Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Sara Javoronok, 801-535-7625 or sara.javoronok@slcgov.com

Date: February 12, 2020

Re: PLNPCM2019-00824 Street Vacation Near 800 North and Warm Springs Road

Street Vacation

PROPERTY ADDRESS: Near 800 North and Warm Springs Road
MASTER PLAN: Capitol Hill Master Plan
ZONING DISTRICT: M-1

REQUEST: This is a request by Mark Greenwood of Granite Construction to vacate a section of the 800 North right-of-way that is adjacent to a former overpass from 800 West over I-15 to Warm Springs Road. The overpass was closed and removed with the reconstruction of I-15 in the mid-2000s. A portion of the roadway on the west side of I-15 has already been vacated and redeveloped. The approximate area of the street vacation is 1.3 acres. The applicant owns the property to the north and proposes that the vacated area will be split between the owners to the north and south.

RECOMMENDATION: Based on the information in this staff report, Planning staff recommends that the Planning Commission forward a positive recommendation to City Council for the request to vacate this section of 800 North right-of-way from I-15 to Warm Springs Road subject to the following condition:

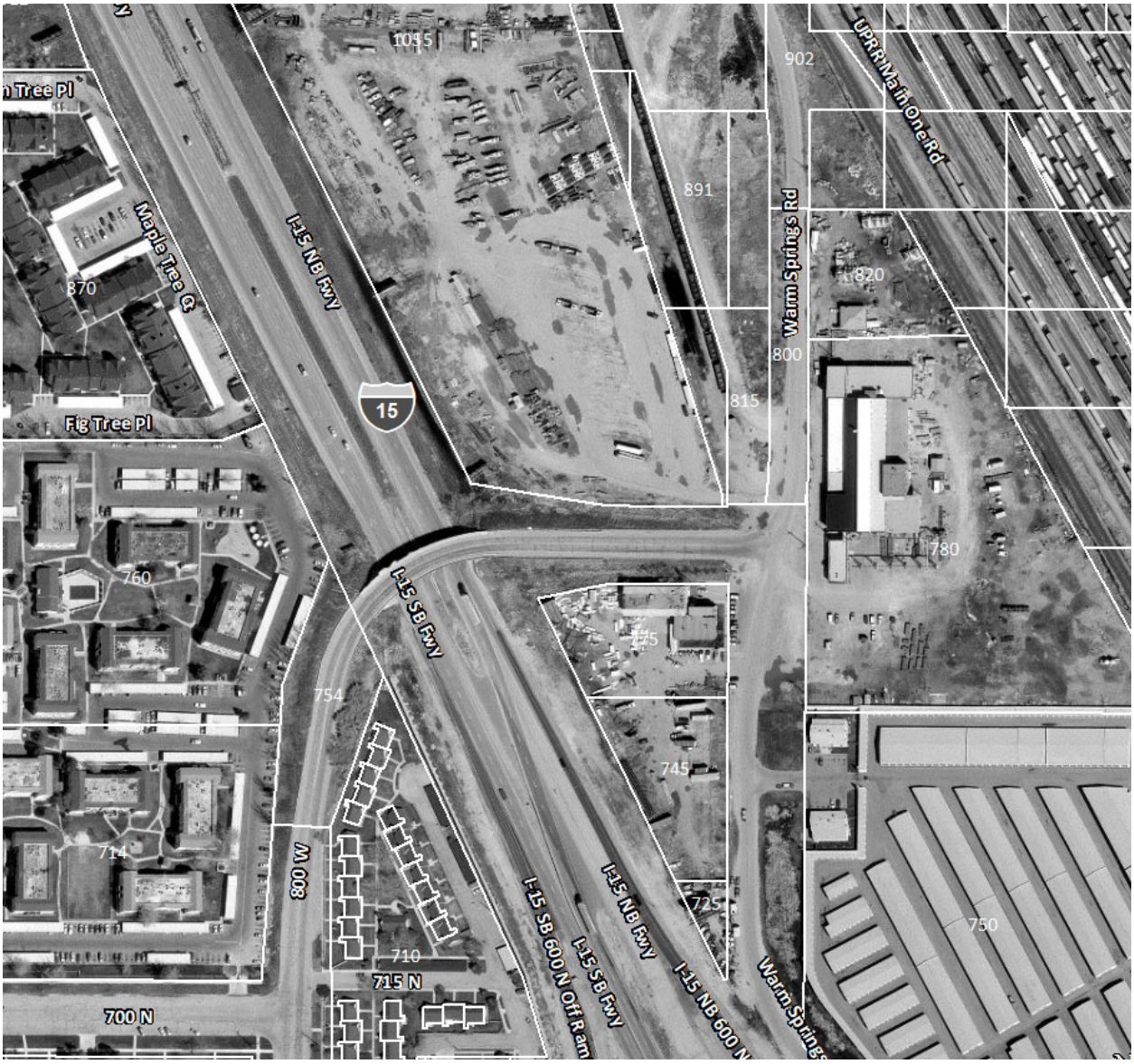
1. The city shall record a public utility easement in the vacated area at the time of disposition.

ATTACHMENTS:

BACKGROUND

Prior to the reconstruction of I-15 in the mid-2000s, there was an overpass for 800 West over I-15 to Warm Springs Road (see photo on the next page). This was closed by 2006 and the overpass was removed by 2010. The right-of-way on the west side was vacated through petitions in 2016

(PLNPCM2015-00462) and 2017 (PLNPCM2016-01008). Following this, the Rose Park Neighborhood Center was constructed in 2017 at the terminus of 800 W. The right-of-way on the east side has remained unoccupied since the removal of the overpass. City staff has determined that the city right-of-way is limited to the approximately 132 feet of right-of-way that would have been part of 800 North. The flares or fins that appear in the images below extend to the north and south are UDOT property or right-of-way.



1999 aerial photo showing the former overpass with the current parcel overlay

Recent aerial photo showing the approximate location of street vacation.

PROJECT DESCRIPTION:
The proposed street vacation is for a section of the 800 North right-of-way that was adjacent to a former overpass over I-15 extending from 800 West over I-15 to Warm Springs Road. The proposed street vacation is approximately 1.3 acres in size and measures approximately 132 feet wide and 475 feet long on the north and 340 feet on the south. The subject right-of-way is no longer used as a roadway and is generally unoccupied.

The applicant, Granite Construction, owns approximately 19 acres of property to the north of the subject right-of-way. LJRGFCO, LLC owns approximately 1.2 acres to the south and the offices for Pathway Directional Boring are located on the property. The applicant anticipates using the area for storage and is not intending to build structures on the property.

While the vacated land would not be publicly owned, Public Utilities has indicated an interest in recording a public utility easement over the right-of-way at the time of disposition. The applicant is amenable to this condition.

KEY CONSIDERATIONS:
Important considerations listed below have been identified through the analysis of the project.

1. **Utah State Code:** Section 10-9a-609.5 of the Utah Code Annotated establishes the power for cities to vacate streets upon the request of the governing body or a property owner. The City Council must determine that good cause exists for the vacation, and neither the public

interest nor any person will be materially injured by the vacation. Since the overpass was removed, the right-of-way is no longer used as a roadway and has been generally unoccupied. Staff finds that a transfer to private ownership would not be detrimental to public interest, particularly since it would result in the applicant compensating the City for the property at the market rate.

2. **City Master Plans:** The *Capitol Hill Master Plan* was last amended in 2001 and includes a paragraph on the I-15 Reconstruction. It states that Phase II, which includes the subject area, is in the process of scoping alternatives. Thus, it does not contemplate or discuss the removal of the overpass. It also does not specifically discuss the overpass.

   The Industrial Land Use section includes a policy to discourage the expansion of industrial land uses within the neighborhood and encourages their relocation to areas north of 900 North or other areas of the city. While the proposal would be a small expansion of industrially zoned land in the city, there is existing industrial zoned land to the north, south, and east, and I-15 is located to the west.

   The *Salt Lake City Urban Design Element* (1990) includes a section titled Streets and Elements of Open Space, with a Policy Concept that states, "Decline to vacate streets, alleys, and other public rights-of-way unless it is demonstrated that the vacation will result in a public benefit." There is a potential public benefit to allow for the expansion of a business onto property that is currently vacant, and without the street closure, would continue to remain vacant. The property isn't needed for a public purpose, and the City would benefit financially from the sale of the land—proceeds would be placed in the General Fund.

   Plan Salt Lake (2015) includes a guiding principle to have "A balanced economy that produces quality jobs and fosters an environment for commerce, local business, and industry to thrive. This includes an initiative to "Support the growth of the industrial areas of the City," which is consistent with this proposal.

3. **City Ownership and Use:** Staff has determined that the city ownership of the right-of-way is limited to the approximately 132 feet wide right-of-way dedicated for 800 North as part of Plat C of the Big Field Survey. The flares or fins are owned by UDOT, and UDOT would have the option to purchase the right-of-way adjacent to these portions. Staff has notified UDOT of the proposal and has not received any comments. The applicant has indicated that they have heard from UDOT and they have indicated that they are willing to sell the property and do not have interest in purchasing the portion that would be vacated. The Transportation Division has indicated that they have no interest in using the right-of-way.

   Planning staff requested review of the proposed vacation from city departments and Public Utilities has stated that the right-of-way should not be vacated expressing desire to retain the area for future utilities. Public Utilities has not stated how the area would be used and has provided language for a public utility easement that would preserve the ability to use the right-of-way for this purpose. Staff believes that the required easement should be sufficient for any future utility needs in the area. The applicant is amenable to a public utility easement.

DISCUSSION:
The proposal has been reviewed according to Utah State Code, the City Council policies regarding street closures (Attachment D), and applicable city master plans, and staff finds that there are citywide initiatives and policies that will be furthered with the adoption of the street vacation. Further, the City will benefit financially from the sale of the property to the applicant.

NEXT STEPS:
With a recommendation of approval or denial of the street vacation from the Planning Commission, the proposal will be sent to the City Council for a final decision.

ATTACHMENT A: VICINITY MAP

Vicinity Map

Salt Lake City Planning Division, 9/13/2019

ATTACHMENT B: PROPERTY PHOTOGRAPHS

Existing Conditions – facing west towards the location of former overpass

Standing in the right-of-way and facing north

Standing in the right-of-way and facing southeast


Facing north – existing Granite Construction storage yard

Standing in the western area of the right-of-way and facing east

Standing in the western area of the right-of-way and facing west towards I-15

Granite Construction offices located to the north of the subject area

ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION

Street Closure

SALT LAKE CITY PLANNING

OFFICE USE ONLY		
Received By:	Date Received:	Project #:
PLNPCM2019-00824	8/29/19	Anglin

Project Name: Warm Springs 800N

PLEASE PROVIDE THE FOLLOWING INFORMATION

Name/Location of the Street:
~800 North & Warm Springs Dr. Old 800 West I-15 overpass

Name of Applicant:	Phone:
Granite Construction Co.	801-526-6051

Address of Applicant:
1000 N. Warm Springs Dr.

E-mail of Applicant:	Cell/Fax:
[redacted]	[redacted]

Applicant's Interest in Subject Property:

☒ Owner ☐ Contractor ☐ Architect ☐ Other:

Name of Property Owner abutting the street (if different from applicant):

E-mail of Property Owner:	Phone:

- **Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

- Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address:	Planning Counter PO Box 145471 Salt Lake City, UT 84114	*In Person:*	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700

REQUIRED FEE

- Filing fee of **$388**
- Plus additional fee for required public

SIGNATURE

- If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
	8-29-19

Updated 7/1/19

SUBMITTAL REQUIREMENTS

Staff Review

Please include with the application: (please attach additional sheet)

1. A letter explaining why you are requesting this Street Closure.
2. A Sidwell map showing the area of the proposed Street Closure. On the map please:
   a. Highlight the area of the proposed Street Closure.
   b. Indicate the property owners abutting the proposed Street Closure.
   c. Submit one paper copy and a digital (PDF) copy of the map.

(included in letter)

3. A written description with the width and length measurements of the proposed Street Closure.
   - A final legal description prepared by a licensed engineer will be required later.
4. The name, address and signatures of all abutting property owners who support the petition.
   - You may use the form attached to this application or provide your own form with signatures.
   - Signatures should be from the property owners and not from the property renters.

Please be aware that once the City closes the street it will then sell the property at fair market value to the abutting property owners.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

MT I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

PETITION TO CLOSE A STREET

Name of Applicant: Granite Construction Co.

Address of Applicant: 1000 N. Warm Springs Dr. SLC, UT 84116

Date: 8-14-19

As an owner of property adjacent to the street, I agree to the proposed street closure. I also understand that I have the option to purchase the portion of the street adjacent to my property at fair market value.

Print Name	Address	Signature	Date
① Union Pacific Railroad Company (Rio Grande Land Co.), 1400 Douglas St., Omaha, NE 68179		Rick Harris, Manager-Real Estate	August 28, 2019
② LJ2GF CO LLC	775 N. Warm Springs Rd. SLC. UTAH 84116	Manager	8-28-19

Updated 7/1/19

August 29, 2019

Salt Lake City Planning
451 South State Street, Room 215
Salt Lake City, UT 84114

Re: Street Closure Application – Near Warm Springs Drive and 800 North.

To Whom It May Concern,

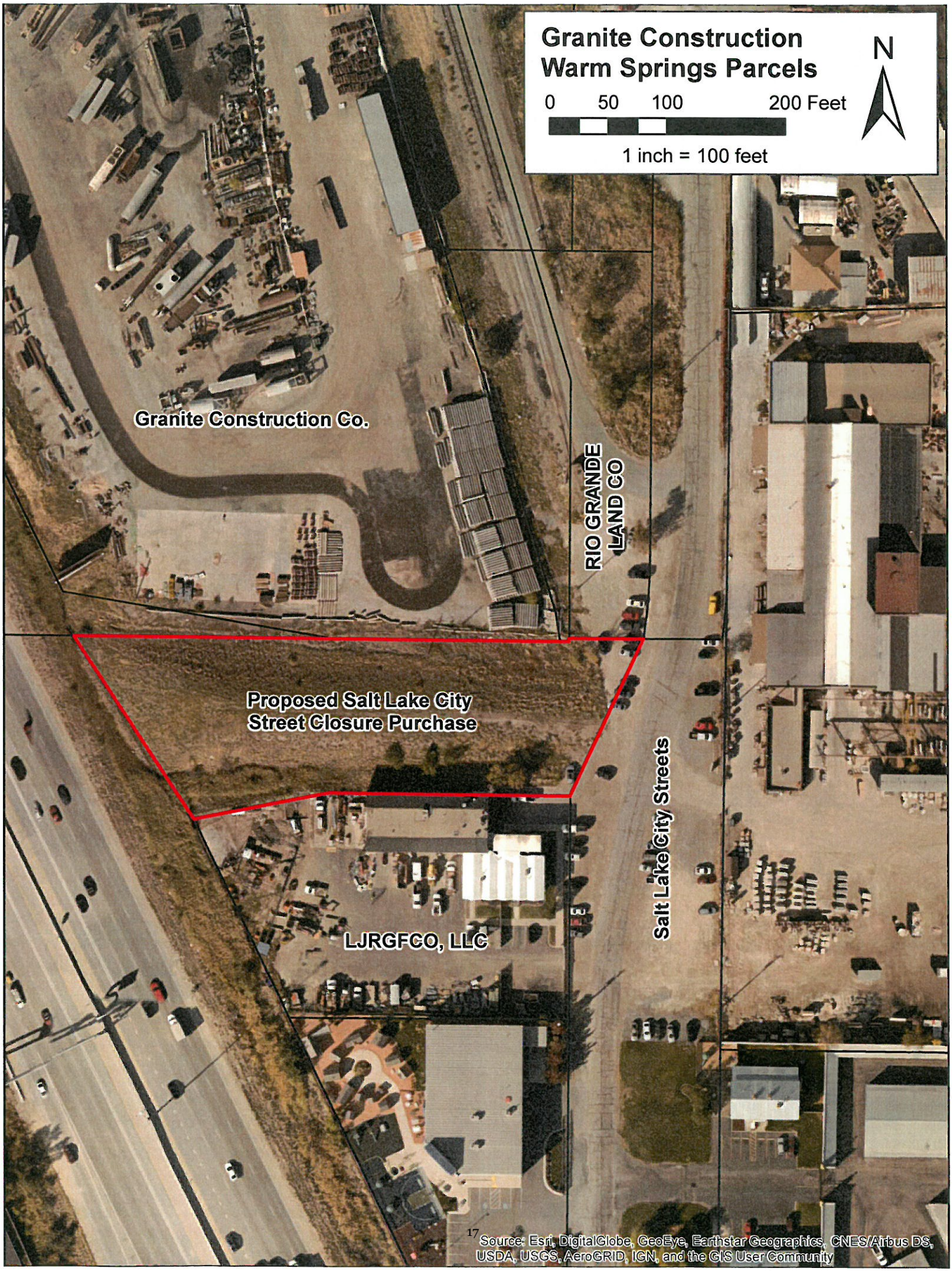
Granite Construction Company (Granite) is proposing to close a section of street owned by Salt Lake City. The street is located along Warm Springs drive and approximately 800 north. The street is a former over pass that crossed over I-15 and connected Warm Springs Drive and 800 West. The over pass has been removed and the property is currently vacant. The proposed closure is illustrated I nthe attached Sidwell Map. The approximate dimensions of the street closure is 140 feet wide by 450 feet long.

Granite has contacted all immediately adjacent property owners including Union Pacific Railroad Company (UP) and LJRGFCO LLC. UP has no interest in purchasing the property and LJRGFCO LLC is interested in purchasing half of the proposed closure in conjunction with Granite. Both property owners have signed the street closure petition (attached). Granite has worked with Shellie Finan at Salt Lake City, to determine the correct path forward to purchase the property. Granite's correspondence with Ms. Finan is included with this application.

The attached documents include the Salt Lake City Street Closure form, Sidwell map, signed petition, and correspondence with Ms. Finan at Salt Lake City. Thank you for taking the time to review this information. Please feel free to contact Mark Greenwood at 801-707-8547 with any questions that you might have.

Regards,

Mark Greenwood, PE
Region Environmental Manager
Granite Construction
1000 North Warm Springs Rd
Salt Lake City, UT 84116
P: (801) 526-6051
C: (801) 707-8547
E: mark.greenwood@gcinc.com


Granite Construction
Warm Springs Parcels
0 50 100 200 Feet
1 inch = 100 feet
N
Granite Construction Co.
RIO GRANDE LAND CO
Proposed Salt Lake City Street Closure Purchase
Salt Lake City Streets
LJRGFCO, LLC
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Greenwood, Mark

From: Klaumann, Jason
Sent: Tuesday, August 13, 2019 9:28 AM
To: Greenwood, Mark
Subject: FW: City Property on Warm Springs RD

FYI

From: Finan, Shellie <Shellie.Finan@slcgov.com>
Sent: Monday, August 12, 2019 1:52 PM
To: Klaumann, Jason <[redacted]>
Subject: RE: City Property on Warm Springs RD

Hi Jason,

I reached out to the department heads concerning property of interest and have received no objections. The only comment made by Public Utilities was 700 West needs to remain a right of way since there is a main waterline underground. I don't think the portion you are interested in interferes with 700 West.

Like we discussed, the next step is to reach out to Planning to begin the street closure application process. If approved by Planning and City Council, the next step will be to work with Real Estate Services to begin the disposition of surplus land process and purchase agreement which the purchase price will be based on the current market value of the property.

Please let me know if you have any other questions.

Shellie Finan, RWA, CNE
Real Property Manager

DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6447
CELL 385-321-7143

www.SLCGOV.COM/HAND

From: Klaumann, Jason [redacted]
Sent: Tuesday, August 06, 2019 1:08 PM
To: Finan, Shellie <Shellie.Finan@slcgov.com>
Subject: City Property on Warm Springs RD

Shellie,

I was thinking one thing and typed another, below should be 800 N street not 900 W. Current bridge goes over I-15 on 900 W.

Jason

From: Klaumann, Jason
Sent: Tuesday, August 6, 2019 11:41 AM
To: Finan, Shellie <Shellie.Finan@slcgov.com>
Subject: RE: City Property on Warm Springs RD

Shellie,

It is the old 900 west street that went over I-15 and was abandoned. The city entered into 99 year lease with the piece of property that was on the west side of I-15 where the 900 west bridge landed and this is the east side property. Not sure if that helps but maybe.

Jason

From: Finan, Shellie <Shellie.Finan@slcgov.com>
Sent: Tuesday, August 6, 2019 11:17 AM
To: Klaumann, Jason <[redacted]
Subject: RE: City Property on Warm Springs RD

Hi Jason!

I just wanted to let you know I haven't forgotten about your email request. I'm verifying if the City does indeed own the property since there's no parcel # assigned to the portion you're interested in. It looks like it could be right-of-way but not sure if it's considered a street. I'll get back to you as soon as I have more information and we can discuss further.

Thanks,

Shellie Finan, RWA, CNE
Real Property Manager

DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS
SALT LAKE CITY CORPORATION

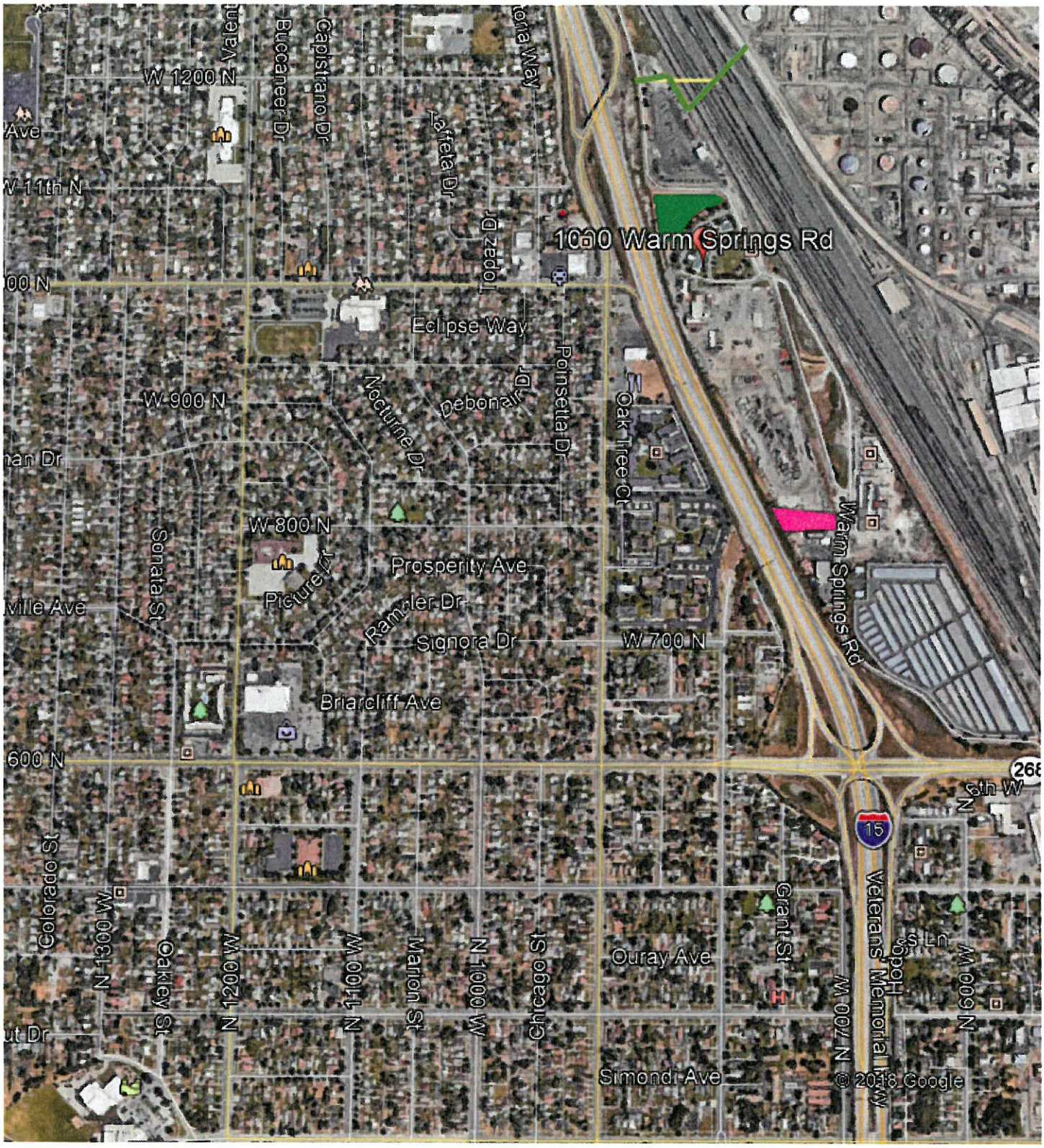
TEL 801-535-6447
CELL 385-321-7143

www.SLCGOV.COM/HAND

From: Klaumann, Jason [redacted]
Sent: Monday, August 05, 2019 5:52 PM
To: Finan, Shellie <Shellie.Finan@slcgov.com>
Subject: City Property on Warm Springs RD

Shellie,

Would you have a time to sit down with me and look at a city owned property that borders our current property on Warm Springs Road. I am wondering if there is a idea on this piece of property that could benefit both of us. The property I am talking about is shown in pink in the attached map. At your convenience let me know when you would have 30 min to discuss.



Thank you in advance,

Jason

Jason Klaumann

Vice President- Utah Region Manager

1000 Warm Springs Road
Salt Lake City, UT 84116
Cell 801-831-6093

jason.klaumann@gcinc.com
www.graniteconstruction.com

From: Greenwood, Mark
To: Javoronok, Sara
Subject: RE: (EXTERNAL) Re: Street Closure Application
Date: Wednesday, February 5, 2020 3:30:03 PM

Sara,

We have finally heard back from UDOT about the small triangle property that partially separates us from the SLC street closure section we are proposing at 800 N and Warm Springs Dr. UDOT is planning to sell us the property and they do not have interest in purchasing any portion of the street closure section. We will pass this information along to the horizontal drilling company that owns the property on the south side of the closure so they can also purchase the similar UDOT section of property on their side of the closure. Do you need me to get UDOT to sign the surrounding parcel owners document? See you next Wednesday for the planning commission meeting.

Thanks,
Mark

Mark Greenwood, PE
Utah Region Env Manager
1000 N Warm Springs Rd
Salt Lake City, Utah 84116
Direct 801-526-6051
Cell 801-707-8547

GRANITE™

From: Greenwood, Mark
Sent: Tuesday, January 21, 2020 3:26 PM
To: Javoronok, Sara <Sara.Javoronok@slcgov.com>
Cc: Klaumann, Jason [redacted]
Subject: Re: (EXTERNAL) Re: Street Closure Application

Yes, February 12 still works and I am planning on being there. No word from UDOT. They are a hard nut to crack. We will keep probing.

Thanks,
Mark

Sent from my iPhone

On Jan 21, 2020, at 2:29 PM, Javoronok, Sara <Sara.Javoronok@slcgov.com> wrote:

ATTACHMENT D: ANALYSIS AND FINDINGS

In 1999, the City Council adopted a street closure policy that includes the following provisions:

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 portion of right-of-way that the applicant has requested the City vacate currently terminates at I-15 and no longer provides access to other roadways or properties.

Finding: The proposed vacation would not deny vehicular or pedestrian access to any adjacent properties.

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

Analysis: If approved by the City Council, the approximately 1.3 acres of right-of-way would be sold at a fair market value to the applicant or other adjacent property owners.

Finding: The City would give up ownership of this property and obtain fair market value for the sale of the property to the applicant or other adjacent property owners.

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: As outlined in the 'Key Considerations' section above, the reconstruction of I-15 was in the planning stages when the *Capitol Hill Master Plan (2001)* was most recently amended and does not include any specific direction on the use or disposition of the former right-of-way. Staff finds that the request, supplemented with a public utility easement, is consistent with public policies.

The *Salt Lake City Urban Design Element (1990)* indicates that the City should decline to vacate right-of-ways unless it will result in a public benefit. There is a public benefit to the closure since the business owner would be able to expand into the currently vacant land. Additionally, the City would benefit financially from the sale of the property to applicant.

Plan Salt Lake supports the proposed vacation. This includes the Economy related guiding principle to have a balanced economy as well as an initiative to support the growth of industrial areas of the city.

Finding: The proposed right-of-way vacation is supported by *Plan Salt Lake,* does not conflict with the *Capitol Hill Master Plan,* and, per the *Salt Lake City Urban Design Element* it provides a public benefit. The property is not needed for a public purpose and the city would benefit from the sale of the land the proceeds from which would go into the General Fund.

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

Analysis: As an alternative to the proposal, the City and applicant could enter into a long term lease agreement for the existing right-of-way. All maintenance of the subject property would be by the lessee (the applicant) subject to required permits for any work. In exchange

for exclusive use of the subject property, the lessee (the applicants) would be required to pay annual rent based on fair market value.

Finding: There are two alternatives to the requested vacation: 1) is that the City maintains ownership of the approximately 1.3 acres of public right-of-way and requests that the applicant enter into a long term lease agreement, and 2) is that the right-of-way is retained by the city, and likely remains vacant and unused. The city would be responsible for maintaining the parcel in perpetuity. As for the first option, real estate staff has indicated that long term leases have greater administrative costs. A specific use by the city for this right-of-way has not been identified. Public utilities may be located in an easement that would be recorded at the time of disposition. Since the overpass was removed and the right-of-way terminates at I-15, it is unlikely that it will be needed for a public purpose.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

Public Notice & Comments

- September 24, 2019 – Notice of the project was provided to the Capitol Hill and Rose Park Community Council Chairs. No response was received.
    - On this date, letters were also mailed to property owners and residents within a 300 foot radius of the site. Staff did not receive comments from nearby owners or residents.
- October 17, 2019 – An open house was held to solicit comments on the project was held. Three employees of Lifetime, which is located to the south of the right-of-way, attended with general questions.
- January 31, 2020 – Public hearing notices mailed for the Planning Commission meeting / Notice also posted on City & State web sites and emailed to Planning Division list serve.
- January 31, 2020 – Public hearing notice sign posted at subject property.

At the time that this report was published, no other public comments had been received. If any are submitted after this date, they will be forwarded to the Commission and included in the public record.

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Planning Notes (Sara Javoronok, Senior Planner, 801-535-7625, sara.javoronok@slcgov.com)

- It is city practice to divide the right-of-way in half if the property owners are interested.
- The right-of-way is not a community asset or surplus property.
- I have requested clarification on the Public Utilities comment below, but have not received additional information.
- The city may consider recording a public utility easement in the right-of-way, this could be a condition of approval and would likely be recorded at the time of disposition.
- UDOT owns the approximate areas shown below in yellow, contact the individuals in their surplus property team for information. As owners of these portions, they would have the option to purchase the right-of-way. Surplus Property Team: Deryl Davis – [redacted] or Michael Timothy – [redacted]

Public Utilities (Karryn Greenleaf, Utilities Manager, 801-483-6769, karryn.greenleaf@slcgov.com)
Here are my concerns, on a consistent basis we and other utility companies are looking to cross I-15 or other large roadways with utilities that serve the public. I would respectfully ask that we not be hasty in vacating our rights in any roadway or property that could have future utility access uses, there has been some indication that this roadway along with the roadway on the opposite side could have been reserved as a utility corridor. Just because we do not have a utility currently located in an existing roadway does not mean that we should be vacating the property and thereby causing additional costs to City projects down the road. Closing the street to use and leasing it to an adjacent property owner is not as much as a concern as along as there are no permanent structures or items that require special approval to be removed and conditions can be applied to the lease to protect the City's interest.

I would ask that we not vacate this street as part of the street closure.

Building Services
Building Services finds no zoning related issues associated with this request.

Engineering (Matt Cassel, City Engineer, 801-535-6140, matthew.cassel@slcgov.com)

• There appears to be a power line across the property,
• There is a drainage ditch that crosses the property,
• I would suggest doing some borings on the property to verify what materials were used for the ramp.
• In Shellie's email she talks about starting the disposition of surplus property with the purchase property to be based on current market value of the property. Per State Code, this is a vacation of a community asset and is not surplus property. State code already dictates that the ROW, if vacated, shall be divided down the middle with ownership to each adjacent property owner.
• I am a big believer that any ROW vacated should create a community benefit. If we just sell this land for market price, we are not protecting these community assets.

Fire
Building Services finds no Fire Code related issues associated with this proposal.

Transportation
Transportation has no interest in using this piece of property.