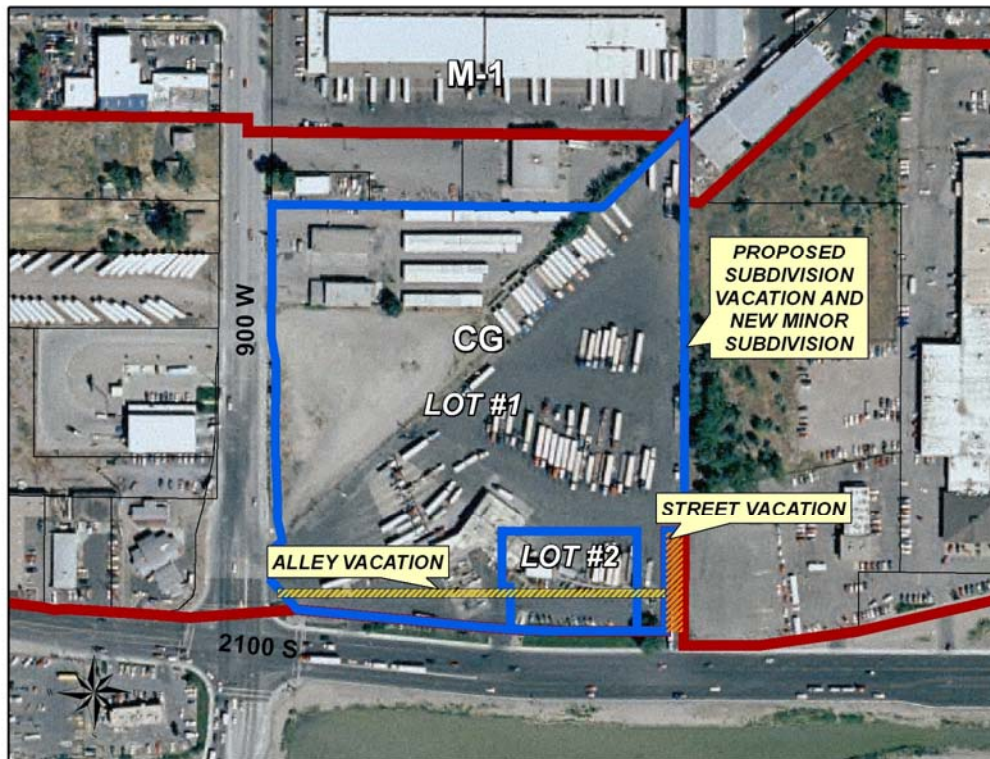


DATE: April 12, 2006

TO: Salt Lake City Planning Commission

FROM: Ray McCandless, Principal Planner at 535-7282 or
ray.mccandless@ci.sl.ut.us

RE: A REQUEST BY MIKE MILLER, REPRESENTING FLYING J INC., THAT SALT LAKE CITY CLOSE AND DECLARE AS SURPLUS PROPERTY A PORTION OF 800 WEST STREET AT APPROXIMATELY 2100 SOUTH STREET (PETITION NO. 400-05-46), VACATE AN ALLEY ON THE NORTH SIDE OF THE KLENKE'S ADDITION SUBDIVISION (PETITION NO. 400-05-47), VACATE A PORTION OF THE KLENKE'S ADDITION SUBDIVISION AND RIVERSIDE SUBDIVISION (PETITION NO. 490-06-15) AND, PRELIMINARY SUBDIVISION APPROVAL OF A 2- LOT MINOR SUBDIVISION (PETITION NO. 490-06-16) LOCATED AT APPROXIMATELY 850 WEST 2100 SOUTH IN A GENERAL COMMERCIAL (CG) ZONING DISTRICT



PETITION NUMBERS: 400-05-46 Street Closure
400-05-47 Alley Vacation
490-06-15 Partial Subdivision Vacation
490-06-16 Preliminary Subdivision

APPLICANT: Mike Miller, PDG Inc.

STATUS OF APPLICANT: Flying J Representative

PROJECT LOCATION: Approximately 850 West 2100 South

COUNCIL DISTRICT: District 2, Councilmember Van Turner

COMMUNITY COUNCIL: Glendale Community Council

SURROUNDING ZONING DISTRICTS:

North - CG
South - CG
East - CG
West - CG

SURROUNDING LAND USES: **North -** Commercial
South - 2100 South and Hwy. 201
West - Commercial
East - Commercial

REQUESTED ACTION/PROJECT DESCRIPTION:

The applicant is requesting Planning Commission approval of four petitions: A street closure, alley vacation, subdivision vacation and new minor subdivision approval. The Planning Commission's recommendation concerning the proposed street closure, alley vacation and subdivision vacation will be forwarded to the City Council for final approval. The Planning Commission is the approval body for the minor subdivision request. A description of each petition is as follows:

1. Petition 400-05-46, Street Closure and Declaration of Surplus Property

The applicant is requesting that Salt Lake City close and declare as surplus property, a portion of 800 West Street at approximately 2100 South. The proposed street closure is located in this area of commercial uses. The street has never been improved. It exists only on paper and has been used as a maneuvering area for the Flying J company for many years. It is not required to provide required access to any other properties. The proposed street closure measures 33 feet wide by 191.15 feet long (approximately 6,307.95 square feet).

2. Petition 400-05-46, Alley Vacation

The applicant is also requesting that Salt Lake City vacate an alley on the north side of the Klenke's Addition Subdivision that was dedicated to the City when the subdivision plat was originally recorded. The alley measures 11.95 feet wide by 782 feet long and consists of approximately 9,344.9 square feet.

The applicant is requesting that all of the alley and west half of the street be incorporated into the Flying J property. The applicant has requested that the east side of the closed street be sold to the abutting property owner to the east. The abutting property owner, Jerry Seiner, has submitted a letter indicating that they are willing to purchase the east half of the street (See attachment 5).

3. Petition 490-06-15, Partial Subdivision Plat Vacation

The flying J site is located on three adjoining pieces of property that are comprised of portions of the Riverside Subdivision and the Klenke's Addition Subdivision. The existing property lines do not follow the subdivision lot lines as originally platted and a number of site improvements such as gas pump islands and parking areas have been installed over several lots and do not comply with current zoning requirements.

Given this, the applicant is requesting that the portions of the Riverside and Klenke's Addition Subdivision plats affected by the Flying J property be vacated and replatted as a new minor subdivision. As this action affects a dedicated street and alley, Planning Commission recommendation and City Council approval are required.

4 Petition 490-06-16, Minor Subdivision

Flying J is also requesting preliminary subdivision approval of a 2-lot minor subdivision. Lot 1 consists of 12.170 acres. Lot 2 is a pad site consisting of 1.034 acres. Planning Commission approval of the preliminary subdivision plat is required as noted above.

APPLICABLE LAND USE REGULATIONS:

Salt Lake City Code:

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

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City-owned alleys.

Title 20, Subdivision Ordinance outlines the subdivision approval process and standards.

Utah Code:

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

Section 10-9a-608 outlines the requirements to vacate a subdivision plat involving streets.

MASTER PLAN SPECIFICATIONS:

West Salt Lake Community Master Plan: The subject property is located within the West Salt Lake Master Plan area. The West Salt Lake Generalized Future Land Use map identifies this property as General Commercial "CG". The current land use and zoning are consistent with the future land use designation as shown in the Master Plan.

Salt Lake City Transportation Master Plan: The Transportation Master Plan's Major Street Plan does not anticipate the need to utilize 800 West Street at this location nor the Alley in the future. 2100 South Street and 900 West at this location are improved City streets and serve as the main collectors for the area. Neither 800 West Street or the alley is necessary to the City as a public right-of-way. This position is supported by the Major Street Plan and departmental comments.

COMMENTS:

The following applicable City agencies were contacted regarding the proposed street closure and alley vacation: Engineering, Fire, Police, Property Management, Public Utilities, Transportation, Building Permits, Airport and the Glendale Community Council. The following is a summary of the comments/concerns received:

- A. Engineering:** The Engineering Division does not have any concerns with the street or alley closure but is working with the Building Permits and Licensing Division addressing a proposed drive approach on 900 West. The Engineering Division is currently reviewing the proposed subdivision vacation and subdivision plat.
- B. Fire:** The Fire Department has no objection to the proposed street closure or alley vacation.
- C. Police:** The Police Department does not anticipate that the proposals will have a negative impact on the delivery of police services or public safety.
- D. Property Management:** The Property Management Division is currently working with Flying J to develop a lease agreement for the temporary usage of the alley and street until a formal decision on the alley and street closure is made by the Planning Commission and City Council. *Update: The City Council approved the lease agreement on April 4, 2006.*
- E. Public Utilities:** The Public Utilities Department has checked water, sewer and storm drainage maps and there are no public utilities in the street or alley proposed to be vacated. The Public Utilities Department has no objection to the proposed street closure or alley vacation.

- F. Transportation:** The alley has not functioned as a public transportation corridor. The roadway section on 800 West services only one parcel and is not contributory to public service. The 800 West Street abutting this parcel to the east has no history of access and is presently serviced by the 2100 South public roadway. The Transportation Division recommends approval of the street closure and alley vacation.

Concerning the proposed subdivision and subdivision vacation, the Transportation Division requires the cross access easement to be shown between lot 1 and lot 2 along with the closure of the 800 West access to match the approved site functions and circulation permit plans dated 12/16/2005. The approved plan indicates only one shared driveway access to 2100 South aligning with the west property line of lot 2.

G. Permits and Zoning:

1. Public Utilities approval is required. Three sets of civil drawings will need to be submitted to the Public Utilities Department. Two approved sets of drawings must be returned to the Building Permits Office to obtain building permits.
2. Provide a 'Subdivision Screening Sheet' from the Planning Division showing that all subdivision issues have been approved and recorded. This is for existing lots to be combined, any lot line adjustments, the new reserve parcel to be created, and the cross-access easement to be created between the new main parcel and the new reserve parcel.
3. Engineering Division approval is required for new curbs, gutters, public sidewalks, and driveway approaches, and for closing old driveway approaches.
4. Transportation Division approval is required for parking lot layout, circulation, handicapped ramps, handicapped parking stalls, bicycle racks, pedestrian access from the public sidewalk, etc.
5. Street lighting approval by the Salt Lake City Transportation Division is required.

- H. Airport:** The Department of Airports has no concerns with the proposed requests.

- I. Community Council:** The Glendale Community Council supports the proposed street closure and alley vacation as indicated in the attached letter dated February 15, 2006 (Attachment 3). A request for Community Council review on the proposed subdivision vacation and new subdivision was forwarded to the Community Council on March 11, 2006. The Community Council contacted Staff via telephone on March 13, 2006 and does not have any concerns with either the proposed subdivision vacation or new subdivision request.

ANALYSIS AND FINDINGS:

The area of the street closure and alley vacation is to be incorporated into the Flying J property to facilitate the redevelopment of the site. Currently, the alley and street function as part of the Flying J site. The street and alley exist only on paper and have never been developed.

In reviewing this request, the Planning Commission will need to consider whether the street should be closed and the alley should be vacated as requested. The Planning Commission's recommendation will be forwarded to the City Council for final review and decision action.

A. Petition 400-05-46, Street Closure and Declaration of Surplus Property

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

Salt Lake City Council Policy Guidelines for Street Closures and Findings:

- 1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Discussion: Closing the subject street will not deny access to any adjacent property. Access to adjacent properties will still be available from 2100 South. The property will be sold at fair market value.

Finding: The proposed street closure will not deny access to adjacent properties and the property will be sold at fair market value.

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

Discussion: The property must be sold at a fair market value. This was mentioned to the applicant in an e-mail message dated February 15, 2006. The applicants will need to contact the Salt Lake City Property Management Division which will determine the fair market value of the alley and street. One half of the street, the western half, will be sold to Flying J. The eastern half will be sold to the abutting property owner, Jerry Seiner. Mr. Seiner has indicated that he is willing to purchase the east half of the street as indicated in the attached letter dated March 1, 2006 (Attachment 5).

Finding: The property must be sold at a fair market value.

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

applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.

Discussion: Closing the street will allow more maneuvering room for the new building and improve on site vehicular circulation. In addition, development of the site will require that site improvements be installed which will contribute towards upgrading the property and the streetscape along 2100 South. Vacating the street will help to upgrade the site and bring it into compliance with current zoning standards which justifies the closure of the public street.

Finding: In addition to improving on-site traffic circulation, future development of the site will improve the appearance of the streetscape along 2100 South.

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

Discussion: The public policy reasons supporting closure of the street are discussed in section 3 above. In addition to improving the appearance of 2100 South Street frontage by redeveloping the site, the street has never been improved since the Klenke's Addition Subdivision plat was recorded in 1890 and there are no plans to improve it at this time. The street does not serve as access to this or any adjoining property.

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

Finding: Given that the street was never needed in the past nor is it anticipated that the street will be needed in the future, the best alternative is closing the street. This request complies with this standard.

Summary of Planning Staff Findings for the Street Closure:

- A. The street closure is consistent with the applicable City Master Plans.
- B. All owners of property that abut the proposed street closure have been notified about the street closure petition.
- C. The street closure will not have a negative effect on traffic circulation in the immediate area as proposed.
- D. The street closure will not have a negative effect on the City's ability to deliver emergency services.
- E. The street closure will help to improve the area given that the site will be redeveloped.

B. Petition 400-05-46, Alley Vacation

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City-owned alleys. When evaluating requests to close or vacate public alleys, the City considers whether or not the continued use of the property as a public alley is in the City's best interest. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that an alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code.

Identification and Analysis of Issues

The existing alley was created as part of the Klenke's Addition Subdivision that was recorded in 1890. It runs east and west and has been used as part of the Flying J site for many years as the southernmost gas pump island, driveway and parking area is directly on the alley (see Attachment 2, Site Plans). According to the Salt Lake City departmental comments, there are no public utilities located within the alley. The alley does not serve to access any other adjoining property.

Code Criteria / Discussion

The City Council has final decision authority with respect to alley vacations and closures. A positive recommendation from the Planning Commission requires an analysis and positive determination of the following factors:

Section 14.52.02 of Salt Lake City Code: Salt Lake City Council policy considerations for closure, vacation or abandonment of City owned alleys.

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. Lack of Use. The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.**

Discussion: As mentioned previously, the City's legal interest in the alley appears as a result of recordation of the Klenke's Subdivision plat. The alley does

not physically exist nor has it materially been blocked in a way that renders it unusable as a public right-of-way.

Finding: The subject alley meets this policy consideration.

B. Public Safety. The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.

Discussion: The existence of the alley does not contribute to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area as it functions as part of the existing Flying J site.

Finding: The existence of the alley does not contribute to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.

C. Urban Design. The continuation of the alley does not serve as a positive urban design element.

Discussion: The applicants propose to redevelop the site. Incorporating the alley into the proposed site design will create a positive urban design element.

Finding: A continued function of the property as an alley does not serve as a positive urban design element.

D. Community Purpose. The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion: The purpose of vacating the alley to incorporate it into the proposed redevelopment of the Flying J property. The alley will become private property for a business, which is a type of community use; for which access will be restricted accordingly. However, since it is on a commercial property, and will generally be used by the public and because vacating the alley will facilitate the redevelopment of the site, the community purpose is served.

Finding: As the alley will be incorporated into the proposed redevelopment of the Flying J facility the community purpose is served as the business will provide services for the general community.

Overall Summary Pertaining to Section 14.52.02: The petition meets Policy Considerations A, C and D as outlined above, and thus satisfies at least one of the policy considerations, as required by Section 14.52.02 of the City Code.

Section 14.52.030 (B) of Salt Lake City Code: Public Hearing and Recommendation from the Planning Commission.

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

- 1. The City police department, fire department, transportation division, and all other relevant City departments and divisions have no objection to the proposed disposition of the property;**

Discussion: Staff requested input from pertinent City departments and/or divisions. These comments are attached to this staff report as Attachment 4, Comments Received From City Departments/Divisions.

Finding: The applicable City departments and divisions have reviewed this request and have no objections to vacating the alley property.

- 2. The petition meets at least one of the policy considerations stated above;**

Finding: The petition meets Consideration A, C and D as required in Section 14.52.020 of the Code and as outlined above.

- 3. The petition must not deny sole access or required off-street parking to any adjacent property;**

Discussion: The petition does not deny any access or access to any off-street parking to any adjacent property.

Finding: Sole access to any adjacent property will not be denied.

- 4. The petition will not result in any property being landlocked;**

Finding: No landlocked parcels will be created.

- 5. The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;**

Discussion: The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans.

The property is zoned General Commercial which allows commercial businesses. The General Commercial zoning is also consistent with the future land use map of the West Salt Lake Community Master Plan which identifies this property as commercial. There are no mid block walkways, pedestrian paths, trails affected by the alley nor does the alley vacation affect alternative transportation uses.

The West Salt Lake Community Master Plan encourages closure of unused alleys. The Master Plan states that "The petition is evaluated in terms of the alley's present and future use. If a need for the alley is determined to exist, the petition is usually denied" (page 8 of the Master Plan). At this location, Flying J owns both sides of the alley and the both the alley and street have been used as part of the Flying J site for many years.

Finding: The proposal will not result in a use that is inconsistent with pertinent or applicable policies of the City.

- 6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;**

Finding: This is not an issue since Flying J owns both sides of the alley.

- 7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and**

Discussion: The Planning Commission is being asked to consider vacating the entire segment of the east-west alley thereby meeting this policy.

Finding: The petition request involves disposing of an entire alley and is therefore consistent with this policy.

- 8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.**

Finding: The alley is not necessary for rear access to residences or for accessory uses.

Section 14.52.040 (B) of Salt Lake City Code: High Density Residential Properties And Other Nonresidential Properties:

If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the city of the fair market value of that alley property, based upon the value added to the abutting properties.

Discussion: Staff is recommending that the property be sold at fair market value as determined by the Salt Lake City Property Management Division.

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

C. Petition 490-06-15, Subdivision Plat Vacation (Requires Planning Commission Approval Only)

The flying J site consists of several parcels of land which have been assembled over time from portions of various other parcels in the Riverside Subdivision and Klenke's Addition Subdivision.

The applicant proposes to consolidate all of the Flying J property into two parcels of land. This requires that the portions of old subdivision plats in Flying J's ownership be amended by vacating the old plats and recording a new subdivision plat. Because a street is involved, Planning Commission review and City Council approval is required to vacate the portions of the plats being considered (Utah Code, Section 10-9a-608).

Chapter 20.31.090 of the Salt Lake City Subdivision Ordinance outlines the requirements for amendment petitions.

20.31.090 Standards For Approval Of Amendment Petition:

An amendment petition shall be approved only if it meets all of the following requirements:

A. The amendment will be in the best interests of the City.

Analysis: The proposed subdivision vacation and minor subdivision will be in the best interests of the City because an unused alley and part of a street that has historically not been used by the public or adjoining property owners will be vacated and incorporated into the flying J property. In addition, the proposed subdivision vacation will eliminate old lot lines in the Klenke's Addition Subdivision and Riverside Subdivision that do not relate to how the property will function when the site is redeveloped.

Finding: Staff finds that the proposed amendment will be in the best interests of the City.

B. All lots comply with all applicable zoning standards.

Analysis: The property is located in a General Commercial "CG" Zoning District. The proposed lots comply with zoning regulations for the General Commercial "CG" Zoning District.

Finding: Staff finds that the proposed lots comply with all applicable zoning standards.

C. All necessary and required dedications are made.

Analysis: All necessary and required utility easements and dedications will be made with the recording of the final plat.

Finding: Staff finds that all necessary and required utility dedications will be made upon recordation of the final subdivision plat.

D. Provisions for the construction of any required public improvements are included.

Analysis: All plans for required public improvements including water supply and sewage disposal must be submitted and approved prior to approval of the final plat.

Finding: Staff finds that the requirements for the construction of any required public improvements must be met as part of the final plat process.

E. The amendment complies with all applicable laws and regulations.

Analysis: The proposed subdivision vacation and new minor subdivision complies with all applicable laws and regulations.

Finding: The proposed amendment complies with all applicable laws and regulations.

F. The amendment does not materially injure the public or any person and there is good cause for the amendment. (Ord. 7-99 § 23, 1999)

Analysis: The proposed street closure, alley vacation, subdivision plat vacation and minor subdivision will not materially injure the public or any persons and there is good cause for the amendment as approval of these requests will facilitate the redevelopment of the property.

Finding: Staff finds that the proposed amendment does not materially injure the public or any person and there is good cause for the amendment.

D. Petition 490-06-16, Preliminary Minor Subdivision

Chapter 20.20 of the Salt Lake City Subdivision Ordinance outlines the requirements for minor subdivision approval.

According to Section 20.20.020 Required Conditions And Improvements of the Salt Lake City Subdivision Ordinance, a minor subdivision shall conform to the following standards:

A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character.

Analysis: The area surrounding the property is a well established commercial area which is characterized by large commercial lots. The proposed subdivision is in keeping with the established development pattern in the area.

Finding: Staff finds that the character of the surrounding area is well defined and that the proposed minor subdivision conforms to this general character.

B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.

Analysis: The proposed lots comply with zoning regulations for the General Commercial "CG" Zoning District.

Finding: Staff finds that the proposed lots comply with all applicable zoning standards.

C. Utility easements shall be offered for dedication as necessary.

Analysis: All necessary and required utility easements and dedications will be made with the recording of the final plat.

Finding: Staff finds that all necessary and required utility dedications will be made upon recordation of the final subdivision plat.

D. Water supply and sewage disposal shall be satisfactory to the city engineer.

Analysis: All plans for required public improvements including water supply and sewage disposal must be submitted and approved prior to approval of the final plat.

Finding: Staff finds that the requirements for the construction of any required public improvements must be met as part of the final plat process.

E. Public improvements shall be satisfactory to the planning director and city engineer.

Analysis: The proposed subdivision has been forwarded to the pertinent City Departments for comment. All public improvements must comply with all applicable City Departmental standards.

Finding: Staff finds that the subdivision must comply with all applicable laws and regulations.

RECOMMENDATION:

Petitions requiring Planning Commission Recommendation and City Council

Approval:

Based on the analysis and findings presented in this Report, Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to approve Petitions 400-05-46, 400-05-47 and 490-06-15 subject to the following conditions:

1. That all applicable City Codes and Salt Lake City departmental requirements be met including providing the necessary easements for any existing or future utility infrastructure.
2. That the street closure be sold to the abutting property owners and that the ordinance be conditioned upon payment to the City of fair market value of the street property, consistent with Salt Lake City Code 2.58.

Petition requiring Planning Commission Approval Only:

Staff recommends that the Planning Commission grant preliminary minor subdivision approval of the proposed 2-lot minor subdivision, petition 490-06-16 subject to recordation of a final subdivision plat.

Attachments:

1. Application forms
2. Site plans
3. Community Council letter
4. Comments received from City Departments/Divisions
5. Letter from the abutting property owner
6. Preliminary subdivision plat

ATTACHMENT 1
APPLICATION FORMS

ATTACHMENT 2
SITE PLANS

ATTACHMENT 3
COMMUNITY COUNCIL LETTER

ATTACHMENT 4

COMMENTS RECEIVED FROM CITY DEPARTMENTS/DIVISIONS

ATTACHMENT 5
LETTER FROM ABUTTING PROPERTY OWNER

ATTACHMENT 6
PRELIMINARY SUBDIVISION PLAT