

City Council Announcements

August 11, 2009

A. Information Needed by Council Staff

1. At the last Utah League of Cities and Towns board meeting, it was discussed the possibility of honoring community volunteers at the Annual Utah League of Cities and Towns Convention in September. The League is asking for nominations to honor someone in the community who donates considerable time and resources that make Salt Lake City a better place to live. Nominations for this award would need to be submitted by September 1, 2009.

Would the Council support nominating a community volunteer?

2. The Council Office has received a communication from the Administration regarding petition # 400-07-04, a request by Ivan Radman of J&I LLC, requesting that the City close St. Varian Street (Approximately 4400 West and 1100 South), an unimproved public right-of-way. The petition was considered by the Planning Commission on June 11, 2008 and transmitted to the Council in February of 2009 with a positive recommendation, although a number of property line issues were identified as necessary to resolve prior to final action. The applicant passed away subsequent to the transmittal being forwarded to the Council. The Administration met with the family of the applicant in June 2009 to review the petition. J&I LLC have now expressed a desire that the petition be closed without action, as they now intend to use the right-of-way (at some point in the future) for access to their property.

Is the Council comfortable closing this petition without action?

3. Provided the new process the Council utilizes to approve grant funding within the Consent Agenda, an outline of the grant applications is below. The details of each grant are also attached. If you have any objections, please speak with a member of staff.

Grant Reference Title	Grant Amount	Grant Program
Sustainable Transportation for a Sustainable Future	\$368,554	Climate Showcase Communities
FY 2009 Public Awareness Campaign Funding for Pharmaceutical Abuse	\$250,000	Utah Commission on Criminal and Juvenile Justice
2009-10 Utah Pharmaceutical Drug Crime Project	\$100,000	Rocky Mountain HIDTA (High Intensity Drug Trafficking Area)
Solar Salt Lake Project – Phase 2	\$267,700	Recovery Act – Solar Market Transformation

Grant Application Submission Notification Memo

TO: Jennifer Bruno, Gina Chamness, Sherrie Collins, David Everitt, Cindy Gust-Jensen, Karen Halladay, Ben McAdams, Sylvia Richards, Lehua Weaver

FROM: Elizabeth Myers

DATE: July 30, 2009

SUBJECT: Sustainable Transportation for a Sustainable Future

FUNDING AGENCY: U.S. Environmental Protection Agency

GRANT PROGRAM: Climate Showcase Communities

REQUESTED AMOUNT: \$368,554

DEPARTMENT APPLYING: Management Services

COLLABORATING AGENCIES: Rio Tinto, Salt Lake County/Salt Lake Valley Health Department, Salt Lake Solutions, Utah Clean Cities Coalition, Utah Department of Transportation

DATE SUBMITTED: July 22, 2009

SPECIFICS:

☐ Technical Assistance (Training) ☐ Equipment/Supplies Only

☒ Provides 1 FTE

☐ Existing ☒ New ☐ Overtime ☐ Requires Funding After Grant

Explanation: Federal funding was requested to fund the salary of one FTE Sustainability Special Program Manager. The position will be responsible for: maintaining the project schedule; coordinating and managing all team members and subcontractors; coordinating logistics and meetings; documenting progress and results; compiling all materials for a program replication toolkit; and giving presentations to the community and the Utah League of Cities and Towns.

☒ Match Required 50% ☒ In-Kind or ☒ Cash

☐ Computer Software Development ☐ In-House or ☐ Contract Services

☒ Contractual Services

☐ New Program (City not performing function now)

GRANT DETAILS:

- The City is requesting \$368,554 for Sustainable Transportation for a Sustainable Future.
- The project objective is to reduce greenhouse gas emissions associated with vehicle miles traveled in Salt Lake County by 63,000 tons below 2012 projected levels through creating sustained changes in driving behavior. At least three existing vehicle travel reduction programs, such as Clear the Air Challenge, Idle Free Utah, and TravelWise, will be 're-tooled' with messages grounded in community-based social marketing and targeted to the major travel groups of Salt Lake County.
- The City is committing an in-kind match of \$37,042 through the efforts of the following staff of the Office of Sustainability and the Environment:
 1. The Environmental Program Manager will devote ten percent of full -time effort each year over three years, valued at \$23,180, and
 2. The Outreach Coordinator will devote ten percent of full time effort each year over three years, valued at \$13,862.

cc: Sarah Behrens, Krista Dunn, Gordon Hoskins

Grant Application Submission Notification Memo

TO: Jennifer Bruno, Gina Chamness, Sherrie Collins, David Everitt, Cindy Gust-Jensen, Karen Halladay, Ben McAdams, Sylvia Richards, Lehua Weaver

FROM: Elizabeth Myers

DATE: July 30, 2009

SUBJECT: Sustainable Transportation for a Sustainable Future

- Project partners providing cash or in-kind match are:

<u>Agency (Type of Match)</u>	<u>Cost-Share</u>
Rio Tinto (cash)	\$30,000
Salt Lake County/Salt Lake Valley Health Department (in-kind)	\$30,336
Utah Clean Cities Coalition (in-kind)	\$7,020
Utah Department of Transportation (in-kind)	\$80,000

Grant Submission Update Memo

TO: Bruno, Jennifer; Chamness, Gina; Collins, Sherrie; Everitt, David; Gust-Jenson, Cindy; Halladay, Karen; McAdams, Ben; Richards, Sylvia; Weaver, Lehua

FROM: Grant Acquisition Team

DATE: 8/5/2009

SUBJECT: FY 2009 Public Awareness Campaign Funding for Pharmaceutical Abuse

FUNDING AGENCY: Utah Commission on Criminal and Juvenile Justice

REQUESTED AMOUNT: \$250,000

DEPARTMENT APPLYING: Police Department

COLLABORATING AGENCIES: State of Utah, Division of Substance Abuse and Utah Meth Initiative Partners

DATE SUBMITTED: July 7, 2009

SPECIFICS:

- ☐ Training ☐ Supplies ☐ Equipment
- ☐ Personnel:
- ☐ Existing ☐ New ☐ Overtime ☐ Requires Funding After Grant
- ☐ Match Required ☐ In Kind ☐ Cash
- ☐ Cash "Buy Money" for narcotics detectives
- ☐ Computer Software Development ☐ In House ☒ Contract Services
- ☐ New Program (City not performing function now)

GRANT DETAILS:

UPDCP will utilize a multi-agency Public Awareness Committee co-chaired by staff from Utah Commission on Criminal and Juvenile Justice (CCJJ) and Salt Lake City Police Department (SLCPD). SLCPD will enter into a contract with a qualified firm (advertising, marketing, or public relations agency) to create and implement a public awareness campaign that will heighten awareness and serve as a "call to action" to Utah's citizens to become involved in efforts to eliminate non-medical pharmaceutical use in Utah.

Grant Submission Update Memo

TO: Bruno, Jennifer; Chamness, Gina; Collins, Sherrie; Everitt, David; Gust-Jenson, Cindy; Halladay, Karen; McAdams, Ben; Richards, Sylvia; Weaver, Lehua

FROM: Grant Acquisition Team

DATE: 8/5/2009

SUBJECT: 2009-10 Utah Pharmaceutical Drug Crime Project

FUNDING AGENCY: Rocky Mountain HIDTA (High Intensity Drug Trafficking Area)

REQUESTED AMOUNT: \$100,000

DEPARTMENT APPLYING: Police

COLLABORATING AGENCIES: Rocky Mountain HIDTA, State of Utah, Local Law Enforcement Agencies, Local Drug Education/Prevention Specialists

DATE SUBMITTED: July 17, 2009

SPECIFICS:

- ☒ Training ☒ Supplies ☒ Equipment
- ☐ Personnel:
- ☐ Existing ☐ New ☐ Overtime ☐ Requires Funding After Grant
- ☐ Match Required ☐ In Kind ☐ Cash
- ☐ Cash "Buy Money" for narcotics detectives
- ☐ Computer Software Development ☐ In House ☒ Contract Services
- ☒ New Program (City not performing function now)

GRANT DETAILS:

This program is an approach to the pharmaceutical drug problem that has been developed, to bring together federal, state and local professionals to address the issue. The program includes two basic components: law enforcement and public awareness. The law enforcement component will target pharmaceutical drug traffickers, diversion and other sources of supply. A substance abuse treatment liaison will be identified so that, whenever appropriate, law enforcement may refer users to appropriate treatment programs. The second component is public awareness to elevate the public's knowledge as to the dangers of pharmaceutical drug abuse, prevent misuse or abuse and target parents, youth and family with an emphasis on utilizing existing community coalitions throughout the state. Funding will be provided for the following purposes:

- Produce and include seventeen-thousand (17,000) community flyers, five-thousand (5,000) business posters, and twenty-four-thousand (24,000) mailings.
- Train the trainer materials, best practice documents, educational materials will be produced and distributed to the thirteen (13) local substance abuse authorities and over fifty (50) local community coalitions.
- Proper disposal materials and alerts showing the dangers of pharmaceuticals for prescribers; dispensers and patients will also be disseminated.
- The evaluation will include four (4) quarterly reports to provide continued feedback for the UPDCP Advisory and Executive Committees as well as an overall report of the project evaluation.
- Six (6) experts will be trained on the cutting edge issues of pharmaceutical drug abuse and provided train-the-trainers education to thirteen (13) local substance abuse authorities and over fifty (50) local community coalitions.
- Ten (10) regional community outreach events will be conducted focusing on youth and parents to prevent non-medical use of pharmaceuticals and provide education on the dangers of prescription pain killers.

Grant Application Submission Notification Memo

TO: Jennifer Bruno, Gina Chamness, Sherrie Collins, David Everitt, Cindy Gust-Jensen, Karen Halladay, Ben McAdams, Sylvia Richards, Lehua Weaver

FROM: Elizabeth Myers

DATE: July 30, 2009

SUBJECT: Solar Salt Lake Project – Phase 2

FUNDING AGENCY: U.S. Department of Energy

GRANT PROGRAM: Recovery Act – Solar Market Transformation

REQUESTED AMOUNT: \$267,700

DEPARTMENT APPLYING: Management Services

COLLABORATING AGENCIES: Governor's Office of Economic Development, Interstate Renewable Energy Council, Kennecott Land Company, Salt Lake County, Utah Clean Energy, and Utah State Energy Program

DATE SUBMITTED: July 30, 2009

SPECIFICS:

- ☐ Technical Assistance (Training) ☐ Equipment/Supplies Only
- ☐ Provides _____ FTE
- ☐ Existing ☐ New ☐ Overtime ☐ Requires Funding After Grant

Explanation: _____

- ☒ Match Required 30% ☒ In-Kind or ☐ Cash
- ☐ Computer Software Development ☐ In-House or ☐ Contract Services
- ☒ Contractual Services
- ☐ New Program (City not performing function now)

GRANT DETAILS:

- The City is requesting \$267,700 for Solar Salt Lake Project – Phase 2. Phase 1 was funded by the U.S. Department of Energy in 2007 and is slated for completion in September 2009.
- Solar Salt Lake Project – Phase 2 is a collaborative set of strategies developed by Salt Lake City and its partners to address the financial and regulatory barriers impacting the widespread deployment of solar technologies in Utah.
- The City is committing an in-kind match of \$24,452 through the dedication of 10 percent of full-time effort by the Director of the Office of Sustainability and the Environment to serve as the principal investigator over the two-year project period.
- Project partners providing an in-kind match are:


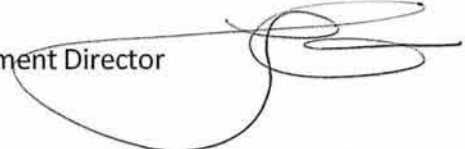
<u>Agency (Type of Match)</u>	<u>Amount Provided</u>
Kennecott Land Company (in-kind services)	\$5,000
Salt Lake County (in-kind services)	\$42,866
Utah Clean Energy (in-kind services)	\$35,000
Governor's Office of Economic Development (in-kind services)	\$5,000

cc: Sarah Behrens, Krista Dunn, Holly Hilton, Gordon Hoskins



Communication to the City Council

Community & Economic Development
Office of the Director

To: David Everitt, Chief of Staff 
From: Frank Gray, Community & Economic Development Director 
Date: July 29, 2009
CC: Mary DeLaMare-Schaefer, Community & Economic Development Deputy Director
Wilf Sommerkorn, Planning Director
Pat Comarell, Assistant Planning Director
Re: Request to Close without Action Petition 400-07-04 by Ivan Radman of J&I LLC,
requesting that Salt Lake City close St. Varian Street (1025 South), an unimproved public
right-of-way located in the Senior's Five-Acre Plat subdivision and declare it surplus
property

This petition was considered by the Planning Commission on June 11, 2008 and transmitted to the City Council office. As the applicant has passed away, a meeting was held in June of 2009 to review the specifics of the street closure request with members of the Radman family. J&I has now expressed their desire that the road be constructed in the future to provide access to their property, however, they are not in a position to pay the cost of construction of the road at this time. Therefore on behalf of J&I LLC, staff requests that the petition be closed without action.



SCANNED TO: Mayor
SCANNED BY: Steven
DATE: 7/31/09



July 9, 2009

Salt Lake City Attorney's Office
Attn. Lynn Pace
451 South State Street, Suite 505
Salt Lake City UT 84114-5478

RE: St Varian Street

Dear Mr. Pace,

Thank you for meeting with us to discuss the disposition of St Varian Street located approximately 1100 South and 4400 West.

As discussed, the north 33 feet of St Varian Street was dedicated in 1908 by the Senior's Five Acre Plat out of the parent parcel to several lots owned by J&I LLC.

The St Varian Street roadway has not been constructed, but it is J&I's desire that the road should be constructed at some point to provide the physical access to their properties. J&I is not in a position at this time to pay the costs of construction of this road, but would not object to others doing the work within the existing dedicated right of way.

In an extensive survey recorded at the Salt Lake County Surveyors office as survey # S2009-070310, David E Hawkes (PLS 356548) has re-traced the Senior's Five Acre Plat and other historic survey documents to determine the location of St. Varian Street. The narrative on his survey explains that the North Right of Way line of St. Varian Street as shown on the Senior's Five Acre Plat lies northerly +/- 1.5 feet of the 1906 Section with the South Right of Way line of the street lying +/- 1.3 feet northerly of an ancient fence line. Further explanation in the narrative states that this area is also part of the Brighton Farming Plat of the "Old Pioneer Plats" that had roads established in this area prior to the Public Land Survey. The surveyor believes that the existing ancient fence line denotes the Right of Way line of one of the blocks shown on the Brighton Farming Plat and that St. Varian Street does abut the ancient fence and lies south of the Northeast Quarter of Section 8.

This survey establishes that the line between St Varian Street and the property owned by Hank Rothwell to the south is monumented by the ancient fence line. The Rothwell property does not extend north to the section line represented by the section corners placed in 1961 and re-monumented in 1996.

J&I and its predecessors have continuously occupied and used the property up and to the ancient fence line and continue to do so. They have paid taxes on their parcels and since these parcels are part of the Senior's Five Acre Plat from which the St Varian Street was dedicated, their taxes include the entire 33 ft dedicated Right of Way.

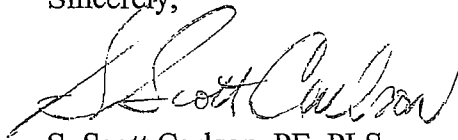
St Varian Street
June 29, 2009
Page 2 of 2

We assert the applicability of the survey principle that ownership lines in a street are determined by the original ownership lines as they existed before the dedication of the road. We therefore assert that since the 33 feet of Right of Way for St Varian Street was dedicated with the Senior's Five Acre Plat from which the J&I parcels were created, the additional 33 feet required to provide the city standard 66 ft right of way must be dedicated entirely from the Rothwell property beginning at the ancient fence line and going south from there.

We have participated in meetings in past years that included representatives of Mr. Rothwell and outlined this position concerning the ancient fence line. Therefore, we request that the city surveyor review the Hawkes survey prior to allowing Mr. Rothwell to proceed with his requested subdivision process.

Please call me at (801) 450-3511 or contact Jordan Radman at (801) 972-3244 if you have any questions or concerns.

Sincerely,



S. Scott Carlson, PE, PLS
Twin Peaks P.C.

Attachment – Record of Survey of Senior's Five Acre Plat

cc: Jordan Radman, J&I

FRANK B. GRAY
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: _____

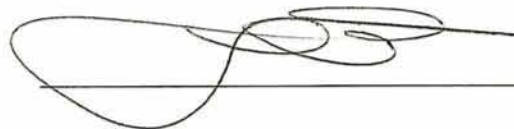


Date Sent to City Council: 2/25/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: February 23, 2009

FROM: Frank Gray, Community & Economic
Development Department Director



RE: Petition 400-07-04 by Ivan Radman requesting that Salt Lake City close St. Varian Street (1025 South), an unimproved public right-of-way located in the Senior's Five-Acre Plat subdivision, and declare it surplus property

STAFF CONTACTS: Janice Lew, Principal Planner, at 535-7625 or
janice.lew@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Property Management has proposed a dollar value of \$305,320.00 for the land based on fair market valuation of \$4.75 per s.f., which the applicant does not agree to pay.

DISCUSSION:

Issue Origin: The applicant is requesting that Salt Lake City close the subject street, an unimproved right-of-way, declare it surplus property, and give the land abutting his property to him. The address equivalent of this street is approximately 1025 South. As originally platted, St. Varian Street was intended to be a thirty-three foot (33') wide right-of-way approximately 2,648 feet long. The street is located between 4400 West Street and the Bangerter Highway in the M-1 Light Manufacturing zoning district.

The City Council has the authority to close public streets. The disposition of City-owned real property is an administrative function under the authority of the Mayor and requires that the Planning Commission declare the subject property surplus.

Analysis: The applicant would like to incorporate the St. Varian Street property into his project located at approximately 925 South 4400 West. The applicant proposes to combine Lots 4, 25, 26, 27, and 28 of Senior's Five-Acre Plat into one industrial lot for future development (Petition 490-07-19). This combined property would have access from 4400 West Street so that the unimproved street would not be necessary to the future development of the applicant's property.

The alternatives to closing the street are to leave the right-of-way as is (unimproved) or to require the abutting property owners to improve the street as development occurs. If left as a public street, the adjacent property owners will be required to pay for street improvements, provide additional setbacks on their property, and may create lots with double frontage. A cul-de-sac at the end of the street may be required for vehicular turnaround. The subject street is not recognized as a major street, nor is it needed for development of the area.

The abutting property owner on the east side of the Radman property, Thomas Horne, was contacted by Planning Staff and informed of the request to close the street and of his option to purchase the portion of the street that abuts his property. The Horne property has frontage on both Central Avenue, a partially improved street to the north and St. Varian Street to the south. Mr. Horne attended the Open House held in June 2007 and indicated his opposition to the proposal at that time. Mr. Horne is of the opinion that closing the street would limit future development of his property as the only remaining access would then be from Central Avenue. Mr. Horne also attended the June 11, 2008, Planning Commission meeting but did not speak to the petition.

The proposed Meridian Commerce Center Plat 2 (Rothwell property) adjoins the older Seniors Five-Acre Plat to the south and is also under city review for subdivision. The preliminary plat for this subdivision utilizes an alternate public road off of 4400 West constructed as part of Meridian Center Plat 1 for all needed street frontage and access. Varian Street is not required for access to this proposed subdivision. To develop the property, the Brighton Canal, an active irrigation canal that bisects the property, would need to be moved. The subdivision proposal indicates that the canal would be relocated to the northern boundary of the Rothwell property. As a result of this review process, however, the neighboring property owners (Rothwell and Radman) have identified property line issues that need to be resolved before either subdivision plat can move forward.

A decision to close a street is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed street closure, the Planning Commission and City Council must consider the following four factors:

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.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 4-6 of the staff report in Exhibit 4ii (attached).

Master Plan Considerations:

Northwest Quadrant Community Master Plan

The subject property is not located within an area covered by an approved Salt Lake City community master plan or small area master plan. Development of the Northwest Quadrant Community Master Plan is currently underway, but a plan has not been adopted. As adopted per Ordinance 26 of 1995, the Zoning Map functions as the Future Land Use Map. The property is zoned for light manufacturing.

Salt Lake City Transportation Master Plan and Major Street Plan, adopted in 2006

The subject street is not identified in the Transportation Master Plan or Major Street Plan and is not recognized as a collector or arterial street. The City's Transportation Division is amenable to the street closure request.

PUBLIC PROCESS:

Street closures and surplus property requests do not require input from the Community Council in an area. However, Mike Harman, Chairperson of the Poplar Grove Community Council, and Randy Sorenson, Chairperson of the Glendale Community Council, were notified via mail on June 6, 2007, of the June 21, 2007, Open House to review this petition. No response was received from the affected community councils.

On May 27, 2008, notice regarding the related Planning Commission hearing was mailed to all property owners within a 450 foot radius of the subject property and to the chairs of the Poplar Grove and Glendale Community Councils, meeting the fourteen (14) day minimum notification requirement. A notice was also sent to all those listed on the Planning Division list-serve and the agenda was posted on the Division's website. No new comments from the public or from abutting property owners were received as of the date of the Planning Commission hearing.

The Planning Commission held a public hearing on June 11, 2008. Issues raised at the public hearing included a discussion of the proposed development to the south of the subject right-of-way. At the meeting, the Planning Commission passed a motion to forward a positive recommendation to the City Council to approve the proposed closure of St. Varian Street, declare

it surplus property, and sell the property at fair market value. The vote was unanimous in favor of closing the street with the following conditions:

1. Pursuant to Chapter 2.58 of the Salt Lake City Code, the petitioners should be required to make payment to the City of the fair market value of the subject property.
2. The closure is subject to all existing rights-of-way and easements of all public utilities now located on and under or over the subject property.
3. Subdivision approval to combine lots 4, 25, 26, 27 and 28 of the Senior's Five Acre Plat into one lot shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

MATTERS AT ISSUE:

1. The Council may wish to discuss policy impacts and precedent of the applicant's proposed action considering the following:
 - The City Surveyor is of the opinion that the City should acknowledge the 33 foot wide right-of-way that was originally platted. The 1908 plat of Senior's Five-Acre Plat is based on the northeast corner of Section 7. However, no monuments for this section are the same today as what might have been there in 1908. The platted dimensions of the lots and streets are longer than what is of record on the Salt Lake County Surveyors Area Reference Plat for the quarter section, a modern document. Common practice in Utah is to hold the record dimensions for a public right-of-way and apportion any excess or deficiency into the lots of the subdivision.
 - The Horne property to the west of Bangerter Highway will need to locate its access from Central Avenue. The property has frontage on both Central Avenue to the north and St. Varian Street to the south.
 - The proposed Meridian Commerce Center Plat 2 (Rothwell) adjoins St. Varian Street to the south and is under city review for subdivision. The Meridian Commerce Center Plat 2 proposal indicates that the Brighton Canal would be relocated to front the northern boundary of this property.
 - Neighboring property owners (Radman and Rothwell) have identified property line issues (which the applicant has indicated have been resolved).
 - A storm water drain has been located in the area of the St. Varian Street right-of-way as part of the Meridian Commerce Center Plat 1 subdivision.
 - Chapter 20.28 requires that a subdivider improve or agree to improve all streets and pedestrian-ways.

RELEVANT ORDINANCES:

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

Section 2.58- Sale of Real Property-Notice and Hearing.

A decision to close a street is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. The standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 4-6 of the staff report in Exhibit 4ii (attached).

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2. Ordinance

3. City Council Notice and Mailing List

- i. Hearing Notice
- ii. Mailing List

4. Planning Commission

- i. Public Hearing Notice and Postmark /Agenda
- ii. Planning Commission Staff Report
- iii. Planning Commission Minutes

5. Original Petition

- i. Petition 400-07-04 St. Varian Street Closure

Exhibit 1

Chronology

Chronology

March 27, 2007	Petition submitted to the Planning Division.
April 3, 2007	Petition assigned to Janice Lew.
June 21, 2007	An open house was conducted for public comment and review. Three members of the public attended. No Community Council Chairs attended.
May 27, 2008	Notices for the Planning Commission public hearing were sent out.
June 6, 2008	The staff report was posted on the City's web page.
June 11, 2008	The Planning Commission held a public hearing for the petition.
June 17, 2008	Ordinance request sent to City Attorney.
June 25, 2008	Planning Commission ratified minutes of June 11, 2008 meeting.
June 30, 2008	Planning Staff requested a determination on the value of the street property based on the City Surveyor's property description from Property Management.
September 10, 2008	A meeting was held with representatives from the Planning Division, Property Management, and the City Surveyor to discuss the determination of the value of the street property.
September 26, 2008	The applicant receives the determination of value of the street property from Property Management.
October 8, 2008	The applicant will not agree to pay fair compensation or hire an appraiser to have an appraisal done.
October 14, 2008	A meeting was held with representatives from the Planning Division, Property Management and former Deputy Planning Director Doug Wheelwright to discuss the value of the street property.
November 20, 2008	A meeting was held with representatives from the Planning Division and Community & Economic Development Department to discuss the petition.

December 4, 2008

A meeting was held with representatives from the Planning and Transportation Divisions to discuss if there is a public need for retaining ownership of the street property.

Exhibit 2

Ordinance

SALT LAKE CITY ORDINANCE

No. _____ of 2009

(Closing and abandoning St. Varian Street as an unimproved public right of way)

AN ORDINANCE CLOSING AND ABANDONING ST. VARIAN STREET AS AN UNIMPROVED PUBLIC RIGHT OF WAY, PURSUANT TO PETITION NO. 400-07-04.

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

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

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

SECTION 1. Closing and Abandoning Street. St. Varian Street, an unimproved public right of way located in the Senior's Five-Acre Plat subdivision from approximately 4400 West Street to the Bangerter Highway, which is the subject of Petition No. 400-07-04, and which is more particularly described on Exhibit "A" attached hereto, and the same hereby is, closed and abandoned and declared no longer needed or available for use as a street.

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

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

- a. Payment to the City of fair market value of those portions of the street, or its equivalent, and title to those portions of this street shall remain with the City until sale for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58;
- b. The street closure is subject to all existing rights-of-way and easements of all public utilities now located on, under or over the subject property; and
- c. Subdivision approval to combine lots 4, 25, 26, 27 and 28 of the Senior's Five Acre Plat into one lot shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances and policies.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Property Manager.

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

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2009.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2009.
Published: _____.

HB_ATTYY-#4952-v1-Ordinance_Closing_Varian_Street

APPROVED AS TO FORM
Salt Lake City Attorney's Office
DATE FEBRUARY 27 2009
BY Paul C. Nielson
PAUL C. NIELSON, SR CITY ATTORNEY

Exhibit A

ST-VARIAN STREET

A street closure that is part of Senior's Five-Acre Plat Subdivision, a subdivision situated in the North East $\frac{1}{4}$ of Section 7, Township 1 South, Range 1 West, Salt Lake Base and Meridian. More particularly described as follows.

Beginning at the South West Corner of Lot 23 of said subdivision; thence East 2582.55 feet along the south lot lines of said subdivision to the South East Corner of Lot 30; thence South 33 feet to the south boundary line of said subdivision; thence West 2582.55 feet along said subdivision boundary to a point that is 33 feet south of the South West Corner of Lot 23; thence North 33 feet to the point of beginning, contains 1.96 acres more or less.

Exhibit 3
City Council Notice
and Mailing List

Exhibit 3i
City Council Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will review **Petition No. 400-07-04** by Ivan Radman. The applicant is requesting that Salt Lake City close St. Varian Street (1025 South), an unimproved public right-of-way located in the Senior's Five-Acre Plat subdivision and declare it surplus property. The street is located between 4400 West Street and the Bangerter Highway in the M-1 Light Manufacturing zoning district.

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

DATE:

TIME: 7:00 P.M.

PLACE: City Council Chambers
Room 415
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Janice Lew at 535-7625, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council meeting.

Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA coordinator at 535-7971; TDD 535-6220.

Exhibit 3ii
Mailing List



[15-08-301-004-0000]
PROLOGIS DEVELOPMENT SERVICES INC
2235 FARADAY AVE #O
CARLSBAD, CA 92008 7215

[15-07-251-002-0000]
B H 4400 WEST LLC
11111 SANTA MONICA BLVD
LOS ANGELES, CA 90025

[15-08-301-003-0000]
PROLOGIS NORTH AMERICAN PROPERTIES FUND
LLC
4545 AIRPORT WY
DENVER, CO 80239 5716

[15-17-100-020-0000]
MISSOURI PACIFIC RAILROAD COMPANY
1416 DODGE ST
OMAHA, NE 68179

[15-07-400-003-0000]
UTAH POWER & LIGHT CO
700 NE MULTNOMAH ST #700
PORTLAND, OR 97232 2131

[15-08-300-004-0000]
UTAH POWER & LIGHT CO
700 NE MULTNOMAH ST #700
PORTLAND, OR 97232 2131

[15-07-300-003-0000]
UTAH POWER & LIGHT COMPANY
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UTAH POWER & LIGHT COMPANY
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[15-08-151-002-0000]
CON-WAY TRANSPORTATION SERVICES, INC
PO BOX 4138
PORTLAND, OR 97208 4138

[15-08-300-008-0000]
PETROLEUM WHOLESALE, LP
2189 LAKE WOODLANDS DR
SPRING, TX 77380 1063

[15-08-151-003-0000]
ESP FUTURE LTD
964 S 3800 W
SALT LAKE CITY, UT 84104 4567

[15-08-301-005-0000]
PROLOGIS-MACQUARIE US LLC
1110 S 3800 W
SALT LAKE CITY, UT 84104 5504

[15-07-400-012-0000]
NAM DAR
925 S 4400 W
SALT LAKE CITY, UT 84104 4430

[15-07-100-014-0000]
NAM DAR LC
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RADMAN ENTERPRISES LC
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SALT LAKE CITY, UT 84104 4430

[15-07-300-013-0000]
STOLY ASSOCIATES LC
1170 S 4400 W
SALT LAKE CITY, UT 84104 4413

[15-07-400-006-0000]
NINIGRET TECHNOLOGY EAST, LC
1700 S 4650 W
SALT LAKE CITY, UT 84104

[15-07-200-031-0000]
HORNE, THOMAS B
367 W 900 N
SALT LAKE CITY, UT 84103 1423

[15-07-200-014-0000]
DAVIS, GEORGE R & DAVID A; ET AL
322 S CONCORD ST
SALT LAKE CITY, UT 84104 2348

[15-07-200-015-0000]
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BERNOLFO, DAVID
163 S MAIN ST
SALT LAKE CITY, UT 84111 1917

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[15-07-200-019-0000]
SCHNEIDER, MICHAEL; ET AL
PO BOX 27282
SALT LAKE CITY, UT 84127 0282

[15-08-300-005-0000]
SALT LAKE COUNTY
2001 S STATE ST #N4500
SALT LAKE CITY, UT 84115 2314



[15-08-300-006-0000]
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[15-08-301-002-0000]
SALT LAKE CITY CORPORATION
1530 S WESTTEMPLE ST
SOUTH SALT LAKE, UT 84115 5223

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4267 CENTRAL AVENUE, LLC
5949 W ZINA CIR
WEST VALLEY, UT 84128

[15-07-200-018-0000]
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WEST VALLEY, UT 84128

Janice Lew
Planning Division
PO Box 45480
451 S. State St. Rm 406
Salt Lake City, UT 84144

RANDY SORENSON
3LENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

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



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Planning Division
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SALT LAKE CITY UT 84104

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

Exhibit 4

Planning Commission

**Public Hearing Notice/Postmark/Agenda
Staff Report
Minutes**

Exhibit 4i
Public Hearing Notice/Postmark/Agenda

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, June 11, 2008 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work/Training Session** The Planning Commission may also discuss project updates, the Downtown and Gateway Zones, and other minor administrative matters. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, May 28, 2008

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARING

1. **Petition 400-07-04 St. Varian Street. Street Closure and Declaration of Surplus Property**—a request by Ivan Radman for a street closure and declaration of surplus property located at approximately 1025 South between 4400 West and the Bangerter Highway. The right-of way is not paved and dead ends at the highway. The property is zoned M-1 Light Manufacturing. The property is located in City Council District Two represented by Council Member Van Turner (Staff contact: Janice Lew at 801-535-7625 or janice.lew@slcgov.com).
2. **Petition 430-08-01 McDonald's Conditional Design Review for restaurant rebuild**—a request by McDonald's Corporation for Conditional Design Review for the rebuilding of the McDonald's restaurant located at 1533 South State Street. The subject property is located in the Commercial Corridor (CC) district and the South State Street Corridor Overlay (SSSC) district. Conditional Design Review is required because:
 - the proposed building location exceeds the maximum front setback of 25 feet from front property line in the South State Street Corridor Overlay
 - the project proposes parking areas located in the front and corner side yards, which is normally not allowed
 - the north facade of the proposed building does not consist of at least 40% glass

The property is located in City Council District Five, represented by Jill Remington Love. (Staff contact: Casey Stewart, 535-6260, casey.stewart@slcgov.com)

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

Janice Lew
Planning Division
PO Box 145480

PUBLIC HEARING NOTICE



Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
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, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning 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.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. 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 Office at 535-7757; TDD 535-6220.

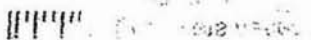


Exhibit 4ii
Staff Report

PLANNING COMMISSION STAFF REPORT

St. Varian Street Closure

1025 South

Petition 400-07-04

June 11, 2008



Planning Division
Department of Community
Development

Applicant:

Ivan Radman, property owner

Staff:

Janice Lew, Principal Planner
535-7625

Janice.lew@slcgov.com

Tax ID:

15-07-251-004, 15-07-200-005,
15-07-200-017, and 15-07-200-031

Surrounding Zoning:

M-1 Light Manufacturing

Council District:

District 2, Council Member Van
Turner

Surrounding Land Uses:

Vacant land

Applicable Land Use Regulations:**Salt Lake City Code:**

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

Utah Code:

- Section 10-9a-609.5 regulates a request for action to vacate, narrow, or change the name of a street or alley.

- Salt Lake City Transportation Master Plan or Major Street Plan

Attachments:

- A. Map of Proposed Street Closure
- B. Department/Division Comments
- C. Public Comment
- D. Photographs
- E. Meridian Commerce Plat

REQUEST

The applicant is requesting that Salt Lake City close St. Varian Street (1025 South), an unimproved public right-of-way located in the Senior's Five-Acre Plat subdivision, declare it surplus property and sold at fair market value. The street is located between 4400 West Street and the Bangerter Highway in the M-1 Light Manufacturing zoning district.

PUBLIC NOTICE

On May 13, 2008, a notice regarding the Planning Commission hearing was mailed to all property owners within a 450 foot radius of the subject property and to the chairs of the Poplar Grove and Glendale Community Councils, meeting the fourteen (14) day minimum notification requirement. A notice was also sent to all those listed on the Planning Division list-serve and the agenda was posted on the Division's web site.

STAFF RECOMMENDATION

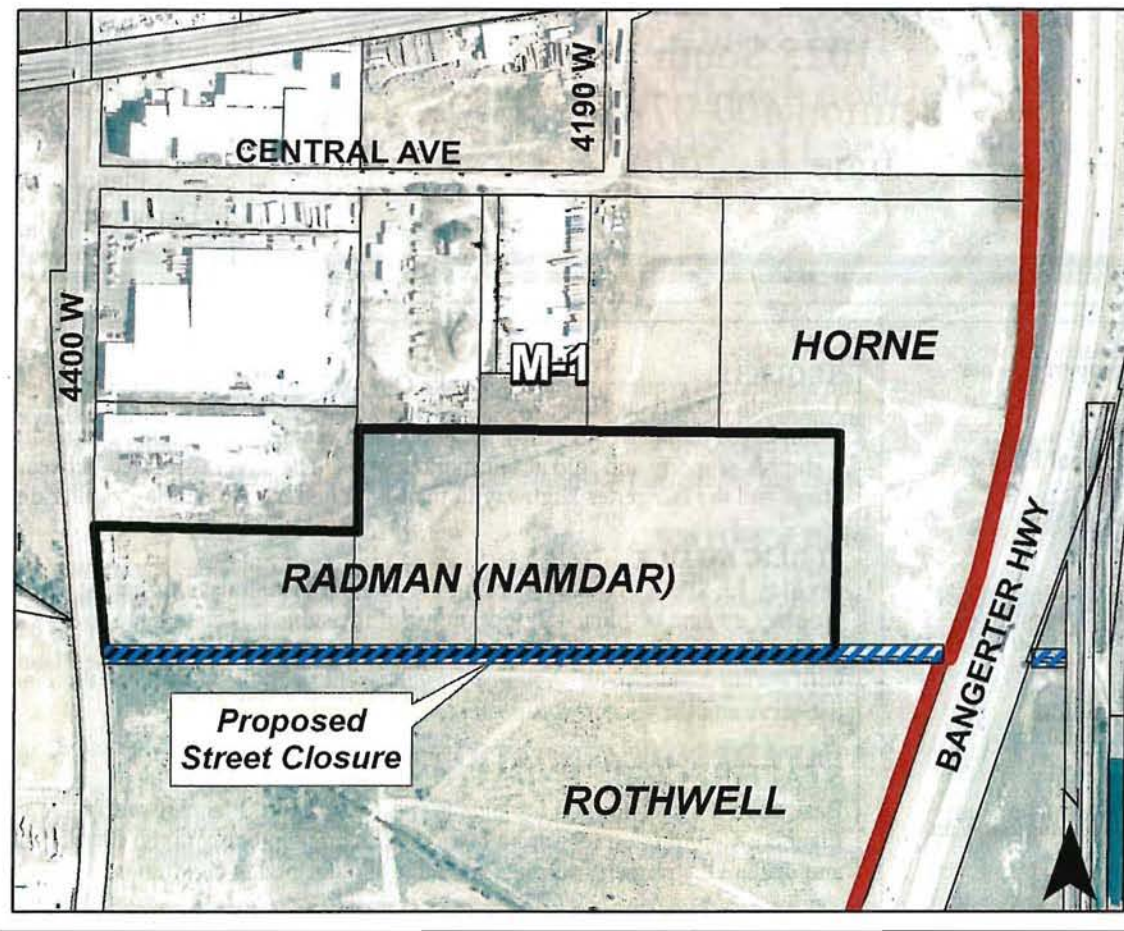
Base upon the analysis and findings in this staff report, Planning staff recommends that the Planning Commission forward a favorable recommendation to the City Council to close and declare the property surplus, subject to the following conditions:

1. Pursuant to Chapter 2.58 of the Salt Lake City Code, the petitioners should be required to make payment to the City of the fair market value of the subject property.
2. The closure is subject to all existing rights-of-way and easements of all public utilities now located on and under or over the subject property.
3. Subdivision approval to combine lots 4, 25, 26, and 27 of the Senior's Five Acre Plat into one lot shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

OPTIONS

1. The Planning Commission may forward a favorable recommendation to the City Council regarding the street closure request upon creating findings that indicate the right-of-way fails to provide an overall public benefit.
2. The Planning Commission may determine that there are insufficient public policy reasons to justify the closure of the street as a public right-of-way and forward a recommendation to the City Council that the City retain its ownership interest in the right-of-way.
3. The Planning Commission may continue the request and require additional information for the applicant or staff.

VICINITY MAP



PROJECT HISTORY/DESCRIPTION

The applicant would like to include this parcel with the property to the north for future development.

The applicant is requesting that the City close St. Varian Street and declare it surplus property. The address equivalent of this street is approximately 1025 South. As originally platted, St. Varian Street was intended to be a thirty-three foot wide right-of-way approximately 2,648 feet long. The original owner/subdivider owned the Northeast quarter of Section 7. The dimensions for this section are consistent between older and modern records. However, the actual width of the right-of-way is uncertain at this time.

The applicant would like to incorporate what remains of the St. Varian Street property into his project located at approximately 925 South 4400 West. The applicant proposes to combine Lots 4, 25, 26, 27, and 28 into one industrial lot for future development (Petition 490-07-19). This combined property would have access from 4400 West Street so that the unimproved street would not be necessary to the future development of the applicant's property.

The abutting property owner on the east side of the Radman property, Thomas Horne, was contacted by Planning Staff and informed of the request to close the street and of his option to purchase the portion of the street that abuts his property. The Horne property has frontage on both Central Avenue to the north and St. Varian Street to the south. Mr. Horne attended the Open House held in June 2007 and has indicated his opposition to this proposal in a letter attached to this staff report. Mr. Horne is of the opinion that closing St. Varian Street would limit his ability to develop his property.

The proposed Meridian Commerce Center Plat 2 adjoins the older Seniors Five-Acre Plat to the south and is also under city review for subdivision. The preliminary plat for this subdivision utilizes an alternate public road off of 4400 West for all needed street frontage and access. The proposal indicates that the Brighton Canal would be relocated to front the northern boundary of this property. As a result of this review process, however, the neighboring property owners have identified property line issues that need to be resolved before either subdivision plat can move forward.

COMMENTS

Community Council Comments:

Mike Harman, Chairperson of the Poplar Grove Community Council, and Randy Sorenson, Chairperson of the Glendale Community Council were notified via mail on June 6, 2007 of the June 21, 2007 Open House to review this petition. No response was received from the affected community councils.

Public Comment

Attachment C includes the written comments received regarding this project and discussed above. Planning Staff also received an e-mail from Hal Derr of Flanders~Precisionaire Corporation opposing this request because of potential business conflicts.

City Department/Division Comments:

The application material was routed in May 2007 to the applicable City Department and Divisions. The comments received from pertinent City Departments and Divisions are summarized below:

Airport (David Miller)

This site is in the Airport Influence Zone B and is listed as a high noise impact zone. This site is also in the 62.5:1 One Engine Inoperable (OEI) slope for Runway 34L with a height restriction of approximately 150' above ground level. Salt Lake City requires an aviation easement for new development in this zone.

Building Services and Licensing (Larry Butcher)

Building Services and Licensing noted that it appears that the southern portion of the property is within a seismic study overlay, and therefore future development will require a geotechnical and surface fault rupture report to address this issue.

Engineering (Randy Drummond)

There appears to be sufficient right-of-way on 4400 West and the Engineering Department has no concerns about closing road right-of-way on St. Varian Street

Fire (Ted Itchon)

The Fire Department has no concerns regarding the street to be closed.

Police

No comments were received from the Police Department.

Property Management

No comments were received from Property Management.

Public Utilities (Jason Brown)

The Public Utilities Department indicates that there is a proposed and approved twenty-four inch storm drain line in the St. Varian Street right-of-way. A thirty foot wide easement must be provided to Public Utilities for the operation and maintenance of the line if St. Varian Street is closed. A twenty foot wide road must be installed within this easement. Public Utilities must have access to the road and storm drain line twenty four hours a day.

Transportation (Barry Walsh)

The Division of Transportation reviewed the application and because the right-of-way has not been improved or used as a public transportation corridor, the closure needs to be coordinated with the abutting property owners and any utility easement issues resolved.

STAFF ANALYSIS AND FINDINGS**Master Plan Discussion****Northwest Quadrant Community Master Plan**

The subject property is not within any approved Salt Lake City community master plan or small area master plan. Development of the Northwest Quadrant Community Master Plan is currently underway, but has not progressed enough to provide any substantive guidance to the Planning Commission in the decision-making process. As adopted per Ordinance 26 of 1995, the Zoning Map functions as the Future Land Use Map.

Salt Lake City Transportation Master Plan and Major Street Plan, adopted in 2006

The subject street is not identified in the Transportation Master Plan or Major Street Plan and is not recognized as a collector or arterial street.

ANALYSIS AND FINDINGS

The Planning Commission will need to review the street closure request and make findings based on the following Salt Lake City Council Policy Guidelines for Street Closures:

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.**

Analysis: The subject street is not identified in the Transportation Master Plan or Major Street Plan. Since there appears to be sufficient right-of-way on 4400 West Street, the Engineering Department has no issues about closing St. Varian Street. The Horne property to the east has frontage on both Central Avenue to the north and St. Varian Street to the south. The preliminary plat for the Meridian Commerce Center Plat 2 subdivision shows an alternate road (Commercial Way) off of 4400 West, constructed as part of the Meridian Commerce Center Plat 1 subdivision, for all needed street frontage and access.

Finding: Closing the subject street will not deny all access to adjacent properties. The underlying property would be sold at fair market value and the property incorporated into new development.

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.**

Analysis: The applicant is interested in purchasing the street property abutting his property at fair market value. The other abutting property owner, Thomas Horne, was given notice of the City's intent to close the street and was informed of his option to purchase the portion of the street that abuts his property. Mr. Horne has expressed his opposition to this proposal.

Finding: If the closure request is approved, the right-of-way will be sold at fair market value to be determined by the Salt Lake City Property Management Division.

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.**

Analysis: The subject street is an unimproved right-of-way. It does not connect with any other streets aside from 4400 West Street. The street is not needed for vehicular or pedestrian access as the street dead ends into the highway. The proposed street closure will contribute to surrounding development and improved land development.

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 street.

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

Analysis: The alternatives to closing the street are to leave the right-of-way as is (unimproved) or to require the abutting property owners to improve the street. If left as a public street it will require the adjacent property owners to pay for street improvements,

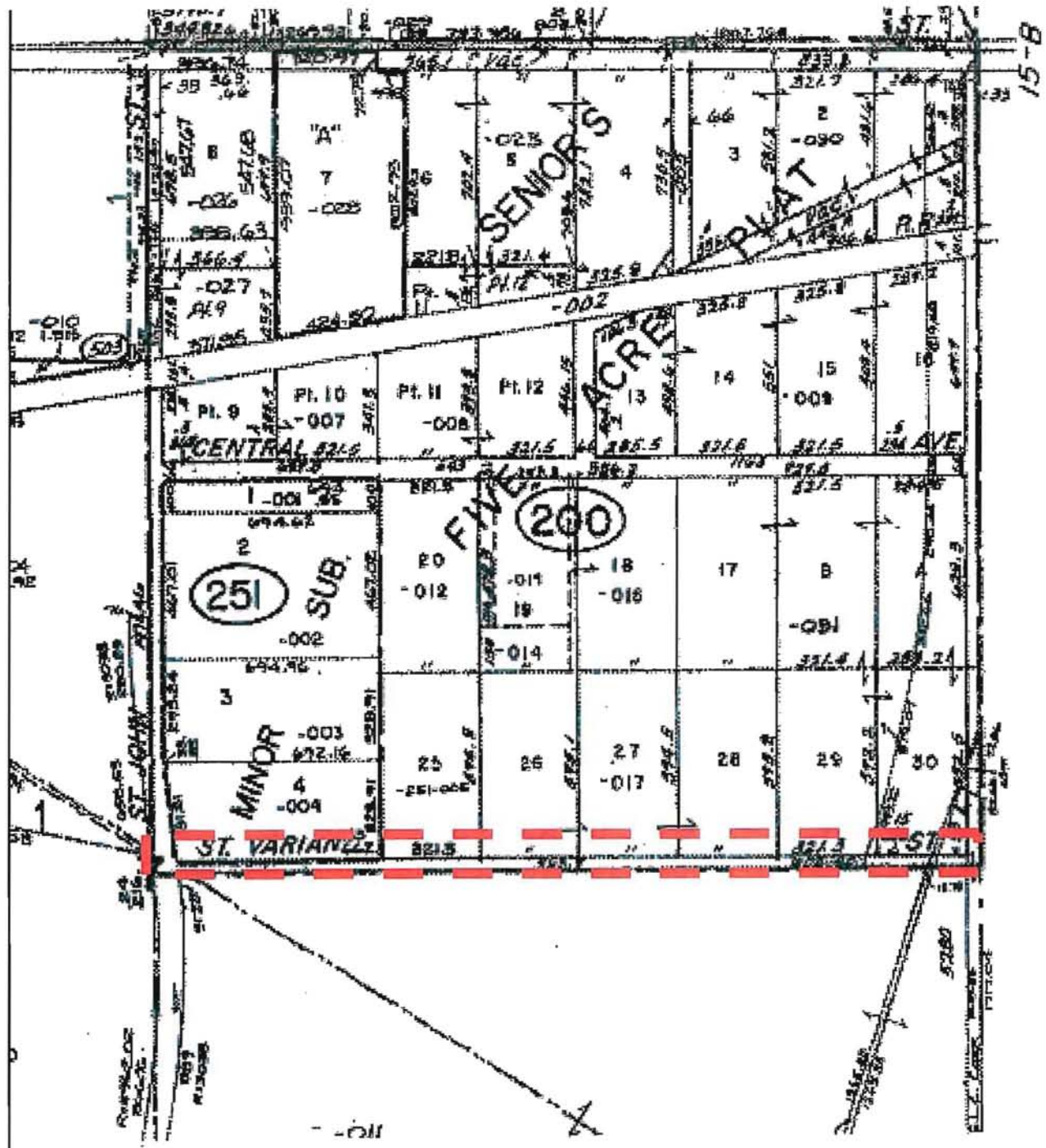
provide additional setbacks on their property, and may create lots with double frontage. A cul-de-sac at the end of the street may be required for vehicular turnaround.

Finding: Staff finds the following reasons outweigh alternatives to the closure of the street:

1. The Salt Lake City Transportation Master Plan does not identify this street and there are no plans to extend or otherwise improve it.
2. Closing and selling the surplus property will provide the applicant with the means for a better development.
3. The property owner of the property east of the applicant's property has other means to provide access to his property.
4. The unimproved street is not currently used as a public right-of-way and is not required for pedestrian or vehicular traffic.

Attachment A

Map of Proposed Street Closure



— — — — — St. Varian Street Closure

Attachment B

Department/Division Comments

AIRPORT COMMENTS

Janice,

Thank you for the notice Petition 490-07-19 Preliminary Subdivision Amendment at approximately 925 South 4400 West. This address is in the Salt Lake City's airport influence zone "B" and is listed as a high noise impact zone. Salt Lake City requires an aviation easement for new development in this zone. This project is also in the 62.5:1 One Engine Inoperable slope and has a height restriction of approximately 150 above ground level. The owner or developer should contact me at the address or email below, to complete the aviation easement.

David Miller
Aviation Planner
Salt Lake City Department of Airports
AMF Box 22084
Salt Lake City, UT 84122
801.575.2972

BUILDING PERMITS COMMENTS

From: Butcher, Larry
Sent: Thursday, May 24, 2007 8:02 AM
To: Lew, Janice
Cc: Goff, Orion
Subject: Radman Sub / 965 S. 4400 W. / Pet. 490-07-19

Categories: Program/Policy
Janice:

My comments:

- Lots 26 and 27 do not currently show on GIS
- Scale on plat does not match shown dimensions. Unable to confirm frontage width.
- The eastern portion of the lot appears to be within a surface fault rupture study area. A geotech report should address this issue.
- The site lies within Airport Influence Zone B and is subject to restrictions found in Section 21A.34.040 (22&23)

Larry

ENGINEERING COMMENTS

Janice, thanks for reminding me when we responded to the question regarding any concerns about the possible vacation of Varian Street. Scott and I again reviewed the proposal, and inasmuch as all adjoining properties appear to have access on other public ways, we don't see any reason to oppose the vacation of Varian Street in this location.

Randy Drummond, PE
Project Engineer

From: Lew, Janice

Sent: Tuesday, May 06, 2008 6:16 PM

To: Drummond, Randy; Butcher, Larry; Brown, Jason; Walsh, Barry; Itchon, Edward; Spencer, John; Miller, David; Curt, Lynn

Cc: Paterson, Joel

Subject: Street Closure Petition 400-07-04 - Varian Street

Hello all,

The Planning Division is moving forward with street closure petition 400-07-04 submitted by Ivan Radman. The applicant requests approval to close and declare as surplus St. Varian Street, an unimproved right-of-way located in the Senior's Five Acre Plat subdivision that appears to be only 10 to 13 feet on the ground. Please let me know if you have any additional comments since it was last year when you first reviewed this request. If I do not receive your comments by May 12, 2008, I will assume you have none. Thanks for your assistance.

Janice

*Janice Lew
Planning Division
PO Box 145480
451 South State Street, Room 406
Salt Lake City, UT 84114-5480
801.535.7625*

TO: JANICE LEW, PLANNING DIVISION

FROM: RANDY DRUMMOND, P.E., ENGINEERING

DATE: MAY 30, 2007

SUBJECT: **JI SUBDIVISION -
Planning Div. file #490-07-19
925 South 4400 West**

SLC Engineering's review comments are as follows:

1. This is a subdivision project to combine lots 4, 25, 26 and 27 of the Senior's Five Acre Parcel into one lot. There appears to be sufficient right-of-way on 4400 West, and we have no concerns about the adjacent road right-of-way on St. Varian Street being vacated. The property to the south of St. Varian Street is presently being proposed on another subdivision which will provide all needed street frontage and access for that parcel. If

sidewalk is required by the Transportation Division, it appears that there is sufficient right-of-way for it to be constructed on the east side of 4400 West.

2. An improvement drawing showing sidewalk (if required by the Transportation Division) is required. It is anticipated that all of the required work can be completed under a Public Way Permit, which the developer's contractor can obtain from the Engineering Division Office after approval of the plat and drawing. I will communicate directly with Harper Engineering, Inc., in relation to the required changes, and have them pick up the red-lined plat from our office.
3. The developer must enter into agreements required by SLC Public Utility Department and pay any required fees.
4. Alice Montoya (535-7248) in SLC Engineering will assign an address to the lot. A certified address is required prior to applying for a building permit.

cc: Craig Smith
George Ott
Scott Weiler
Brad Stewart
Barry Walsh
Vault

FIRE/PERMITS COMMENTS

MEMORANDUM

DATE: 21 MAY 2007
TO: JANICE LEW, PLANNER
FROM: TED ITCHON
RE: JI SUBDIVISION FILE # 490-07-19

SYNOPSIS:

1. Structure build shall have the fire flow calculated regarding construction and occupancy type.
2. Provide Fire Hydrants at the street a minimum 350 feet on centers.
3. No part of the building maybe further than 400 feet from a fire hydrant.
4. The primary fire hydrant shall be within 400 feet of a fire hydrant.
5. Additional fire hydrants maybe required to meet the required fire flow of
6. A control valve shall be placed immediately in front of the fire hydrant between the hydrant and the water main. This valve shall independently control the fire hydrant.
7. Fire hydrants shall be equipped with one 4 ½ inch, and two 2 ½ inch outlets, which has national standard threads (NST).
8. Fire hydrants shall be installed so that the center line of the lowest cap, nut shall not be closer than 18 inches from the finished grade.
9. Fire hydrants shall not be installed closer than 30' to a building.
10. Fire hydrants installed along fire department access roads shall not be further than 15' from the road.
11. Fire hydrants shall have the 4 ½" butt facing the fire access roadway.
12. Fire Hydrants shall be obstruction free within 3' around the hydrant.
13. Dead end water mains 8 inches in diameter shall not be longer than 250 feet in length, and serve no more than two appliances. If the water main is a minimum 12 inches in diameter it is permitted to be a dead end greater than 250 feet.
14. Underground piping shall be tested at 200 psia for two hours. This office shall receive a copy of the test certificate.
15. Fire Department Connection (FDC) shall be placed at the front of the structure and be no further than 100 feet from a fire hydrant.
16. Fire Department Connections (FDC) for any fire extinguishing system shall be placed along the road. The FDC shall be within 100 feet of a fire hydrant.
17. Occupancies of F,H, or S shall have the FDC and Post Indicator Valve (PIV) shall be installed between the water main and the automatic fire sprinkler riser. This PIV shall be placed 30 feet away from the building.
18. Fire Department access roadway both temporary and permanent shall be installed and maintained to meet the requirements of Public Works Department.
19. Fire hydrants installed in a parking lot shall have a minimum 3 foot unobstructed clearance around the fire hydrant and be provided with vehicle impact protection as required in section 312 of the International Fire Code.
20. Fire hydrants shall be operational and a fire department access roadway installed prior to the construction of the structure.
21. Fire Department access roadway and fire hydrants shall be in place prior to construction. If the Fire Department access road is not installed before the commencements of construction then a temporary fire department access road maybe install.
22. The Civil Engineer shall design the temporary fire department access road and provide to the City Engineer for his approval the geotechnical report with a design of the proposed access road to support the imposed HS20 loads.
23. On street parking is permitted on one side of the street. No parking signs and red curb shall be installed on the same side as the fire hydrants.

24. On streets 30 foot in width parking is prohibited on one side. No parking fire lane signs and red curbs are required on the same side as the fire hydrants.
25. Temporary fuel tank storage will require a permit if used during construction. Gravity flow is not permitted.
26. Burning of trash, scrap wood of other materials in a violation of City Ordinance.

PUBLIC UTILITIES COMMENTS

From: Brown, Jason
Sent: Tuesday, May 29, 2007 3:33 PM
To: Lew, Janice
Cc: Garcia, Peggy
Subject: Preliminary Subdivision Amendment Petition 490-07-19 and Street Closure Petition 400-07-04

Categories: Program/Policy

Public Utilities has reviewed the above mentioned requests and offer the following comments;

Street Closure 400-07-04

There is proposed and approved a twenty-four inch storm drain line in the Varian Street right of way. If Varian Street is vacated then a thirty foot wide easement must be provided to Public Utilities for the operation and maintenance of the line. Within this easement a twenty foot wide road must be installed. Public Utilities must have access to the road and storm drain line twenty four hours a day. No buildings, structures, trees, parking, fences, signage, lighting landscaping or any other feature that would impede access or maintenance to the pipe located within the easements will be allowed.

Subdivision Amendment Petition 490-07-19

All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Design and construction must conform to Salt Lake City Public Utilities General Notes.

All environmental and wetland issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met. Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Water and sewer services must be connected to the existing mains in 4400 West Street. Fire hydrants and fire sprinkler laterals will be private and must be routed through an eight-inch minimum detector check valve located along 4400 West. Sewer laterals larger than six-inches in diameter will require a petition to the Public Utilities Director and must be connect to the main with a manhole. All water meters must be located a minimum of five-feet from any drive way.

This subdivision will be required to detain all storm water in excess of 0.2cfs/acre. A storm water report and drainage plan must be submitted to Public Utilities for review and approval. Run-off will not be allowed to sheet flow onto neighboring property. If below grade structures or deep detention areas are proposed a stamped geotechnical engineer report must be submitted to Public Utilities identifying the expected highest groundwater elevation for this area. All building pads and docks must be above the 100-year event and all paved areas, storm grates and on-site storm water detention must be above the 10-year storm event high water elevation as hydraulically connected to the Goggin Drain or the highest expected groundwater, whichever is the worst condition. Building pads should be located several feet above this elevation. The engineer must show that enough hydraulic head is provided to drain storm water away from this subdivision. The high water condition as identified must be noted on the plat and on the master drainage and grading plan. An engineered stamped drainage report is required showing all the above-mentioned requirements have been met. Proposed ditch sections or detention facilities must have 3:1 or flatter side slopes with minimum two-foot bottom. Concrete roll gutters are recommended at the bottom of ditch facilities. Bubble-up inlets or sumps used as control structures in detention areas will be discouraged. Temporary and permanent erosion control within detention areas or ditches must be detailed. The developer must comply with UPDES Construction Storm Water Permits. At a minimum, silt fence must be provided along open drainage ways, hay bales must protect any existing grates or inlets and the City's clean-wheel ordinance must be followed. A copy the proposed Storm Water Pollution Prevention Plan required for the UPDES permit must be submitted to Public Utilities for review and approval.

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

Jason Brown, PE

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

TRANSPORTATION COMMENTS

Janice,

No. It has never been a road and has not serviced as a transportation corridor, therefore closing is not an issue.

From: Lew, Janice
Sent: Monday, May 12, 2008 9:18 AM
To: Walsh, Barry
Subject: RE: Street Closure Petition 400-07-04 - Varian Street

Barry,

Does Transportation care if this is closed or not?

From: Walsh, Barry
Sent: Wednesday, May 07, 2008 10:32 AM
To: Lew, Janice; Drummond, Randy; Butcher, Larry; Brown, Jason; Itchon, Edward; Spencer, John; Miller, David; Curt, Lynn
Cc: Paterson, Joel
Subject: RE: Street Closure Petition 400-07-04 - Varian Street

May 7, 2008

Janice Lew, Planning

Re: Petition 400-07-04 to vacate Varian Street ROW.

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

Per our past review letter dated May 16, 2007 the right of way has not been developed or used as a public transportation corridor. All parcels in that area are addressed off Central Avenue, even those with out frontage that should be revised to create legal lots.

In our discussion last month, I referred a proposed service road, to Public Utilities issues, to be coordinated with the proposed development to the south of Varian - Meridian Commerce development as needed.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Randy Drummond, P.E.
Larry Butcher, Permits
Jason Brown, Public Utilities
Ted Itchon, Fire
John Spencer, Property Management
Lynn Curt, City Surveyor
File

From: Lew, Janice
Sent: Tuesday, May 06, 2008 6:16 PM
To: Drummond, Randy; Butcher, Larry; Brown, Jason; Walsh, Barry; Itchon, Edward; Spencer, John; Miller, David; Curt, Lynn
Cc: Paterson, Joel
Subject: Street Closure Petition 400-07-04 - Varian Street

Hello all,

The Planning Division is moving forward with street closure petition 400-07-04 submitted by Ivan Radman. The applicant requests approval to close and declare as surplus St. Varian Street, an unimproved right-of-way located in the Senior's Five Acre Plat subdivision that appears to be only 10 to 13 feet on the ground. Please let me know if you have any additional comments since it was last year when you first reviewed this request. If I do not receive your comments by May 12, 2008, I will assume you have none. Thanks for your assistance.

Janice

*Janice Lew
Planning Division
PO Box 145480
451 South State Street, Room 406
Salt Lake City, UT 84114-5480
801.535.7625
801.535.7625*

From: Walsh, Barry
Sent: Wednesday, May 16, 2007 1:45 PM
To: Lew, Janice
Cc: Young, Kevin; Drummond, Randy; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Spencer, John; Butcher, Larry
Subject: Pet 490-07-19 & 400-07-04

Categories: Program/Policy
May 16, 2007

Janice Lew, Planning

Re: Preliminary Subdivision amendment Petition 490-07-19 and Street Closure Petition 400-07-04 at 965 South 4400 West.

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

These parcels are presently non accessible from a public roadway other than Lot 4. By combining these lots it will give legalization for one lot with frontage on 4400 West. The subdivision process requires that the public right of way be brought up to current standards as needed with curb & gutter, sidewalks, street lighting, etc.

The proposed closure of St. Varian street is a paper issue and needs to be coordinated with the abutting parcel to the south. The Meridian Subdivision proposal indicated that the canal would be relocated to front this parcel but a public road way would not necessarily be required.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Randy Drummond, P.E.
Scott Weiler, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
John Spencer, Property Management
Larry Butcher, Permits

Attachment C

Public Comment

OPEN HOUSE
Request to Close St. Varian Street
ATTENDANCE ROLL
Thursday, June 21, 2007

Please print clearly, as this information will be attached to the subsequent staff report. Thank you.

PRINT NAME <u>George DAVIS</u> ADDRESS <u>322 CONCORD ST</u> ZIP CODE <u>84104</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Layne Hess</u> ADDRESS <u>9896 Summit View Dr.</u> ZIP CODE <u>84060</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Tom Horner</u> ADDRESS <u>367 W. 900 N</u> ZIP CODE <u>SIC 84103</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME _____ ADDRESS _____ ZIP CODE _____	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME _____ ADDRESS _____ ZIP CODE _____	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME _____ ADDRESS _____ ZIP CODE _____	PRINT NAME _____ ADDRESS _____ ZIP CODE _____

OPEN HOUSE COMMENTS
Request to Close St. Varian Street
Thursday, June 21, 2007

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Layne Hess
Address 9896 Summit View Drive
Park City, Utah
84060
Phone 801-824-1718
email Laynehess@hushmail.com

Please provide comments below.

o Okay with street closure of
St. Varian Street.

Lew, Janice

From: Lew, Janice
Sent: Wednesday, June 20, 2007 3:20 PM
To: 'Hal Derr'
Subject: RE: Petition # 400-07-04 (Request to close St. Varian Street)

Mr. Derr,

Thank you for your comments. The intent of tomorrow's open house is to notify interested parties of the proposed street closure and request initial comments concerning this issue. Would you please provide additional information regarding your concerns? Where is your property located and how would it be affected by the proposed street closure? When evaluating requests to close public streets, the City considers whether or not the use of the property as a street is in the City's best interest. The City Council has final decision authority with respect to public street closures. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by the proposed closure. Your input will be analyzed by staff and included in a report to the Planning Commission. You will also have an opportunity to address the board members and present any additional information and/or concerns you may have at the public hearings held to consider this request. Once the Planning Commission has reviewed the petition, their recommendation will then be forwarded to the City Council for consideration. Please let me know if you have any questions. Thank you.

Janice Lew
Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111
801.535.7625

From: Hal Derr [mailto:HDERR@CORP.PRECISIONAIRE.com]
Sent: Wednesday, June 20, 2007 2:22 PM
To: Lew, Janice
Subject: Petition # 400-07-04 (Request to close St. Varian Street)

Ms Lew - We have just received a notice from you agency that there is to be a tomorrow, June 21st @ 4 p.m. regarding the above-referenced topic. As a neighbor of the address in question, it is the position of Flanders~Precisionaire Corp to OPPOSE THIS ACTION as it conflicts with our business, as neighbors of this location. As we just received this notification, we wanted to address this issue as expediently as possible. Thanks for your assistance in this matter.

W. H. Derr
VP of Human Resources
Flanders~Precisionaire

6/21/2007

June 6, 2007

SALT LAKE CITY CORP.
Planning and Zoning
451 South State Street
Room 406
Salt Lake City, UT 84111

attn: Janice Lew: Principal Planner


As per our phone conversation regarding Ivan Radman's application to vacate St. Varian Street, I oppose the closing because it would curtail my ability to some day build on our property that is accessed by St. Varian Street.

If St. Varian Street closes, it would create an undue hardship as the only remaining access would then be from Central Avenue, a quarter of a mile away.

I strongly oppose the closing of St. Varian Street and feel my only option in this matter is to defend this position with all means available to me.

Thank you for your consideration.

Sincerely,



Thomas B. Horne
Property Owner

Attachment D Photographs

June 5, 2008



Attachment D
Meridian Commerce Center Plat 1

Exhibit 4iii
Minutes

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 11, 2008**

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

Present from the Planning Division were; Joel Paterson, Acting Planning Director; Doug Dansie, Casey Stewart; Janice Lew, Paul Nielson, City Land Use Attorney; and Tami Hansen, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Chair Matthew Wirthlin, Vice Chair Mary Woodhead and Commissioners Kathy Scott, and Frank Algarin. Salt Lake City Staff present were: Joel Paterson, Casey Stewart, and Janice Lew.

APPROVAL OF MINUTES from Wednesday, May 28, 2008.

(This item was heard at 5:51 p.m.)

Commissioner McHugh made a motion to approve the minutes as written. Commissioner De Lay seconded the motion. All in favor voted, "Aye", the motion passed unanimously. Commissioner Algarin abstained.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:52 p.m.)

Chair Wirthlin noted that neither he nor Vice Chair Woodhead had anything to report.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

Mr. Joel Paterson noted that Frank Gray had been hired as the new Community and Economic Development Director; however, he was not able to attend this meeting due to hosting an Open House at the City Library as part of the City Council's review of the Conditional Use and Riparian Overlay petitions. Mr. Paterson noted that as of June 12, Mr. Gray would be available for informal discussions in regards to these two petitions and any additional topics.

Mr. Paterson noted that there would be a second Planning Commission meeting which would be held on July 23.

ISSUES ONLY HEARING

(This item was heard at 5:53 p.m.)

Downtown in Motion Plan—the plan is a culmination of an effort between Salt Lake City Transportation and Planning Divisions, the Redevelopment Agency of Salt Lake City, Downtown Alliance, Salt Lake Chamber, Utah Transit Authority, and the Utah Department of Transportation, to arrive at a comprehensive approach to Downtown Salt Lake transportation issues. This is an Issues Only public hearing. The Planning Commission will not make a decision on this item at this meeting. The Planning Commission will consider making a recommendation on this item during a public hearing on June 25, 2008.

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie noted that there had been a concerted effort to integrate City transportation with land use policies. He noted that in the future the City would like Downtown to grow southwest, currently many of the proposed light rail extensions and bus routes tend to be biased toward the southwest section of town due to a definite course of preferred land use.

Tim Harpst, City Transportation Director; introduced Kevin Young, City Transportation Planning and Design Engineer; Mick Crandall, Deputy Chief of Planning and Programming for Utah Transit Authority (UTA); and Ron Holmes for the consulting firm of HNTB and the project manager for the development of this plan on the consulting team.

Mr. Harpst noted that discussions about this plan started approximately four years ago. He noted that there were indications of more housing in the Downtown area, which would evolve the City into a 24/7 community and it was important to focus on the Downtown area for transportation services. He noted that the City had brought in a team consisting of experienced members from all over the country, some of whom had also worked internationally, to come up with the Downtown in Motion plan. He noted that their conclusions also included a lot of public and business property owners input and each had given unanimous endorsements of this plan.

Mr. Harpst stated that the transportation team talked to experts in Portland, Oregon; Denver, Colorado; and Vancouver, Canada and discussed each City's planning processes, which proved to be extremely beneficial. He presented a PowerPoint presentation and noted that pedestrians, mobility, and parking would be high priorities of the plan.

Highlights of the PowerPoint presentation included:

Five Goals of the Downtown in Motion Plan:

1. Serving Downtown:

- The transportation system will support a high quality of life for residents and visitors.
- Promote sustainable, quality growth, and encourage and optimize transit-oriented development.
- Support regional commerce Downtown including: office, retail, and leisure land uses.

2. Pedestrian Friendly:

- Transportation within Downtown will not require an automobile, people who live Downtown will be able to do so without the need to own a car.
- New pedestrian routes will make walking distances shorter, safer, and more appealing.
- Regional transit systems will serve regional land uses with walkable access.

3. Easy to Use:

- The transportation system will be accessible, predictable, seamless, and connected.
- All travel modes will create synergy in the Downtown area, and will serve people's needs 24/7.
- Will strive to ensure the perceived and actual safety of the traveler, and will be communicated through easy to understand information.

4. Enhanced Transit Accessibility and Mobility:

- The transit system will provide optimum accessibility and capacity.
- Activity nodes or districts Downtown will be connected with public transit, including the potential of a dedicated circulator system.
- Efficient transfers among various transit modes, including the potential of a transit center Downtown.

5. Balanced Modes:

- Quality mobility options will be available to all, bicycling and all other non-motorized modes will be viable and safe.
- There will be a hierarchy of streets to efficiently move vehicular traffic into and through Downtown, minimizing adverse impact on other modes or land uses.
- Automobile drivers will be able to park once and get around Downtown using other modes of transportation.
- The availability, visibility and accessibility of parking will be managed to achieve efficiency and other Downtown goals. On street parking will be managed to encourage short-term use to support retail and other short stay activities.

Pedestrian and Bicycle Plan:

- Enhanced walkability of Downtown sidewalks along all City streets.
- A network of walkways throughout Downtown will include an integrated system of mid-block walkways and a completed network of mid-block street crosswalks.
- Infrastructure for bicyclists that will accommodate all skill levels of cycling:
 - Continuation of designated bike lanes on streets.
 - New markings and signage indicating bicycle/automobile shared use of the right-handed lane on streets without designated bike lanes.
 - Separate bike paths between the sidewalk and streets in some areas of Downtown.
 - Legalize responsible bicycle riding on sidewalks in Downtown under specific conditions.
- Augmentation of the Downtown way finding system
- New urban design features, monuments, and gateways throughout Downtown.
- Additional bicycle racks and lockers on street and inside buildings.

Travel by TRAX:

- Completion of two loops of TRAX to provide a backbone of rail transit circulation in Downtown:
 - Construction of TRAX along 400 South from Main Street to 600 West and the Intermodal Hub completing an inner loop of rail circulation in Downtown.
 - Construction of TRAX along 700 South from 200 West to 400 West, and then continuing north on 400 West connecting to the existing system near Gateway, completing an outer loop that serves Downtown and the emerging southwest quadrant of Downtown.
- Further study of streetcar access to Downtown from surrounding neighborhoods not served directly by TRAX.

Commissioner Muir inquired about carbon reduction and green house emission reduction targets and wondered if this plan could include a highlight of carbon emission reduction milestones that would be helped by the expansion of light rail.

Mr. Harpst noted that air quality aspects could certainly be projected and included into the plan.

Commissioner Forbis noted that in the plan it did not state anything in regards to a further study of street car access to Downtown from surrounding neighborhoods not served directly by TRAX. He inquired about promotions about this type of access from the suburbs into Downtown.

Mr. Crandall noted that UTA was committed to building thirty (30) miles of new light rail by the year 2015 and extending commuter rail to Provo, Utah.

Mr. Harpst noted that what UTA was embarking on in Utah was unheard of anywhere in the United States and there were a lot of unique methods being implemented to make sure that this was done in a quick manner.

Travel by Auto:

- More frequent updating of traffic signal timing plans Downtown to support traffic progression.
- A network of streets that are classified and designed according to a hierarchy of traffic needs, which would allow operational improvements for improved flow into and out of Downtown, as well as within the core of Downtown.
- Coupled with parking programs and way finding, more efficient access to Downtown parking spaces.
- An expanded network of mid-block streets.
- New urban design elements incorporated into Downtown streets.

Vice Chair Woodhead noted that she would like to see additional, easier connections from the west side of the City into Downtown.

Mr. Young noted that this was currently being reevaluated.

Travel by Bus:

- Revised bus routes Downtown.
- A new Bus Passenger Facility to be located at 200 South and State Street.
- More attractive and comfortable bus stops Downtown, including better information about bus service.
- Branded Bus Corridors for circulation within Downtown.

Mr. Crandall noted that as this moved forward there seemed to be a concentration of bus activity at the intersection of 200 South and State Street, and it was recommended that this intersection be used as a bus hub, with additional facilities built there as a type of mini-intermodal hub. He noted that they would also like additional amenities provided for bus riders including: bus maps, newspapers, and better circumstances when waiting to ride.

Parking Perks and Plans:

- Immediate formation of the Parking Management Group to coordinate operating policies of public parking Downtown.
 - Short-term parking, geared toward visitors and retail/cultural patrons of Downtown.
 - Long-term parking, which is primarily commuter parking, serves the needs of Downtown employees who may drive to work and park each day.
- Way finding enhancements for off-street parking spaces.
- New zoning policies that foster the development of convenient off-street parking for visitors.
- New parking meters with more payment options.
- An enhanced parking validation system for Downtown.

Mr. Holmes noted that during the peak time of the day in the core of Downtown it was hard for visitors to find parking because a lot of it was privately owned, even though only about forty (40) percent of this space was being used; the goal was to make the parking situation more pleasant, with adequate short-term dense parking areas. He noted that the Parking Management Group was being organized to review and correct these issues, as well as relooking at the validation system.

Commissioner De Lay inquired about special parking signage needed Downtown and if that would be part of the Parking Management Group's purview. She noted that there needed to be more public education on what the City is doing to enhance and enliven Downtown.

Mr. Holmes noted that in the future it would be beneficial to create, maybe as part of the ordinance, a condition that as a City standard, privately owned parking should have distinct uniform signage or universally recognized symbol on a sign which would aid in some of the current parking confusion. He noted that in order to make that work it was important to require other information, for example the rate and hours of operation visibly posted in such a way that it was easily recognized.

Travel by Circulator/Shuttle:

- Continuation and expansion of the Free Fare Zone to include the Library TRAX station, the Intermodal Hub, and the hotels on 600 South.
- Improved transit circulation Downtown with a combination of more frequent TRAX service, Branded Bus Corridors, and a Downtown shuttle service.
- Further study of additional streetcar access to Downtown from surrounding neighborhoods not served directly by TRAX.
- Until completion of the TRAX Airport Extension, shuttle bus service at 15 minute headways linking the airport, the Intermodal Hub, and the hotels along 500 South and 600 South streets.

Commissioner De Lay inquired about easing the ordinances to allow more types of businesses that would like to build patios out onto the sidewalk.

Mr. Harpst noted that the City had the latitude to do this and if an applicant wanted to specifically do this they could approach the City to request this type of use; with this plan it would become easier to make these types of decisions because what was planned for at any particular location in the Downtown area could be reviewed easily and worked with. He noted that as long as there was enough width left along the sidewalk to protect the right-of-way for pedestrians and bicyclist, the rest of the area could be freed up for that type of purpose.

Chair Wirthlin announced a small break at 7:04 p.m.

Chair Wirthlin reconvened the meeting at 7:13 p.m.

Chair Wirthlin opened up the public hearing portion of this hearing, there was nobody present to speak to this issue, he then closed the public hearing.

Chair Wirthlin thanked the City Transportation Department and Utah Transit Authority for their presentation.

Commissioner De Lay inquired about the City initiated petitions information the Commissioners were given at the beginning of the meeting, and if there was a petition to figure out a way to speed up the planning application process if an applicant planned on building using LEED Certification standards.

Mr. Paterson noted that Orion Goff in the Building Services Department was working on ordinance amendments dealing with LEED Certified building and that information would be available in the near future.

PUBLIC HEARING

Petition 400-07-04 St. Varian Street. Street Closure and Declaration of Surplus Property—a request by Ivan Radman for a street closure and declaration of surplus property located at approximately 1025 South between 4400 West and the Bangerter Highway. The right-of way is not paved and dead ends at the highway. The property is zoned M-1 Light Manufacturing. The property is located in City Council District Two represented by Council Member Van Turner.
(This item was heard at 7:15 p.m.)

Chair Wirthlin recognized Janice Lew as staff representative.

Mr. Nielson recused himself from this portion of the meeting.

Ms. Lew noted that the applicant would like to incorporate the St. Varian Street property into his property located at approximately 925 South 4400 West to combine the property into one industrial lot for future development. She noted that this property would have access from 4400 West so that the unimproved street would not be necessary in the future development of his property.

Ms. Lew stated that the abutting property owner to the east, Mr. Thomas Horn was contacted by planning staff and informed of the request to close the street and was also informed of his option to purchase the portion of the street that abutted his property. She noted that Mr. Horn's property had frontage on both Central Avenue, the street to the north, as well as frontage on the St. Varian Street right-of-way. She noted that Mr. Horn attended the open house, held in June 2007 and indicated his opposition to this proposal in a letter, which was included in the packet. She noted that staff had not heard from Mr. Horn recently.

Ms. Lew noted that the proposal indicated that the Brighton Canal would be relocated to front the northern boundary of the property. She noted that the Meridian Plat 1 was included in the packet and there was an existing street as part of this subdivision, Plat 2 would be located to the north and would have access from the existing public street as well, and St. Varian street could be left as a right-of-way, unimproved, or it could be required that the abutting properties improve this street at their own cost, they would also be required to have an additional front setback along that property boundary, which would create lots with respect to the Meridian property with double frontages.

Commissioner Forbis inquired about one of Staff's findings, *the unimproved street is not currently used as a public right-of-way and is not required for pedestrian or vehicular traffic*, and inquired how that determination was made.

Ms. Lew noted that the street master plan did not show this street as the type that would be improved for any of those types of connections.

Commissioner De Lay inquired if all abutting property owners were given proper notice.

Ms. Lew noted yes.

Vice Chair Woodhead inquired if Mr. Horn decided to develop his property in the future, could he put in a street to connect to Bangerter Highway so he could have additional access into his property.

Mr. Paterson noted that Bangerter Highway was a state highway and had limited access, therefore that type of connection would have to be reviewed and approved by UDOT, and realistically it would be unlikely to gain that access; however, Mr. Horn would have access from Central Avenue.

Commissioner McHugh noted that the north part of Mr. Horn's property abutted Central Avenue, so that should not be a problem.

Mr. Paterson noted that typically on a street/alley closure the City retained easements for any utilities that existed or would be potentially needed in the future.

Commissioner Forbis inquired about the purpose of the relocation of the canal.

Ms. Lew noted that the applicant could better explain the purpose of that.

Commissioner De Lay inquired if it was abandoned irrigation.

Mr. Paterson noted that the Brighton Canal is used for drainage and was still in use; to develop the property the applicant could not build over the canal, therefore it would need to be relocated along the eastern and northern boundaries.

Commissioner Forbis inquired where the canal flowed to.

Mr. Paterson noted that the water in the canal flowed into the Great Salt Lake.

Chair Wirthlin invited the applicant to the table.

Mr. Ivan Radman noted that he agreed with the findings of the staff report. He noted that relocating the canal seemed like a very sensible thing and that Mr. Horn would still have adequate access into his property after the changes were made.

Chair Wirthlin opened up the public hearing portion of the petition.

Hank Rothwell (2600 Walker Lane), representing Meridian Commerce Center and the abutting property to the south, stated that the Meridian Plat 1 was complete and Plat 2, a preliminary plat, had been submitted to staff and would show the realignment of the Brighton Canal, owned by The Church of Jesus Christ of Latter Day Saints, was an active irrigation canal, and there was a written agreement for that proposed location. He noted that the proposal did not anticipate any access to St. Varian Street.

Chair Wirthlin noted there was no one else to speak to the petition; he then closed the public hearing.

Commissioner Scott made a motion regarding Petition 400-07-04, St. Varian Street closure and declaration of surplus property, stating that these findings indicate that the right-of-way fails to provide a benefit and the Planning Commission forwards a favorable recommendation to the City Council based upon the analysis of the staff report and subject to the following conditions:

- 1. Pursuant to Chapter 2.58 of the Salt Lake City Code, the petitioners should be required to make payment to the City of the fair market value of the subject property.**
- 2. The closure is subject to all existing rights-of-way and easements of all public utilities now located on and under or over the subject property.**
- 3. Subdivision approval to combine lots 4, 25, 26, and 27 of the Senior's Five Acre Plat into one lot shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.**

Commissioner Algarin seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

Petition 430-08-01 McDonald's Conditional Design Review for restaurant rebuild—a request by McDonald's Corporation for Conditional Design Review for the rebuilding of the McDonald's restaurant located at 1533 South State Street. The subject property is located in the Commercial Corridor (CC) district and the South State Street Corridor Overlay (SSSC) district. Conditional Design Review is required because:

- the proposed building location exceeds the maximum front setback of 25 feet from front property line in the South State Street Corridor Overlay
- the project proposes parking areas located in the front and corner side yards, which is normally not allowed
- the north facade of the proposed building does not consist of at least 40% glass

The property is located in City Council District Five, represented by Jill Remington Love.
(This item was heard at 7:38 p.m.)

Chair Wirthlin recognized Casey Stewart as staff representative.

Mr. Stewart noted that currently on this site there was an existing McDonald's building, which was built in the 1960s and McDonald's Corporation felt that it was time for a site makeover. He noted that the reason this petition was before the Commission was because some of the new proposals did not meet the requirements of the current zoning ordinance. He noted there were four areas that fell short of these requirements; the proposed building location, vehicle parking areas, associated landscaping required with a parking lot, and the proposed amount of first floor glass, which did not add up to the forty (40) percent required by the ordinance.

Mr. Stewart noted that this particular application had been to two Planning Commission subcommittee meetings, and throughout the staff report he had not completely agreed with the outcome of those meetings. He noted that the applicant determined that it would be more cost efficient to demolish the existing building and rebuild; however, the applicant was proposing to reuse essentially the same footprint, expanding it only slightly. There were currently fifty-one (51) parking stalls at the site, it did have a drive-through service, and would be setback approximately twenty-seven (27) feet from State Street. He noted that the South State Street Corridor Overlay District (SSSC) stated that there is a maximum setback of no more than twenty-five (25) feet for at least thirty-five (35) percent of the building façade, and the applicant did not meet this requirement.

Mr. Stewart noted that there were proposed parking stalls, which would encroach into the front setback along State Street, and the extreme northwest and southwest corners. He noted that the current proposed parking stalls would total thirty-four (34), which is a rather large reduction from the existing fifty-one (51) stalls that currently existed; the number of required parking stalls was twenty-four (24). The applicant was also proposing an outdoor dining area with approximately three (3) tables, which would require three (3) additional parking stalls for a total of twenty-seven (27).

Mr. Stewart noted that in regards to the first floor glass requirement, the current building had quite a bit of glass, that would be reduced significantly with the new building, approximately seven (7) percent on the Kensington Avenue façade for the drive-through windows and approximately eighteen (18) percent glass on the State Street façade; the requirement for both of those façades is forty (40) percent on each side.

He noted that it would be required to provide a landscape buffer between the parking lot and the abutting property line, which was satisfied on some of the property along State Street; however, along Kensington Avenue and the east boundary line which abuts the Salt Lake Community College the applicant had requested a width of only five feet. He noted that the college recommended removing the chain link fence and part of a stone wall to allow more of a free flow between the campuses, students and the restaurant, which the applicant had agreed to do.

Mr. Stewart noted that staff found that the Conditional Building and Site Design Review application by McDonald's Corporation did not satisfy all of the standards for approval due to the building not being oriented primarily to the street, the main entrance faces the south parking lot, and it should be opened to primary pedestrian and mass transit flow from State Street. He noted that on the north side of the building where the drive-through windows would be located, he agreed with the applicant that forty (40) percent glass should not be required on that façade; however, on the State Street façade, there was a possibility for some increased glass and to improve the possibility of pedestrian interest and interaction.

He noted that certain portions of the project could be approved tonight including: reducing the landscape buffer from seven (7) to five (5) feet along Kensington Avenue, reducing the parking setback from fifteen (15) feet to five (5) feet, allowing for the proposed glass amount on the drive-through, and not requiring the three (3) additional stalls for the outdoor dining.

Commissioner Scott inquired if there was any talk in the subcommittee of requiring the building to be rotated 90 degrees, and if there was any discussion on eliminating the drive aisle on the west side of the building.

Mr. Stewart noted there had not been any discussion of that; he noted that both meetings did focus on possible mitigations of the drive aisle and reviewing the reasoning by the applicant that the raised median down State Street prevented southbound traffic from turning into the site, and this traffic would instead have to turn onto Kensington Avenue and then into the site and the west drive aisle created the best flow of traffic.

Commissioner De Lay noted that this particular location was really unique because in a way it seemed to be part of the Salt Lake Community College campus, she noted that the ordinance did state that it should be pedestrian and mass transit oriented, but it seemed that the main entrance facing the college campus made sense, so pedestrians were not crossing through the idling drive-through traffic.

Mr. Stewart noted that sixty (60) percent of the customers at this location were using the drive-through and about forty (40) percent were walk-in customers.

Commissioner Forbis inquired if these issues of concern were discussed with the applicant prior to the subcommittee meetings.

Mr. Stewart stated the building rotation was not discussed with the applicant prior to writing the report, the glass and landscaping were discussed before and during the subcommittees and an agreement could not be reached.

Commissioner Algarin noted that the reason the applicant wanted to rebuild the building was because it would be more cost effective, and would there not be a pretty significant cost to rotate the building.

Mr. Stewart noted that they would use the same footprint, which would save some cost.

Commissioner Scott noted that the current building had a basement and the new one would not, so they were doing some pretty drastic changes anyway.

Chair Wirthlin invited the applicants to the table.

Farley Eskelson, Dominion Engineering; introduced Steve Jenkins, McDonald's Corporation. He noted that originally the intent was to remodel only forty-nine (49) percent of the building allowed by the ordinance. He noted that the building had been at that location for approximately 45 years and the applicant had looked at seventeen different models of this to try to make the most of the situation. He noted that there was an existing basement that would now be kept.

Mr. Eskelson noted that the drive aisle on the west side of the building was necessary for access from State Street onto Kensington Avenue. He noted that if the building were to be rotated all of the exiting drive-through traffic would need to access Kensington Avenue, which was a safety issue and the drive-through would run the length of the back of the building so all of the college students would have to cross through that traffic to get to the entrance. He noted that the existing footprint was extremely functional as it was, and the landscape would be increase almost 2, 000 square feet.

Commissioner McHugh noted that she read in the staff report that McDonald's did not like to have basements in their restraunts for employee safety reasons.

Mr. Jenkins noted that the owner/operator at this location requested that the basement be maintained for additional storage purposes.

Commissioner Scott noted that the applicant had mentioned a risk if patrons exited onto Kensington Avenue, but it did have a stoplight so it seemed more safe to exit there then onto State Street.

Mr. Eskelson noted that if all of the drive-through traffic dumped onto Kensington Avenue it would create unnecessary cross traffic concerns.

Commissioner Scott inquired about the reasoning for not rotating the building.

Mr. Eskelson noted that the new design structure for McDonald's had been trademarked and even if the front façade was rotated to face west, it still would not meet the forty (40) percent glass requirement, it would stay at only eighteen (18)

percent. He noted that after looking at seventeen versions of the new building placement, the original footprint still seemed to work the best.

Commissioner Scott inquired if the building had to be built in this new style.

Mr. Jenkins noted yes, this was how newly built McDonald's looked and the front of the building was trademarked so that even without signage a patron would know by looking at the appearance of the building it was a McDonald's. He noted that the awnings and proportion to glass had been included in this design.

Commissioner Scott inquired what the McDonald's Corporation did when they ran into ordinance incompatibilities throughout other cities in the United States.

Mr. Jenkins noted that McDonald's would not build in those cities, and with respect McDonald's was not a new application in the City or at this site and they wanted to stay here for longer, but could not continue with the existing building as it was because it was a blight on the brand.

Commissioner De Lay inquired if the new McDonald's trademarked look was built according to LEED standards.

Mr. Jenkins noted that they were looking at LEED elements including: building materials and landscaping elements.

Commissioner De Lay noted that the trash enclosure abutting the college campus was placed right where McDonald's was encouraging foot traffic from the college to walk, and inquired why the applicant could not put the trash on the northeast corner of the lot.

Mr. Eskelson noted that was the best location to be able to get a trash truck in and out.

Commissioner De Lay noted that there had to be a more inviting placement of the trash dumpsters; she noted that a truck could also access the area from State Street.

Vice Chair Woodhead noted that the applicant had gone through seventeen different plans and inquired how many of those were on the same footprint.

Mr. Jenkins noted that most of them were analyzed at using the same footprint.

Vice Chair Woodhead inquired how many plans the applicant looked at which did not use the existing footprint.

Mr. Eskelson noted that three of them were looked at that would use a new footprint and the problem was the configuration of the lot itself, one of those plans was restricted by zoning, and building placement on the south end of the lot did not allow for enough room to queue in the double drive-through.

Vice Chair Woodhead noted that this was a huge lot and it seemed that they had a great opportunity to do something really good; however, a situation had been created where there were inevitable problems, and where the McDonald's Corporation was requiring that the City bend it's rules.

Mr. Eskelson noted that patrons of McDonald's traveled around the building counter clockwise and if the building were moved 90 degrees and moved further down on the lot, it would remove the ingress and egress from the south driveway.

Chair Wirthlin opened up the public hearing portion of the petition, there was nobody present to comment, he then closed the public hearing.

Commissioner De Lay noted that she did not know the protocol for a petition that had gone through subcommittee, and the Commission received a recommendation based on staff opinion, it seemed that the applicant did not have the opportunity to respond to or come up with an alternative to the subcommittee's suggestions in enough time, she noted that there was also no alternative language or options for the Commission to make an alternative motion from staff's request.

Mr. Paterson noted that although Mr. Stewart authored the staff report it was a professional opinion that was also reviewed by the Planning Division management.

Commissioner Scott noted that when an applicant went through subcommittee there had to be some give and take and there were clear expectations in the ordinance regarding what the City was looking for, and the McDonald's Corporation understood from day one that their plan was in violation of that ordinance. She noted that she saw a certain amount of inflexibility by the McDonald's Corporation and the main issues were still there, especially the lack of glass and the problems with the drive isle.

Commissioner Forbis noted that all of the main issues were addressed in the first subcommittee, additional options were discussed in the second subcommittee and the participating Commissioners again tried to figure out a way to meet the forty (40) percent glass requirement. He noted that the subcommittee discussed putting the outdoor dining at the front of the building to close off the parking lot to create a more walkable, friendly environment, but with the amount of traffic in the area that would have caused only more problems. He noted that the applicant rethought it through and decided to move the outdoor dining to the south. He noted that the ingress and egress onto Kensington Avenue seemed to be the best option considering the size, configuration, and location of this lot.

Vice Chair Woodhead noted that she had a philosophical problem with the applicant, which was made real by the issue of the trademarked building, where an applicant could come to the City and say that they had a trademarked design accept it or they would not build here. She noted that the City had taken time to put into the ordinance standards they would like to see followed. She noted that there were negotiations when it came to building configurations and traffic issues that understandably needed to be looked at, but it seemed what the McDonald's Corporation was saying, was there were no negotiations on the design of the building.

Commissioner Forbis noted that there was also the argument that this had been an existing business at this location since 1964 and maybe there should be some accommodations due to that fact.

Vice Chair Woodhead noted that the McDonald's Corporation had stated that there were no negotiations on the trademark design, and if the Commissions allowed this, other applicants could come to the City and announce they had trademarked buildings and not respect City ordinances.

Commissioner Algarin noted that the Commission was at liberty to make those decisions on a case by case basis and this was a business that had been in the City for 45 years and was not in the core Downtown area, so it should be taken into consideration.

Vice Chair Woodhead noted that it could be taken into consideration, but she did not feel it was appropriate to look past the ordinances incompatibilities and roll over for a large corporation just because they had been in the City for a long time.

Commissioner Algarin noted that he felt the Commission should not make the issue an act of submission for a large corporation.

Vice Chair Woodhead noted that Mr. Jenkins stated that if cities would not bend to the trademarked McDonald's building they would simply not build there—and she had a problem with that.

Commissioner Algarin noted that the applicant had the right to build or not build, and the Commission had the right to make a decision based on the facts.

Vice Chair Woodhead noted that the City adopted ordinances for a reason and that should always be the minimum standard the Commission started with.

Commissioner De Lay noted that for land use planning, she agreed with Commissioner Forbis that the McDonald's Corporation had been an existing use for forty plus years and the use was not changing, the ingress and egress was actually being improved. She stated that she felt that the Commission was doing their job with the existing limitations without making the applicant change everything.

Vice Chair Woodhead noted that there had been some negotiation on the configuration of where the building sat; however, the current building now was actually closer to City standards than what it will be when it is rebuilt.

Commissioner De Lay noted that there were a lot of aspects the Commissioners agreed on, but could there be a compromise with the applicant to say this was okay as long as they agreed to put in more glass.

Vice Chair Woodhead noted that would be an agreeable negotiation.

Mr. Jenkins noted that what had been trademarked was the proportion of the arcade to the window and the depth and orientation of that arcade with the rooftop elements; this and the awnings were non-negotiable. He noted that with other municipalities McDonald's Corporation had worked with the texture of the arcade element, the color scheme, etc. He noted that McDonald's was willing to work with the City to obtain the look of the building they wanted, but still maintain the branded look of McDonald's.

Commissioner De Lay inquired if the applicant would be willing to make the façades of the building look more like the abutting college.

Mr. Jenkins noted they could look into that.

Commissioner Muir noted that he did not know if the Commission had any guidance in the master plan regarding this, he noted that he appreciated the fact that this was a long standing business, but the ordinance basically stated if there were noncomplying conditions the applicant could remodel up to forty-nine (49) percent of the existing building, which seemed straightforward. He noted that the applicant was presenting something so outside of the City ordinance that he felt that he could not support it.

Mr. Jenkins noted that the point of this application was to update the building, but the building was so old that it did not meet the seismic requirements in the current City ordinance anyway.

Chair Wirthlin called for a motion.

Commissioner Forbis made a motion to table Petition 430-08-01, McDonald's Design Review for Rebuild.

Vice Chair Woodhead seconded the motion.

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

Mr. Paterson stated that it would be helpful for staff to have direction from the Commission on how to direct the applicant before they come back before the Commission.

Commissioner De Lay noted the forty (40) percent glass seemed to be the Commissioners biggest issue, the placement of trash receptacles, and the walkability for the students coming over from the college. She also noted she was concerned the landscaping did not use a lot of native plants.

Commissioner Muir noted that the biggest issue for him was does the Commission make an exception for the McDonald's Corporation, but not for a small local business. He noted that the City Council had the wisdom to enact the South State Street Overlay (SSSC) with an idea in mind of what they wanted to see, so there was an obligation to enact that as closely as possible.

Mr. Paterson noted that the ordinance did allow, through the Conditional Building and Site Design Review, for the Commission to consider some alterations to the design standards in the CC zone and in the SSSC overlay, based on certain standards in Chapter 59, which was used to analyze this project.

Vice Chair Woodhead inquired if the applicant wanted concrete direction from the Commission, or if they wanted to relook at the project, make some changes, and bring it back to the Commission.

Mr. Jenkins stated he would like to have time to reanalyze ways to increase the percentage of glass by altering the building frontage.

Chair Wirthlin inquired of the Commission if they felt this should go back to a subcommittee or if the applicant could rework the design and bring it back for a final discussion and a motion.

Commissioner De Lay noted that the applicant should go back to staff for additional input and if another subcommittee was necessary then they should be granted that.

Mr. Nielson noted that the Commission did have the opportunity to deviate from the standards if the basic design criteria of the zoning district had been met.

Chair Wirthlin inquired if staff had felt enough direction had been given.

Mr. Stewart noted that the glass requirement applied to both Kensington Avenue and State Street, and inquired if the Commission wanted to only focus on the State Street frontage.

Commissioner Scott noted she was still not convinced that the building could not be rotated 90 degrees.

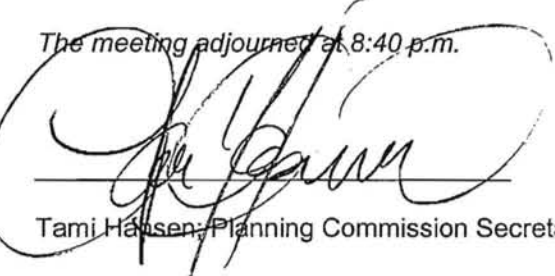
Mr. Jenkins noted that the seventeen different options could be brought in for the Commission to review.

Commissioner McHugh inquired why glass could not be increased on the Kensington Avenue side of the building.

Mr. Jenkins noted that would create a lot of windows into the kitchen and patrons would only be looking at fryers, which was why there was no proposed glass in that area.

Chair Wirthlin noted there were no additional comments.

The meeting adjourned at 8:40 p.m.



Tami Hansen, Planning Commission Secretary

Exhibit 5
Original Petition



Street Closure

OFFICE USE ONLY	
Petition No.	400-07-04
Receipt No.	062005530 Amount: 300
Date Received:	3-27-07
Reviewed By:	ST
Project Planner:	

Date

3/19/07

Name of Applicant Ivan Radman

Phone 801-972-3244

Address of Applicant 925 South 4400 West, Salt Lake City, UT 84104

E-mail Address of Applicant Charlene.Child@wfeengineering.com

Cell/Fax 801-972-0921-fax

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

Ivan Radman
Title of Agent

Rec'd
4/13/07
JL

SALT LAKE CITY PLANNING

Petition to Close a Street

Petitioner: _____

Address: _____

Date: _____

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

Print Name and Address	Signature	Date
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THE STREET CLOSURE PROCESS

WHAT IS A STREET CLOSURE

A street is a public right-of-way intended primarily for vehicular traffic but may also serve, for all or part of its width, for use by pedestrians. Generally these rights-of-way include public improvements such as street paving, curb, gutter, and sidewalk. However, in some cases the street may only be partially improved or entirely unimproved. A street closure occurs when it is determined that the public no longer has any use for the property as a street and the City abandons its interest in the right-of-way. This typically occurs as the result of a petition from a property owner abutting the street who may then purchase the property at its fair market value. In some cases, only a portion of the street is closed, resulting in the street being narrowed.

PROCESS

Prior to filing a street closure application, the applicant should meet with City staff to discuss their plan. In this meeting, staff can determine if the application can be supported, and clarify any questions regarding the submittal requirements. An engineer or surveyor must prepare a legal description of the portion of the street to be closed as a part of the application. After the application and other materials have been completed and filed, a petition number will be assigned for processing.

The project planner will send the petition materials to other pertinent City departments for their review. Each department will prepare a written report of its findings and recommendations. The project planner will compile these with other findings and evaluate the conformity of the petition with the provisions of applicable master plans, the Zoning Ordinance, and all other objectives and regulations of the City.

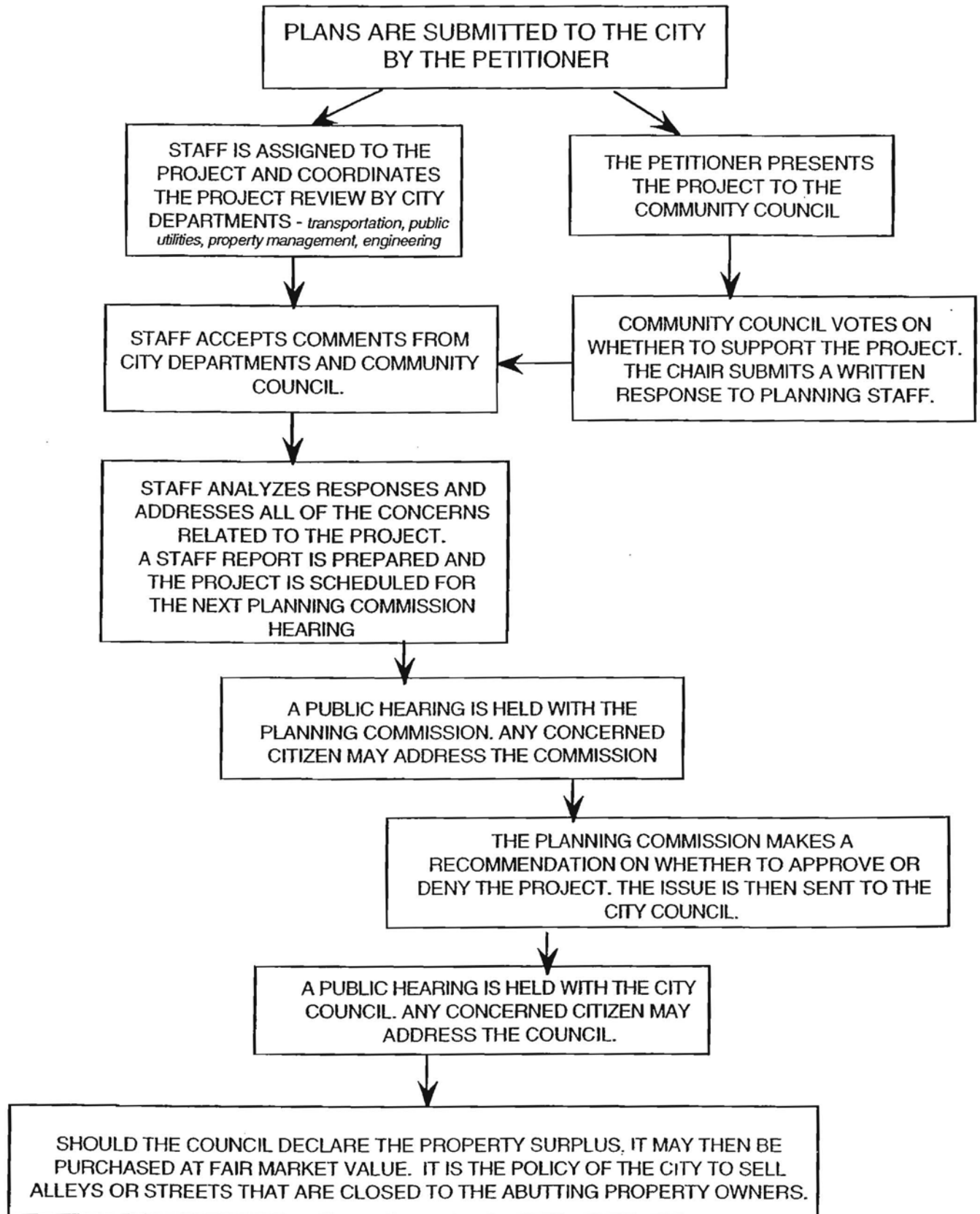
The Planning Commission will then schedule a public hearing to receive input on the petition. The project planner will present the street closure proposal, and identify issues raised during the review. The applicant and other interested persons will have an opportunity to address the Planning Commission and present any additional information and/or concerns they may have. The Planning Commission will then forward a recommendation on the petition to the City Council.

The petition will be forwarded to the City Council for its consideration. The City Council staff will schedule a briefing and a public hearing concerning the request. At the hearing, the project planner may present the proposal, describing any issues or conditions identified during the review or at the Planning Commission hearing. The applicant may be asked to comment and any other interested person may also speak regarding the proposed street closure.

The City Council may either approve or deny the proposed street closure, based on the findings of fact in the staff analysis and subject to compliance with departmental requirements. If approved, the Council may also declare the street to be surplus property, clearing the way for the property to be sold, according to the City's Disposition of Surplus Property Ordinance. This policy requires that all public property, if determined to be surplus, be sold for fair market value. An appraisal may be required to establish this value.

For additional information on street closures, please contact the Salt Lake City Planning Division at (801) 535-7757.

STREET CLOSURE PROCESS • SALT LAKE CITY PLANNING



REMARKS

Subdivision Amendment Application also submitted.

See Petition 490-07-19

Petition No. 400-07-04

By Ivan Radman

Street Closure

Date Filed 03/27/2007

Address Adjacent 925 South 4400 West

April 30, 2007

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

Re: Signatures of Property Owners for Closure of St. Varian Street

To Whom It May Concern:

I have contacted the following property owners of the surrounding properties of St. Varian Street: Thomas B. Horne and Gloria Rothwell's husband.

Thomas B. Horne would like to investigate further about the street closure and how it will affect his property. He therefore would not sign the Petition. If he wants to have access to his property through this street, he will have to develop it himself. I spoke to Gloria Rothwell's husband and he said it is better for him if he doesn't have to develop the street. He would not sign the Petition either. As the principle agent of Namdar, I have no use for the street and have no intention of ever developing the street.

I would appreciate your consideration of this matter.

Best regards,

A handwritten signature in black ink, appearing to read 'Ivan Radman', with a stylized, cursive script.

Ivan Radman
925 South 4400 West
Salt Lake City, Utah 84120
Telephone: 801-972-3244

FLANDERS REALTY CORP
Address: P O BOX 7568
Suite N/A
ST PETERSBURG FL 33734 7568

NAMDAR, LC
Address: 925 S 4400 W
Suite N/A
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