.

**Exhibit 4  
Mailing List**

KEN FULZ  
WESTPOINTE CHAIR  
1217 NORTH BRIGADIER CIR  
SALT LAKE CITY UT 84116

KENNETH L NEAL  
ROSE PARK CHAIR  
1071 NORTH TOPAZ  
SALT LAKE CITY UT 84116

ANGIE VORHER  
JORDAN MEADOWS CHAIR  
1988 SIR JAMES DRIVE  
SALT LAKE CITY UT 84116

VICKY ORME  
FAIRPARK CHAIR  
159 NORTH 1320 WEST  
SALT LAKE CITY UT 84116

MIKE HARMAN  
POPLAR GROVE CHAIR  
1044 WEST 300 SOUTH  
SALT LAKE CITY UT 84104

RANDY SORENSON  
GLENDALE CHAIR  
1184 SOUTH REDWOOD DR  
SLAT LAKE CITY UT 84104

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

STEVE MECHAM  
GREATER AVENUES CHAIR  
1180 FIRST AVENUE  
SALT LAKE CITY UT 84103

BILL DAVIS  
DOWNTOWN CHAIR  
329 HARRISON AVENUE  
SALT LAKE CITY UT 84115

DELBERT RUSHTON  
PEOPLE'S FREEWAY CHAIR  
18 WEST HARTWELL AVE  
SALT LAKE CITY UT 84115

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

CHRIS JOHNSON  
EAST CENTRAL CHAIR  
PO BOX 520641  
SALT LAKE CITY UT 84106

JIM FISHER  
LIBERTY WELLS CHAIR  
428 CLEVELAND AVE  
SALT LAKE CITY UT 84105

JON DEWEY  
YALECREST CHAIR  
1724 PRINCETON AVE  
SALT LAKE CITY UT 84108

DANIEL JENSEN  
WASATCH HOLLOW CHAIR  
1670 EAST EMERSON AVE  
SALT LAKE CITY UT 84105

ELIOT BRINTON  
SUNNYSIDE EAST CHAIR  
849 SOUTH CONNOR STREET  
SALT LAKE CITY UT 84108

ELLEN REDDICK  
BONNEVILLE HILLS CHAIR  
2177 ROOSEVELT AVENUE  
SALT LAKE CITY UT 84108

MICHAEL AKERLOW  
FOOTHILL/SUNNYSIDE CHAIR  
1940 HUBBARD AVE  
SALT LAKE CITY UT 84108

SHAWN MCMILLEN  
H. ROCK CHAIR  
1855 SOUTH 2600 EAST  
SALT LAKE CITY UT 84108

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

MARK HOLLAND  
SUGAR HOUSE CHAIR  
1942 BERKELEY STREET  
SALT LAKE CITY UT 84108

PAUL TAYLOR  
OAK HILLS CHAIR  
1165 OAKHILLS WAY  
SALT LAKE CITY UT 84108

BRUCE COHNE  
EAST BENCH CHAIR  
2384 SOUTH SUMMIT CIRCLE  
SLAT LAKE CITY, UT 84109

PAM PENDERSON  
EAST LIBERTY PARK CHAIR  
1140 S 900 E 84105  
SALT LAKE CITY, UT

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

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant



ORGANIZATIONS:

Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE  
BOB FARRINGTON, DIRECTOR  
175 EAST 400 SOUTH, #100  
SALT LAKE CITY, UT 84111

S.L. CHAMBER OF COMMERCE  
175 EAST 400 SOUTH, SUITE #100  
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE  
DOWNTOWN MERCHANTS ASSN.  
10 W. BROADWAY, SUITE #420  
P.O. BOX  
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF  
COMMERCE  
P.O. BOX 1805  
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS  
COALITION  
P.O. BOX 521357  
SALT LAKE CITY, UT 84152-1357

SUGAR HOUSE MERCHANTS ASSN.  
c/o BARBARA GREEN  
SMITH-CROWN  
2000 SOUTH 1100 EAST  
SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE  
c/o NEIGHBORHOOD HOUSING SVS.  
MARIA GARCIA  
622 WEST 500 NORTH  
SALT LAKE CITY, UT 84116



Case 400-06-31

FIRST INDUSTRIAL DEVELOPMENT SERVIC  
Address: 311 S WACKER DR  
Suite 4000  
CHICAGO IL 60606

KERN RIVER GAS TRANS CO  
Address: PO BOX 71400  
Suite N/A  
SALT LAKE CITY UT 84171

JLS PROPERTIES, L L  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SALT LAKE CITY UT 84115 3035

RC WILLEY HOME FURNI  
Address: 2301 S 300 W  
Suite N/A  
SOUTH SALT LAKE UT 84115 2516

SORTECH, L L C  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SOUTH SALT LAKE UT 84115 3035

SORTECH, LLC  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SOUTH SALT LAKE UT 84115 3035

First Industrial Realty Trust  
1270 W 2320 S  
Suite C  
West Valley City, UT  
84119

Nick Britton  
Planning Division  
451 S. State St. Rm 406  
Salt Lake City, UT 84111

Nick Britton  
5321 S 580 E #F  
Salt Lake City, UT  
84107

John Spencer  
Real Property Mgr.  
451 S. State St. Rm 225  
Salt Lake City, UT 84111



KEN FULZ  
WESTPOINTE CHAIR  
1217 NORTH BRIGADIER CIR  
SALT LAKE CITY UT 84116

KENNETH L NEAL  
ROSE PARK CHAIR  
1071 NORTH TOPAZ  
SALT LAKE CITY UT 84116

ANGIE VORHER  
JORDAN MEADOWS CHAIR  
1988 SIR JAMES DRIVE  
SALT LAKE CITY UT 84116

VICKY ORME  
FAIRPARK CHAIR  
159 NORTH 1320 WEST  
SALT LAKE CITY UT 84116

MIKE HARMAN  
POPLAR GROVE CHAIR  
1044 WEST 300 SOUTH  
SALT LAKE CITY UT 84104

RANDY SORENSON  
GLENDALE CHAIR  
1184 SOUTH REDWOOD DR  
SLAT LAKE CITY UT 84104

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

STEVE MECHAM  
GREATER AVENUES CHAIR  
1180 FIRST AVENUE  
SALT LAKE CITY UT 84103

BILL DAVIS  
DOWNTOWN CHAIR  
329 HARRISON AVENUE  
SALT LAKE CITY UT 84115

DELBERT RUSHTON  
PEOPLE'S FREEWAY CHAIR  
18 WEST HARTWELL AVE  
SALT LAKE CITY UT 84115

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

CHRIS JOHNSON  
EAST CENTRAL CHAIR  
PO BOX 520641  
SALT LAKE CITY UT 84106

JIM FISHER  
LIBERTY WELLS CHAIR  
428 CLEVELAND AVE  
SALT LAKE CITY UT 84105

JON DEWEY  
YALECREST CHAIR  
1724 PRINCETON AVE  
SALT LAKE CITY UT 84108

DANIEL JENSEN  
WASATCH HOLLOW CHAIR  
1670 EAST EMERSON AVE  
SALT LAKE CITY UT 84105

ELIOT BRINTON  
SUNNYSIDE EAST CHAIR  
849 SOUTH CONNOR STREET  
SALT LAKE CITY UT 84108

ELLEN REDDICK  
BONNEVILLE HILLS CHAIR  
2177 ROOSEVELT AVENUE  
SALT LAKE CITY UT 84108

MICHAEL AKERLOW  
FOOTHILL/SUNNYSIDE CHAIR  
1940 HUBBARD AVE  
SALT LAKE CITY UT 84108

SHAWN MCMILLEN  
H. ROCK CHAIR  
1855 SOUTH 2600 EAST  
SALT LAKE CITY UT 84108

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

MARK HOLLAND  
SUGAR HOUSE CHAIR  
1942 BERKELEY STREET  
SALT LAKE CITY UT 84108

PAUL TAYLOR  
OAK HILLS CHAIR  
1165 OAKHILLS WAY  
SALT LAKE CITY UT 84108

BRUCE COHNE  
EAST BENCH CHAIR  
2384 SOUTH SUMMIT CIRCLE  
SLAT LAKE CITY, UT 84109

PAM PENDERSON  
EAST LIBERTY PARK CHAIR  
1140 S 900 E 84105  
SALT LAKE CITY, UT

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

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant





ORGANIZATIONS:  
Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE  
BOB FARRINGTON, DIRECTOR  
175 EAST 400 SOUTH, #100  
SALT LAKE CITY, UT 84111

S.L. CHAMBER OF COMMERCE  
175 EAST 400 SOUTH, SUITE #100  
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE  
DOWNTOWN MERCHANTS ASSN.  
10 W. BROADWAY, SUITE #420  
P.O. BOX  
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF  
COMMERCE  
P.O. BOX 1805  
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS  
COALITION  
P.O. BOX 521357  
SALT LAKE CITY, UT 84152-1357

SUGAR HOUSE MERCHANTS ASSN.  
c/o BARBARA GREEN  
SMITH-CROWN  
2000 SOUTH 1100 EAST  
SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE  
c/o NEIGHBORHOOD HOUSING SVS.  
MARIA GARCIA  
622 WEST 500 NORTH  
SALT LAKE CITY, UT 84116





FIRST INDUSTRIAL DEVELOPMENT SERVIC  
Address: 311 S WACKER DR  
Suite 4000  
CHICAGO IL 60606

KERN RIVER GAS TRANS CO  
Address: PO BOX 71400  
Suite N/A  
SALT LAKE CITY UT 84171

JLS PROPERTIES, L L  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SALT LAKE CITY UT 84115 3035

RC WILLEY HOME FURNI  
Address: 2301 S 300 W  
Suite N/A  
SOUTH SALT LAKE UT 84115 2516

SORTECH, L L C  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SOUTH SALT LAKE UT 84115 3035

SORTECH, LLC  
Address: 2511 S WESTTEMPLE ST  
Suite N/A  
SOUTH SALT LAKE UT 84115 3035

First Industrial Realty Trust  
1270 W 2320 S  
Suite C  
West Valley City, UT  
84119

Nick Britton  
Planning Division  
451 S. State St. Rm 406  
Salt Lake City, UT 84111

Nick Britton  
5321 S 580 E #F  
Salt Lake City, UT  
84107

John Spencer  
Real Property Mgr.  
451 S. State St. Rm 225  
Salt Lake City, UT 84111





Exhibit 5-a  
Planning Commission Hearing  
Original Notice and Postmark

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, December 13, 2006, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

**1. APPROVAL OF MINUTES from Wednesday, November 29, 2006.**

**2. REPORT OF THE CHAIR AND VICE CHAIR**

**3. REPORT OF THE DIRECTOR**

- a. Minor Amendment to 410-06-13 Planned Development for Sorenson Unity Center

**4. PUBLIC NOTICE AGENDA**

- a. Rocky Mountain Power and Salt Lake City Public Utilities Department—Rocky Mountain Power is requesting that Public Utilities provide an easement for an existing portion of an overhead power line, located on Public Utilities owned property. The approximate address of the subject overhead power line is 657 East 18<sup>th</sup> Avenue. The zoning is Open Space (OS) abutting Foothill Residential (FR-3). The request is to legitimize an existing overhead power line which does not have an existing easement and to add a new midpoint pole to facilitate upgrading power capacity in the area. The requested easement area is 10 feet wide by 137 feet. Public Utilities staff intends to approve the request as proposed. (Staff Karryn Greenleaf at 483-6769; [Karryn.greenleaf@slcgov.com](mailto:Karryn.greenleaf@slcgov.com) or Doug Wheelwright at 535-6171; [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com) ).

**5. PUBLIC HEARINGS**

- a. **Petition 410-06-35** — by Glenn Ingersoll for a Planned Development at approximately 1330 South 700 West in an R-1/7000 zoning district within a Transitional Overlay. The request also requires conditional use approval for development on non-residential uses in the Transitional Overlay Zone. (Staff — Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com) ).
- b. **Petition 410-06-32** — by Greg Pedroza of A.M.E. Ent. LLC, A request for a planned development for the construction of a single family residential development generally located at 360 Edith Avenue, in the R1-5000 Zoning District. The 13 single family houses will replace an existing 25 unit apartment complex (Staff —Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)).
- c. **Petition 400-06-25** — A request by Jonathan Hodge to vacate a portion of an alley running east-west located between approximately 1420 E. Roosevelt Avenue and 1419 E. Emerson Avenue. The property is located in the R-1/5,000 (Single Family Residential) Zoning District. (Staff— Nick Britton at 535-7932 or [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com))
- d. **Petition 400-06-31** — A request by First Industrial Development Services, represented by James Merrill, to close 300 South between approximately 5100 West and 5200 West. The property is located in the M-1 (Light Manufacturing) Zoning District. (Staff — Nick Britton at 535-7932 or [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com))
- c. **Petition 410-777** — A request by RTTA, LLC for planned development approval for new construction within the Community Shopping (CS) Zoning District at approximately 137 N. Redwood Road. The applicant proposes to construct a retail service establishment / financial institution, a permitted use. The Planning Commission took action to deny this case on June 14, 2006. The Salt Lake City Land Use Appeals Board has remanded the case back to the Planning Commission to reconsider its motion regarding the conditions of denial. Specifically requested is to reconsider and identify that either anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated with the imposition of reasonable conditions or approve the request with or without conditions of approval. (Staff — Everett Joyce 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)).

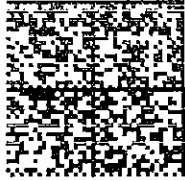
**6. UNFINISHED BUSINESS**

Nick Britton  
Planning & Zoning Division

# PUBLIC HEARING NOTICE

016H16501573  
\$00.390  
11/28/2006  
Mailed From 84111  
US POSTAGE

Hasler



N13  
Salt Lake City Planning Division  
451 South State Street, Room 406  
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, the Chair may limit the time each person may have to address the Commission, per item. A spokesperson who has already been asked by a group to summarize their concerns may be given additional time. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.

Written comments should be sent to:

Salt Lake City Planning Commission  
451 South State Street, Room 406  
Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.



84111/3102

451 S. State St., Room 406  
Salt Lake City, UT 84111

Exhibit 5-b  
Planning Commission Hearing  
Staff Report: December 13, 2006

**DATE:** December 7, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Nick Britton, Principal Planner  
**RE:** Staff Report for the December 13, 2006 Planning Commission Meeting

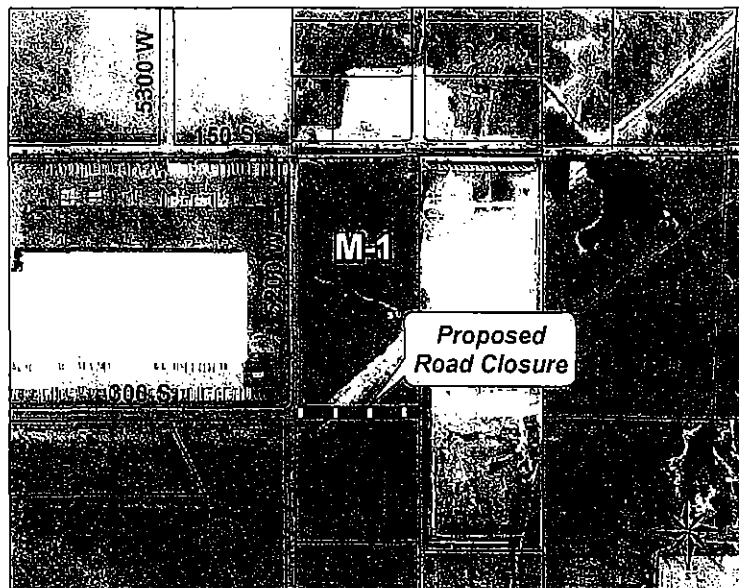
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**CASE #:** 400-06-31  
**APPLICANT:** First Industrial Development Services, Inc.

**STATUS OF APPLICANT:** The applicant is the owner of the property north of the proposed street closure.

**REQUESTED ACTION:** The applicant is requesting that a portion of 300 South from 5200 West to approximately 5100 West be closed, declared surplus property, and sold to the two adjacent property owners. The Planning Commission's role in this process is to forward a recommendation to the City Council regarding the closure and to determine whether or not the property will be declared surplus.

**PROJECT LOCATION:** 300 South from 5200 West to approximately 5100 West



**PROPERTY SIZE:** 0.95 acres (66 feet by 627 feet)

**COUNCIL DISTRICT:** District 2, Councilmember Van Blair Turner

**COMMUNITY COUNCIL:** Poplar Grove Community Council

**SURROUNDING ZONING DISTRICTS:**

<b>North</b>	M-1 (Light Manufacturing)
<b>South</b>	M-1 (Light Manufacturing)
<b>East</b>	M-1 (Light Manufacturing)
<b>West</b>	M-1 (Light Manufacturing)

**SURROUNDING LAND USES AND OWNERS:**

<b>North</b>	Vacant (First Industrial Development Services, Inc.)
<b>South</b>	Vacant (SorTech, LLC)
<b>East</b>	Industrial (Kern River Gas Transmission Company)
<b>West</b>	Distribution Warehouse (RC Willey)

**PROJECT DESCRIPTION:**

James Merrill, Regional Director for First Industrial Development Services, Inc., is requesting that the City close a portion of 300 South east of 5200 West. The proposed closure would extend eastward from 5200 South to the end of the segment at approximately 5100 West. The segment is an unimproved right-of-way measuring approximately 66 feet in width and 627 feet in length. The applicant is also requesting that the City declare the property surplus and allow both the applicant and the land owner to the south, SorTech, LLC, to each purchase the abutting 33 feet of the right-of-way of the property at fair market value (see Exhibits A and B).

This closure has been requested so that the applicant and the property owner to the south can have access to the eastern portion of their properties and so that they may properly develop their sites. The two property owners, First Industrial Development Services and SorTech LLC, have agreed to divide the right-of-way and purchase it at fair market value.

A similar request was made by the previous owner, Menlo Associates, LLC, on October 22, 2004 (Petition #400-04-43). The Planning Commission heard the petition on January 12, 2005 and forwarded a favorable recommendation to the City Council for the street closure and for the sale of the surplus property to the applicant. The City Council held a public hearing for the matter on April 12, 2005 at which time a letter of protest was filed by an adjacent property owner objecting to the closure. In September of 2005, the petition was withdrawn by the applicant. The current property owner has had discussions with adjacent property owner who original opposed the closure (SorTech, LLC) and has secured their support contingent upon their opportunity to purchase one-half of the surplus property.

**APPLICABLE LAND USE REGULATIONS:**

**Salt Lake City Code:**

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

**Utah Code:**

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

**MASTER PLAN SPECIFICATIONS:**

There is no master plan document for this area. The Transportation Master Plan's Major Street Plan does not identify this portion of 300 South as a street but 300 South west of the proposed closure is classified as a collector street. 5200 West north of the proposed closure is also classified as a collector street and the Transportation Master Plan identifies the extension of 5200 West southward to 500 South. Therefore, this portion of 300 South would be classified as an industrial local street. Local streets are created to benefit the development of adjacent properties by providing vehicle access, connection with necessary utilities, and to create zoning-required street frontage. It is not anticipated that this section of 300 South will be extended eastward past 5200 West because such extension would ultimately bisect the developed property of the Kern River Gas Transmission Company.

**COMMENTS:**

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comment and concerns received (comments received for the prior Petition #400-04-43 are also listed):

*City Department/Division Comments*

**A. Airport (Allen McCandless)**

Mr. McCandless noted that this site is in Airport Influence Zone C 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. No comments were received from the Airport for Petition #400-04-43.

**B. Building Services Division**

No comments were received on the current petition from Building Services. No comments were received from the Building Services Division for the prior Petition #400-04-43.

**C. Engineering**

No comments were received on the current petition from Engineering. In response to the prior Petition #400-04-43, Engineering noted that it was unlikely that 300 South would be extended eastward because it would bisect the Kern River Gas Transmission Company's property and that this closure would not impact the surrounding transportation network. They did not object to the petition.

**D. Fire Department**

No comments were received on the current petition from the Fire Department. The Fire Department had no objection to the prior Petition #400-04-43.

**E. Police Department**

No comments were received regarding the current petition from the Police Department. No comments were received in response to the prior Petition #400-04-43.

**F. Property Management**

No comments were received from Property Management but the applicant has been in contact with Property Management regarding the valuation of the surplus property.

**G. Public Utilities Department (Jason Brown)**

The Public Utilities Department noted that they do not have any utility lines located within the proposed closure area and had no other comments on the closure. In regards to the prior Petition #400-04-43, Public Utilities supported the proposed street closure.

**H. Transportation Division (Barry Walsh)**

The Transportation Division forwarded their response to Petition #400-04-43 in which they approved of this closure. They indicated at that time the closure addressed the standard development requirements of the frontage on a dedicated 300 South right-of-way and it provided an option for approved driveway access for the properties along 300 South.

*Community Council Comments*

**A. Poplar Grove Community Council**

Mike Harman, Chairperson of the Poplar Grove Community Council, was notified via e-mail on November 2, 2006 of the petition and asked if he wanted the Community Council to review this petition. Street closures do not require Community Council notification. No response was received from the Poplar Grove Community Council.

**ANALYSIS AND FINDINGS:**

The subject portion of the right-of-way, 300 South, is not identified in the Salt Lake City Transportation Master Plan because it is unimproved right-of-way. Currently, it is a rough dirt road that provides construction access to the applicant's property. Because 300 South is not used by traffic and does not lead anywhere, it is believed that the proposed closure will have virtually no impact on traffic circulation in the area. Traffic heading eastbound on 300 South will have the opportunity to turn left and head north on 5200 West. The paved portion of 300 South is wide enough to also provide room for a u-turn.



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:** No property owners would be denied access to their property. The applicant and SorTech, LLC, the property owner to the south, would both have access with a private drive at the location of the subject right-of-way. Kern River Gas, the property owner east of the subject right-of-way, has access to their property from 150 South. Both the applicant and SorTech, LLC have agreed to purchase their half of the closed street.

**Finding:** The proposed street closure will not deny access to adjacent properties and the underlying property will be sold.

- 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:** Both the applicant and the property owner to the south have agreed to purchase their half of the property at fair market value. The applicant is currently discussing the valuation of the property with John Spencer of Property Management.

**Finding:** The right-of-way will be sold at fair market value.

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

**Discussion:** The portion of 300 South in question is unimproved and is not scheduled for improvement. The right-of-way does not connect 5200 West to any other road and is thus only used to access the two properties adjacent to the right-of-way. This closure will allow the adjacent property owners to access their properties from both 5200 West and 300 South.

**Finding:** This right-of-way is not utilized as a street and its closure and sale will not impact traffic flow in the area. There is sufficient public policy to justify the closure and sale of the subject right-of-way.

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

**Discussion:** The alternatives to closure are to leave the right-of-way as is (unimproved) or to improve the right-of-way to its terminus at approximately 5100 West. Either alternative provides the applicant with access to his property. However, the road is not scheduled for improvements and the continuation of the unimproved right-of-way may lead to increased sediment pollution if the road is used for site access by heavy trucks or other traffic. Furthermore, allowing the applicant and the other adjacent property owner to close the street and purchase the property will allow for better development of their properties.

**Finding:** While the alternatives still provide the applicant with access to his property, it is the finding of Staff that the public policy reasons outweigh those alternatives. This request complies with this standard.

Staff finds the following regarding petition 400-06-31, requesting 300 South to be closed from 5200 West to approximately 5100 West:

1. The Salt Lake City Transportation Master Plan does not identify this portion of 300 South and there are no plans to extend or otherwise improve it.
2. Closing and selling the right-of-way will provide the applicant, First Industrial Development Services, Inc., and the adjacent property owner, SorTech, LLC, with the means to better develop the property.
3. No other property owners would be impacted in any way by this closure.
4. This segment of 300 South is not used by general traffic because it does not serve as a through route and it dead ends at the western boundary of the Kern River Gas Transmission Company's property.
5. This segment of 300 South is unimproved and, if used in its current state for access to the two aforementioned properties, may lead to increased sediment pollution.

**RECOMMENDATION:**

Staff recommends that the Planning Commission declare the property surplus and forward a positive recommendation to the City Council regarding the closure of 300 South from 5200 West to approximately 5100 West.

Attachments: Exhibit A – Application Materials  
Exhibit B – Maps of Proposed Closure  
Exhibit C – Departmental/Division Comments  
Exhibit D – Communication with the Community Council  
Exhibit E – Photographs

**Exhibit A**  
**Application Materials**



# Street Closure



Date 7/20/06

300 South street east of 5200 West.

Name of Applicant First Industrial Development Services, Inc. Phone 801-886-2711

Address of Applicant 1270w. 2320s. Suite C West Valley City, UT 84119

E-mail Address of Applicant jmerrill@firstindustrial.com Cell/Fax 801-252-4119/801-886-2711

4.68 postage

Please include with the application:

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

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

Sidwell maps and names of property owners are available at:

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

File the complete application at:

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

Signature of Property Owner or authorized agent

James Merrill - Regional Director.  
Title of agent

SALT LAKE CITY PLANNING

## Petition to Close a Street

Petitioner: First Industrial Development Services, Inc.  
 Address: 1270 W. 2820 S., Suite C, West Valley City, UT 84119  
 Date: \_\_\_\_\_

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

*Small town group (Salem/DLS)*  
*P.C. Willey*  
*Karen R. Vey*  
*PHS*

Don Wallace, 5600 W 3005 *[Signature]* 8/5/2006  
 Print Name and Address Signature Date

Merrin W. Jensen, 2510 So. 1550th West *[Signature]* 8/15/06  
 Print Name and Address Signature Date

DAVID W. DONNELLY, 5051 W 2005 *[Signature]* 8/17/06  
 Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date



FIRST INDUSTRIAL REALTY TRUST, INC.  
1270 West 2320 South  
Suite C  
West Valley City, Utah  
84119  
801-886-2711  
Fax 801-886-2710

July 17, 2006

Mr. Doug Wheelwright  
Salt Lake City Corporation, Planning Division  
451 South State Street, Room 406  
Salt Lake City, UT 84111

Re: Street Closure

Dear Doug:

Enclosed is the Street Closure application for 300 South east of 5200 West that you have been discussing with Corbin Bennion of Dominion Engineering and myself.

The neighbors within 450' of the closure are as follows: 1) RC Willey; 2) Kern River Gas; and 3) Sortech, LLC.

Due to the previous owners approvals on the vacation/closure and our tight timeline with the HK Systems build-to-suit, we would greatly appreciate moving this forward in a timely manner.

We have an agreement from SorTech, L.L.C. to divide the property down the middle. For access into the eastern sections of the property.

Please let me know immediately if I have made any errors and keep me posted on any meetings or other action I need to cover so we might move through this process as quickly as possible.

Sincerely,

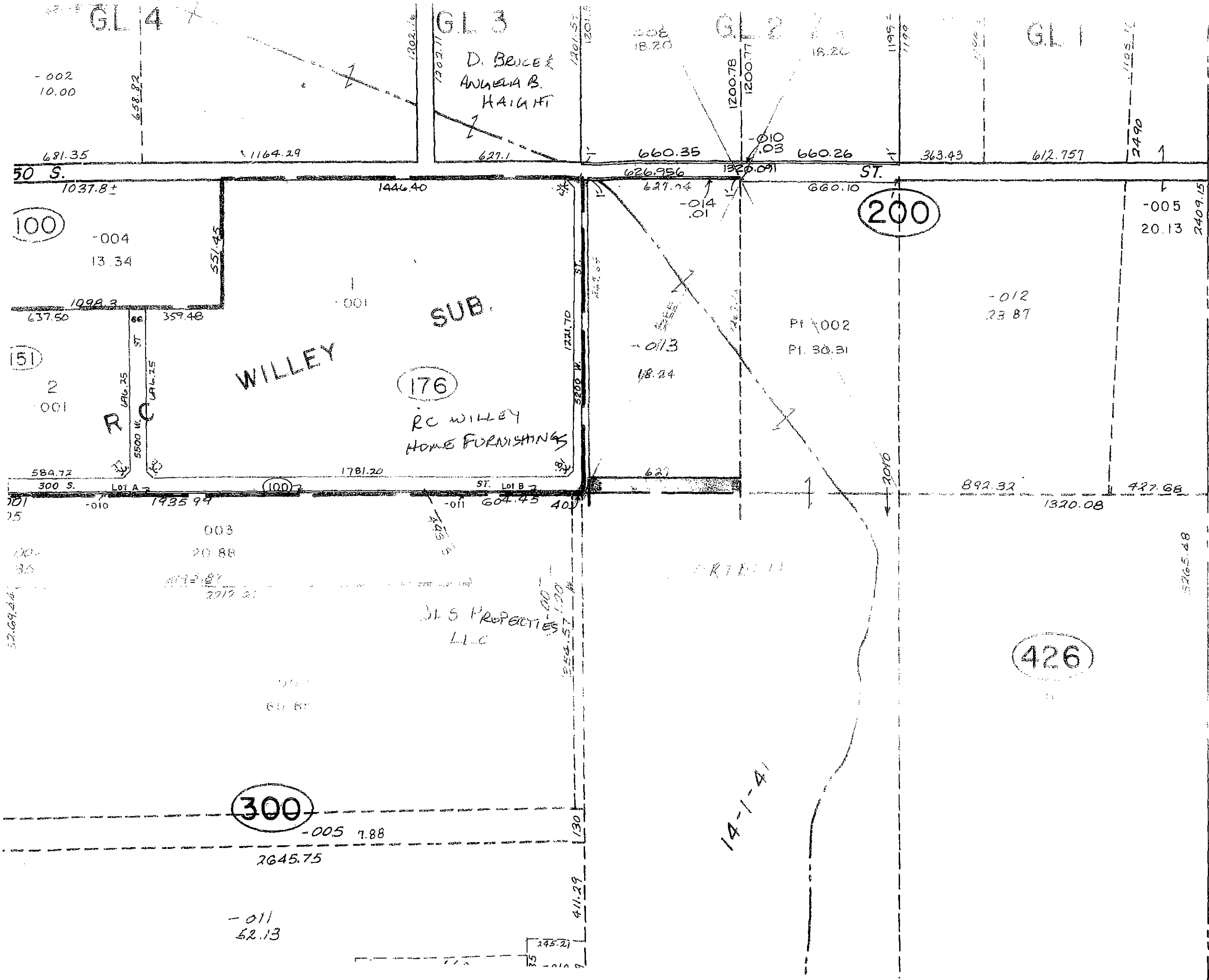
First Industrial Realty Trust, Inc.

  
James Merrill  
Regional Director

Enclosures

**Exhibit B**  
**Maps of Proposed Closure**

PLAT NO. 1000000000000000  
NO. 2 AMENDED  
"D"  
CAL-LITE INDUSTRIAL SUB



GL 4

GL 3

GL 1

-002  
10.00

008  
18.20

18.20

1195  
1190

681.35

1164.29

627.1

660.35

660.26

363.43

612.757

2490

50 S.

ST.

(100)

-004  
13.34

(200)

-005  
20.13  
2409.15

(151)

2  
001

SUB.

(176)

RC WILLEY  
HOME FURNISHINGS

-012  
23.87

PI 002  
PI 30.31

-013  
18.24

584.72

1781.20

620

892.32

927.68

701  
25

-010

1935.94

-011

604.45

1320.08

003

20.88

2712.87

JLS PROPERTIES  
LLC

(426)

(300)

-005  
7.88

2645.75

-011  
52.13

245.21

1A-1-41



**Exhibit C**  
**Department/Division Comments**

ALEXANDER C. IKEFUNA  
PLANNING DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON  
MAYOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

A. LOUIS ZUNGUZE  
COMMUNITY DEVELOPMENT DIRECTOR

CHERI COFFEY, AICP  
DEPUTY PLANNING DIRECTOR

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## M E M O R A N D U M

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**DT:** October 30, 2006

**TO:** Craig Smith, Engineering  
Brad Larson, Fire  
Brad Stewart, Public Utilities  
Barry Walsh, Transportation  
John Spencer, Property Management  
Kim Guess, Police

**FR:** Nick Britton, Principal Planner

**RE:** **Petition #400-06-31**, a request by First Industrial Development Services, Inc., to close the segment of 300 South east of 5200 West

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The Salt Lake City Planning Division is reviewing a street closure request from First Industrial Development Services, Inc. The requested closure is a portion of 300 West east of 5200 South. This closure was requested by a previous owner in 2004 (Petition #400-04-43) and went to the City Council on April 12, 2005, where it was protested by a neighboring property owner. It was subsequently withdrawn by the petitioner. A new property owner has requested the closure and has the signatures of the neighboring property owners. If the request is approved, the surplus property would be divided down the middle between First Industrial Development Services, Inc. and SorTech, LLC.

Please review the enclosed materials and respond with comments by Monday, November 13, 2006. If I do not receive a response by this date, I will assume that you have no comments or concerns regarding the proposal. If you require additional information, I can be reached at 535-7932 or [nick.britton@slc.gov](mailto:nick.britton@slc.gov). Thank you.

**Britton, Nick**

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**From:** Britton, Nick  
**Sent:** Thursday, November 02, 2006 2:21 PM  
**To:** Boskoff, Nancy; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Pack, Russ; Querry, Chuck; Rutan, Ed; Williams, Matthew; Zunguze, Louis  
**Cc:** Coffey, Cheri; Paterson, Joel; LoPiccolo, Kevin; Wheelwright, Doug  
**Subject:** Street Closure Petition  
**Categories:** Program/Policy

The Planning Division is currently reviewing Petition #400-06-31, a request for a street closure for 300 South east of 5200 West. The subject right-of-way is unimproved and approximately 0.95 acres in size. The applicant is also requesting that the City surplus the right-of-way and allow the applicant to purchase the property. 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 November 9<sup>th</sup> and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-6260.

Thank you.

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

**Britton, Nick**

---

**From:** McCandless, Allen  
**Sent:** Wednesday, November 08, 2006 1:48 PM  
**To:** Britton, Nick  
**Cc:** Pack, Russ  
**Subject:** FW: Street Closure Petition

Nick,

Thank you for the notice regarding petition 400-06-31, Street Closure at 300 South east of 5200 West. This address is in Salt Lake City airport influence zone C. Zone C requires avigation easements for new development. A street closure will not require an avigation easement unless it is proposed along with a new development project. This project does not create any observed impacts to airport operations. - Allen McCandless

---

**From:** Pack, Russ  
**Sent:** Thursday, November 02, 2006 3:04 PM  
**To:** McCandless, Allen  
**Cc:** Domino, Steve; Britton, Nick  
**Subject:** FW: Street Closure Petition

---

**From:** Britton, Nick  
**Sent:** Thursday, November 02, 2006 2:21 PM  
**To:** Boskoff, Nancy; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Pack, Russ; Querry, Chuck; Rutan, Ed; Williams, Matthew; Zunguze, Louis  
**Cc:** Coffey, Cheri; Paterson, Joel; LoPiccolo, Kevin; Wheelwright, Doug  
**Subject:** Street Closure Petition

The Planning Division is currently reviewing Petition #400-06-31, a request for a street closure for 300 South east of 5200 West. The subject right-of-way is unimproved and approximately 0.95 acres in size. The applicant is also requesting that the City surplus the right-of-way and allow the applicant to purchase the property. 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 November 9<sup>th</sup> and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-6260.

Thank you.

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

**Britton, Nick**

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**From:** Brown, Jason  
**Sent:** Monday, November 13, 2006 9:56 AM  
**To:** Britton, Nick  
**Cc:** Garcia, Peggy  
**Subject:** Petition # 400-06-31 Request by First Industrial Development to close a portion of 300 South east of 5200 West  
**Categories:** Program/Policy

Nick,

Public Utilities does not have any utility lines located within the proposed portion of 300 South to be closed. We have no other comments on the closure.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE  
Development Review Engineer  
483-6729

11/13/2006

**Britton, Nick**

---

**From:** Walsh, Barry  
**Sent:** Thursday, November 02, 2006 2:40 PM  
**To:** Britton, Nick  
**Cc:** Young, Kevin; Smith, Craig; Larson, Bradley; Stewart, Brad; Spencer, John  
**Subject:** Pet 400-06-31  
**Categories:** Program/Policy

November 2, 2006

Nick Britton, planning

Re: Petition 400-06-31, Closure of 300 South east of 5200 West by First Industrial Development Services, Inc.

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

The closure and vacation of the 300 South 66 foot right of way from 5200 West to the east 627 feet is approved per past review issues for petition 400-04-43. Per our design review comments for the HK Systems project, the closure addresses the standard development requirements of the frontage on a dedicate 300 South right of way. This also provides an option for the approved driveway access for the HK Systems project to be located in line with 300 South to the west.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
Brad Larson, Fire  
Brad Stewart, Public Utilities  
John Spencer, Property Management  
File

**Exhibit D**  
**Communication with the**  
**Community Council**

**Britton, Nick**

**From:** Britton, Nick  
**Sent:** Thursday, November 02, 2006 11:00 AM  
**To:** 'Harman@xmission.com'  
**Cc:** Coffey, Cheri; Paterson, Joel  
**Subject:** Closure of 300 South at approximately 5200 West  
**Categories:** Program/Policy

TO: Mike Harman, Poplar Grove Community Council Chair

FROM: Nick Britton, Salt Lake City Planning Division

DATE: November 2, 2006

**RE: Closure of 300 South at approximately 5200 West**

James Merrill, representing First Industrial Development Services Inc, is requesting the closure of 300 South at approximately 5200 West. The portion of 400 West proposed for closure is a short stub that extends east of 5200 West to approximately 5100 West; it does not connect to any other roads. If the road were to be closed, the surplus property would be divided and sold to adjacent property owners.

As part of this process, the applicant is required to solicit comments from the Poplar Grove Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not as important to the City Council as relevant issues that are raised by the Community Council.) The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them at the November meeting, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the City Council. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the City Council, via the Planning Division, for their review prior to the City Council Public Hearing.. I will attend the meeting to answer any questions and listen to the comments made by the Community Council members if so desired.

Following are City adopted criteria that the City Council will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

1. Consistency with the adopted policies of applicable Master Plans.
2. Adequacy of circulation including access to property, traffic congestion, parking, circulation (both vehicular and non-vehicular including pedestrian) and design issues such as safe and accessible sidewalks, pedestrian friendly emphasis and enhancements that encourage walking, street design and interconnections for pedestrians and cyclists, crosswalks, park strip landscaping, and traffic calming solutions;
3. Adequacy of existing or proposed utility services to accommodate the proposed use;
4. Compatibility with the neighborhood surrounding the proposed closure and avoidance of any



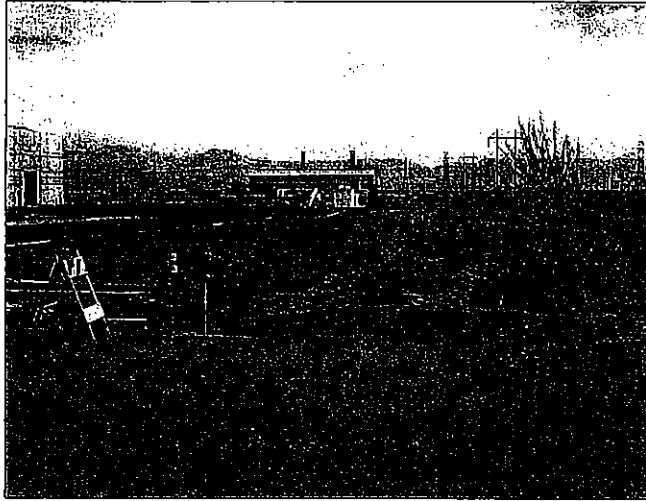
negative impacts on the neighborhood or the City as a whole;

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111, by Fax at (801) 535-6174, or via e-mail to me at [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com).

If you have any questions, please contact me at 535-7932 or via e-mail.

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

**Exhibit E**  
**Photographs**



The subject right-of-way; 300 South east of 5200 West.



5200 West looking north; all traffic heading east on 300 South would make the left on 5200 West at this point.



Looking west on 300 South; the proposed street closure is behind the photographer.

Exhibit 5-c  
Planning Commission Hearing  
Minutes: December 13, 2006

**PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, December 13, 2006**

Present for the Planning Commission meeting were Tim Chambless, Robert Forbis, Mary Woodhead, Frank Algarin, Susie McHugh, Prescott Muir, Kathy Scott, Matthew Wirthlin Vice Chair, and Peggy McDonough Chairperson.

Present from the Planning Division were Doug Wheelwright, Deputy Planning Director Cheri Coffey, Deputy Planning Director; Nick Britton, Principal Planner; Doug Dansie, Principal Planner; Joel Paterson, Planning Programs Supervisor, and Tami Hansen Planning Commission Senior Secretary.

Community Development Director; Louis Zunguze was present.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Staff Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were, Frank Algarin, Tim Chambless, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, and Mary Woodhead. Salt Lake City Staff present were: Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Doug Dansie, Senior Planner; and Nick Britton, Principal Planner.

**APPROVAL OF MINUTES from Wednesday, October 25, 2006.**  
*(This item was heard at 5:48 p.m.)*

Vice Chair Wirthlin noted that on Page 13 of the November 29, 2006 minutes, in reference to the motion made in regards to the language for the Master Plan amendment. Reference to "The City" in the last line means the typical process that would come before the Planning Commission in order to review input and design.

Chairperson McDonough noted that in the City Councils review of these procedures they should also consider audio recordings of the Planning Commission meetings along with the written minutes.

Commissioner Woodhead noted that Lynn Pace, City Attorney, had specifically mentioned that the above language would reflect the traditional City process, where design approvals would be made through the Planning Commission.

Mr. Louis Zunguze noted that the language, "City" included the intentions of the Planning Commission to control the design elements, and was a conformation that the Commission would be handling that aspect of all projects. He noted that it was not a change to the November 29, 2006 minutes, but a clarification.

Commissioner Scott noted that she would like the entire motion typed in full when added to the minutes for reference purposes.

"View Corridors: Views from Downtown to the mountains and major landmarks should also be preserved. Skywalks or other obstructions that would block view corridors are prohibited on Main Street, State Street, South Temple, 200 South, and 300 South, and are discouraged on other streets. **The City Council may consider circumstances that justify an exception to the policy prohibiting and discouraging skywalks or other obstructions, when a finding that a compelling public interest exists through substantial demonstration that:**

1. **All other alternatives for creating a successful link between major developments on both sides of a street have been evaluated and conclusively found not to be feasible or effective; and**
2. **The design of a skywalk is such that it would not substantially impair or impact a view corridor;**  
**and**
3. **A skywalk would not materially detract from pedestrian and commercial activity at the street level.**

**The City shall have significant design input and final design approval of the skywalk.**

**Commissioner Woodhead moved to approve the November 29, 2006 minutes, Commissioner Forbis seconded the motion. All voted "Aye". The motion passed with changes noted.**

**REPORT OF THE CHAIR AND VICE CHAIR.**

*(This item was heard at 5:55 p.m.)*

Chairperson McDonough noted that on December 7, 2006, she attended a briefing by the City Council regarding the City Creek Project hearings, which was also televised on Chanel 17 for purposes of outreach and public awareness. Property Reserve Inc. (PRI) gave a briefing of their schedule and she reviewed the process of the Planning Commission and the public involvement in the project and noted how there had been extended time limits for groups to come and organize their testimony. She noted that she made clarifications in regards to the Master Plan text vote due to the circumstance that members of the public were under the impression that the Planning Commission had already given approval for the skybridge. She had clarified that only a suggested amended text had been forwarded at this time.

**REPORT OF THE DIRECTOR.**

*(This item was heard at 5:57 p.m.)*

Chairperson McDonough recognized Ms. Marilyn Lewis as representative Staff. She addressed a Minor Amendment to 410-06-13 relating to the Planned Development for Sorenson Unity Center

Ms. Lewis noted that Salt Lake City had the opportunity to take advantage of new market tax credits in the amount of 2 million dollars for the proposed Sorenson Unity Center and in order to accomplish this task, Staff had to legally describe the area of the ground lease to be used for the Unity Center and not for the Sorenson Multicultural Center. She noted that based on the City Attorney's interpretation, he had suggested taking the ground lease through a minor subdivision process. She noted that Staff Doug Wheelwright noted in a memo that a section of the subdivision code states that any lots, parcels, units, or plots, other than immediate or future land lease must go through this process.

The Planning Commission previously approved the planned development conditional use and there were two principal buildings on the site. Ms. Lewis noted that the lease line existed between the two buildings, which typically in this type of situation there would be a required 20 feet between each building and the lot line, but in this case as a planned development the buildings were closer together.

Ms. Lewis noted that the reason the Planning Commission was seeing this again was due to the minor amendment to the original decision.

**Commissioner Woodhead made a motion to accept the new interior lease line that is now located 2'8" from the proposed Sorenson Unity Center structure, and 20 feet from the existing Sorenson Multicultural Center structure as a minor adjustment to the previously approved Conditional Use Planned Development for Petition 410-06-13.**

**Commissioner Algarin seconded the motion.**

**All in favor voted, "Aye", and the motion passed unanimously.**

**PUBLIC NOTICE AGENDA**

*(This item was heard at 6:01 p.m.)*

- a. Rocky Mountain Power and Salt Lake City Public Utilities Department—Rocky Mountain Power is requesting that Public Utilities prove an easement for an existing portion of an overhead power line, located on Public Utilities owned property. The approximate address of the subject overhead power line is 657 East 18<sup>th</sup> Avenue. The zoning is Open Space (OS) abutting Foothill Residential (FR-3). The request is to legitimize an existing overhead power line which does not have an existing easement and to add a new midpoint pole to facilitate upgrading power capacity in the area. The requested easement area is 10 feet wide by 137 feet. Public Utilities staff intends to approve the request as proposed.

**Chairperson McDonough noted that there were no comments or questions from the public or Commissioners, and the matters were approved.**

**PUBLIC HEARINGS**

*(This item was heard at 6:15 p.m.)*

a. Petition 410-06-35 — by Glenn Ingersoll for a Planned Development at approximately 1330 South 700 West in an R-1/7000 zoning district within a Transitional Overlay. The request also requires conditional use approval for development on non-residential uses in the Transitional Overlay Zone.

Chairperson McDonough recognized Doug Dansie as Staff Representative.

Mr. Dansie noted that this property, along with the residential homes that front 1300 South, are located in a transitional overlay. The zoning to the south of the Parcel is M-1 Industrial. He noted that the transitional overlay was placed on residential properties where the City had acknowledged that there would be a transition from residential use to other uses, whether commercial or industrial. He noted that the applicant had asked to change the use of an existing garage building, located along the west property line, into commercial uses and then to construct a second building along the south property line. The existing building material is cinder block and it has a pitched roof. This building is used as storage for the homes that currently exist in the area. The applicants would like to use the building as a possible woodworking shop or some other commercial activity.

He noted that there was an older home on the lot that would need to be demolished in order to build the second phase of the project. Initially, the project was heard by the Planned Development Sub-Committee, which recommended that the proposed landscaping be done as part of the first phase. The Subcommittee also recommended the a second phase would include changing the layout of the new building, facing the retail to 700 West and moving it closer to the street frontage.

Mr. Dansie noted that most of the setback requirements had been met, some exceptions would be the existing building would be within 20 feet of residential buildings, but the new building would comply with the zoning ordinance. The interior side yards would be 15 feet on the north property line and the interior side yards that abut nonresidential uses would be built to the property line. Staff was supportive of the idea, because the adjacent properties to the south were industrial and the project would be concurrent with the theme of the area.

Mr. Dansie noted that Staff recommendations included the following conditions:

1. The Planning Commission waives the interior side yard in the rear of the property along the north property line to accommodate the existing noncomplying building.
2. The Planning Commission waives the rear yard setback to accommodate the existing noncomplying building and waives the interior side yard on the south property line to accommodate the proposed building.
3. The applicant erects a decorative, solid masonry wall along the portion of the north property line where no wall currently exists. The wall should match the existing wall.
4. The public way improvements must be constructed, or SID waiver signed, on 700 West.
5. If the project is phased, the landscaping is to be included in the first phase.
6. The final landscaping plan approval authority be delegated to the Planning Director or his/her designee.
7. The final design approval of the modifications to the existing structures and the design of the structure proposed as Phase II are delegated to the Planning Director or his/her designee.

The Chair requested the applicant approach the Commission.

Mr. Glen Ingersoll the applicant noted he would like to upgrade the area by demolishing the old home on the property.

Commissioner Scott inquired about the time frame between phase one and phase two.

Mr. Ingersoll noted that it would be approximately five years.

Commissioner Chambless inquired if there were residents on the property.

Mr. Ingersoll noted there were not.

Chairperson McDonough inquired if when the second structure was built, the commercial side doors and windows would face the street.

Mr. Ingersoll noted that would be possible.

Chairperson McDonough opened the meeting for public comment. There were none.

Commissioner Algarin made a motion, based on the comments, analysis and findings regarding Petition 410-06-35 be approved for a conditional use and planned development with the following conditions:

1. The Planning Commission waives the interior side yard in the rear of the property along the north property line to accommodate the existing noncomplying building.
2. The Planning Commission waives the rear yard setback to accommodate the existing noncomplying building and waives the interior side yard on the south property line to accommodate the proposed building.
3. The applicant erects a decorative, solid masonry wall along the portion of the north property line where no wall currently exists. The wall should match the existing wall.
4. The public way improvements must be constructed, or SID waiver signed, on 700 West.
5. If the project is phased, the landscaping is to be included in the first phase.
6. The final landscaping plan approval authority be delegated to the Planning Director or his/her designee.
7. The final design approval of the modifications to the existing structures and the design of the structure proposed as Phase II are delegated to the Planning Director or his/her designee.

Also, to include the recommendation of the Planned Development sub-committee, that the office/public portion of the proposed property face 700 West.

The motion was seconded by Commissioner Forbis.

All in favor voted, "Aye" and the motion passed unanimously.

b. Petition 400-06-25 — A request by Jonathan Hodge to vacate a portion of an alley running east-west located between approximately 1420 E. Roosevelt Avenue and 1419 E. Emerson Avenue. The property is located in the R-1/5,000 (Single Family Residential) Zoning District.

Commissioner McDonough recognized Nick Britton as Staff representative.

Mr. Britton noted that the subject alley was approximately .03 acres in size and was entirely surrounded by single family residences in the R-1/5,000 zone. The portion of the alley was separated when there was a prior vacation in 1981, which was approximately 3 parcels wide.

Mr. Britton noted that the alley served as access to the two adjacent properties including the applicant's property, and the property to the south. The alley has been used mainly for storage and not a thoroughfare. Currently, there is a garage located on the southern property and the applicant is proposing another garage on the northern property. He also noted that both of the adjacent property owners were in support of the petition, and the north/south alley would not be impacted by the closure, and would still be open for public use.

Mr. Britton noted that Staff recommended that the Planning Commission forward a favorable recommendation to the City Council.

There were no comments from the applicant or the public, therefore the Commission went into executive session.

Commissioner Forbis moved that based upon the analysis and findings identified in the Staff Report, the Planning Commission forward a favorable recommendation to the City Council to vacate the subject alley, running east/west between approximately 1420 E. Roosevelt Avenue and 1419 E. Emerson Avenue, subject to the following condition:

1. The proposed method of deposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Commissioner McHugh seconded the motion.

All in favor voted, "Aye" and the motion passed unanimously.



c. Petition 400-06-31 — A request by First Industrial Development Services, represented by James Merrill, to close 300 South between approximately 5100 West and 5200 West. The property is located in the M-1 (Light Manufacturing) Zoning District.

Chairperson McDonough recognized Nick Britton as Staff Representative.

Mr. Britton noted that the property should be closed, declared as surplus property, and sold in two halves to the two adjacent property owners to the north and south. The applicant currently owns the property to the north and SorTech LLC owns the property to the south. He noted the property is approximately 627 feet in length and 66 feet wide, and is currently unimproved. As of three weeks ago the property was being used as construction access to the property being developed.

Mr. Britton noted that the original request for the closure in 2004, from a different applicant, was approved by the Planning Commission on January 12, 2005 at which time it was forwarded with a positive recommendation to the City Council. At that time the property owner to the south, objected to the street closure, resulting in a withdrawal of the request by the applicant. The new owner of the north property has come to an agreement with the southern property owner and both are in agreement with the petition.

Chairperson McDonough invited the applicant representative to the table.

Mr. Jim Pivirrotto with First Industrial noted that they would use the northern property for HK Systems a company relocating from Bountiful, and that this property would provide access for future development needs.

There was no public response for the petition.

Commissioner Muir questioned the statement on Page 6 in the Staff Findings where it indicates that, "No other property owners would be impacted in any way by this closure". He noted that Kern River would be impacted because it owns the property to the east and should be included in the item which states, "Closing and selling the right-of-way will provide the applicant, First Industrial Development Services, Inc., and the adjacent property owner, SorTech, LLC, with the means to better develop the property". The language should include that Kern River Gas could be impacted.

Mr. Britton noted that Kern River Gas accessed their property from 150 South and their development was obscured by the call out box.

Mr. Wheelwright noted that Kern River Gas was notified of the petition both currently and previously, and that they have developed their site so they don't need access from this point.

Commissioner Muir moved that based upon the afore mentioned adjustments to the Staff's findings the Planning Commission recommend that the property be declared surplus and forward a positive recommendation to the City Council to close the street.

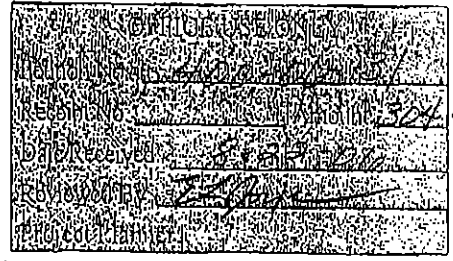
Commissioner Chambless seconded the motion.

All in favor voted, "Aye" the motion passed unanimously.

**Exhibit 6**  
**Original Petition**



# Street Closure



Date 7/20/06

300 South street east of 5200 West.

Name of Applicant First Industrial Development Services, Inc Phone 801-886-2711

Address of Applicant 1270w. 2320s. Suite C West Valley City, UT 84119

E-mail Address of Applicant jmerrill@firstindustrial.com Cell/Fax 801-252-4119/801-886-2711

4.68 postage

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

James Merrill - Regional Director.  
Title of agent

SALT LAKE CITY PLANNING

## Petition to Close a Street

Petitioner: First Industrial Development Services, Inc.  
 Address: 1270 W. 2320 S., Suite C, West Valley City, UT 84119  
 Date: \_\_\_\_\_

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

*5000 3000  
 10000 (5000/3000)  
 P.C. Willey/  
 Kaye Review  
 08/15*

Don Wallace 5600 W 300 S		8/5/06
Print Name and Address	Signature	Date
Merrin M. Jensen 2510 Spr. 5500 West		8/15/06
Print Name and Address	Signature	Date
DAVID W. DONNELLY 5051 W 200 S.		8/17/06
Print Name and Address	Signature	Date

Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date



FIRST INDUSTRIAL REALTY TRUST, INC.  
1270 West 2320 South  
Suite C  
West Valley City, Utah  
84119  
801-886-2711  
Fax 801-886-2710

July 17, 2006

Mr. Doug Wheelwright  
Salt Lake City Corporation, Planning Division  
451 South State Street, Room 406  
Salt Lake City, UT 84111

Re: Street Closure

Dear Doug:

Enclosed is the Street Closure application for 300 South east of 5200 West that you have been discussing with Corbin Bennion of Dominion Engineering and myself.

The neighbors within 450' of the closure are as follows: 1) RC Willey; 2) Kern River Gas; and 3) Sortech, LLC.

Due to the previous owners approvals on the vacation/closure and our tight timeline with the HK Systems build-to-suit, we would greatly appreciate moving this forward in a timely manner.

We have an agreement from SorTech, L.L.C. to divide the property down the middle. For access into the eastern sections of the property.

Please let me know immediately if I have made any errors and keep me posted on any meetings or other action I need to cover so we might move through this process as quickly as possible.

Sincerely,

First Industrial Realty Trust, Inc.

A handwritten signature in cursive script that reads 'James Merrill'.

James Merrill  
Regional Director

Enclosures

**Petition No.** 400-06-31

**By** First Industrial Development  
Services

**Street Closure**

**Date Filed** 08/22/2006

**Address** 300 South & 5200 West

**COMMUNITY DEVELOPMENT  
COUNCIL SUBMITTAL CHECKLIST**

**Petition No and Basic Information:** 400-06-31: Street closure of 300 South from  
Approximately 5200 West to approximately 5100 West

**Date:** February 7, 2007

**Supervisor Approval:** \_\_\_\_\_

**Division Director Approval:** Cheri Coffey

**Contact Person:** \_\_\_\_\_ **Phone No.** \_\_\_\_\_

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

Contact Person  
First Industrial Development Services

**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 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 type="checkbox"/> Engineering:	
<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 checked="" type="checkbox"/> Property Management:	John Spencer
<input type="checkbox"/> Public Services:	
<input checked="" type="checkbox"/> Public Utilities:	Jason Brown
<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
8/23	inb		CC		Petition Delivered to Planning
10/30	inb		CC		Petition Assigned to <u>Nick Britton</u>
12/13	inb		CC		Planning Staff or Planning Commission Action Date
1/9	inb		CC		Transmittal Cover Letter Followed Template (margins, headings, returns etc)
1/9	inb		CC		Table of Contents
1/9	inb		CC		Chronology
1/8	inb		CC		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
1/9	inb		CC		Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
1/9	in2		CC		Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
12/12	inb		CC		Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezonings and Master Plan Amendments (proof of publication or actual publication)
12/7	inb		CC		Planning Commission Staff Report
1/11	inb		CC		Planning Commission Minutes and Agenda
1/9	inb		CC		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