

PLANNING COMMISSION STAFF REPORT

Utah Metal Works Street Closures

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



Planning and Zoning Division
Department of Community
Development

Applicant:

Utah Metal Works

Staff:

Nick Britton, Principal Planner
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Tax ID:

N/A

Current Zone:

M-2 (Heavy Manufacturing)

Master Plan Designation:

Business Park

Council District:

Council District 3
Eric Jergensen

Acreage:

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

Current Use:

Public Street

Applicable Land Use

Regulations:

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

Attachments:

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

REQUEST

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

1. Phase 1

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

2. Phase 2

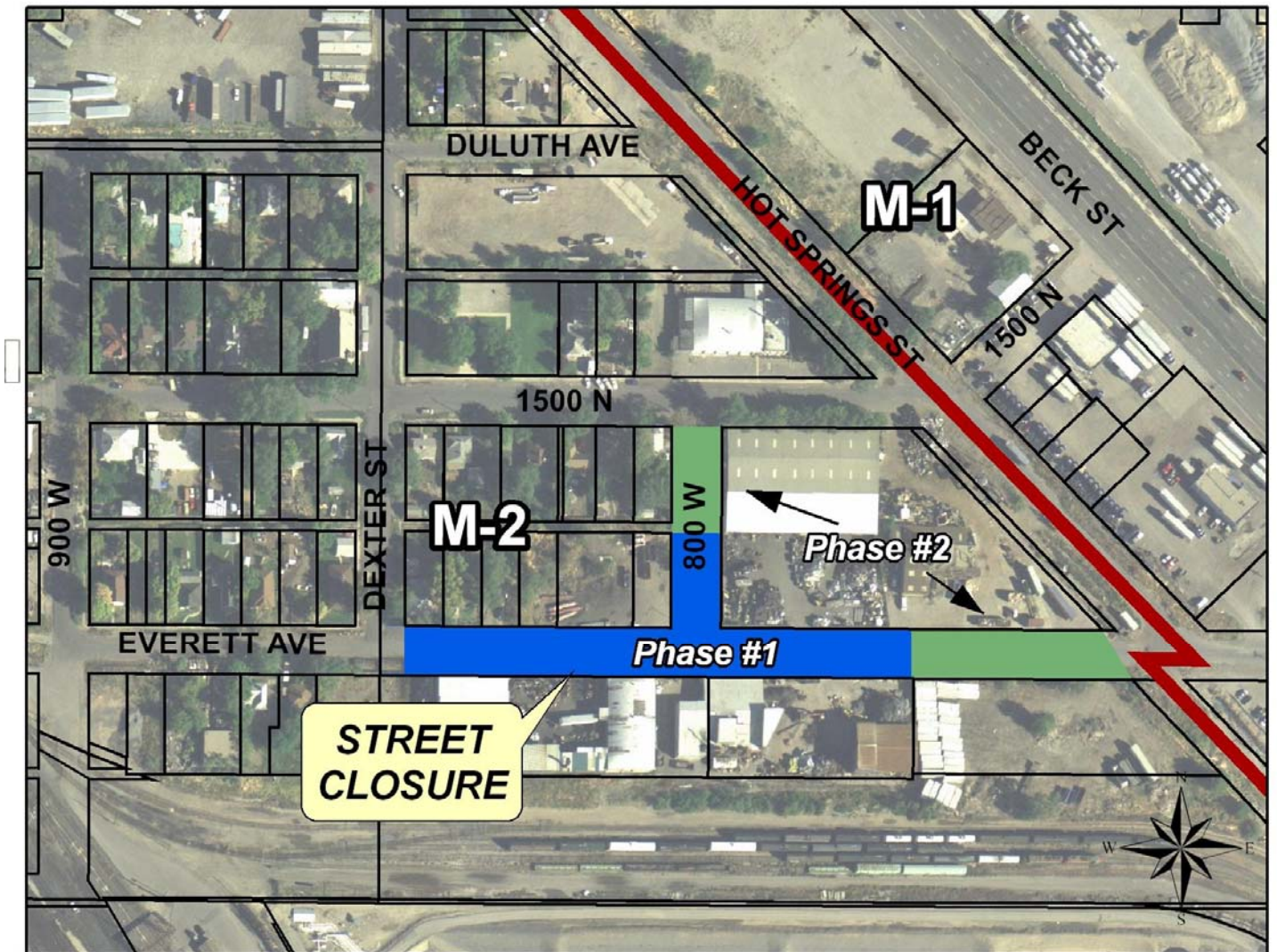
- a. The remainder of Everett Avenue, from a point approximately halfway between 800 West and Hot Springs Street eastward to Hot Springs Street.
- b. 800 West from the alleyway between Everett Avenue and 1500 northward to 1500 North.

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

RECOMMENDATION

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

Vicinity Map



Comments

Department/Division Comments

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

A. Airport (Allen McCandless)

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

B. Building Services Division

No comments were received from Building Services.

C. Engineering (Craig Smith, Scott Weiler)

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

D. Fire Department (Wayne Leydsman)

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

E. Planning Division (Doug Wheelwright, Nick Britton)

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

F. Police Department

No comments were received from the Police Department.

G. Property Management

No comments were received from Property Management.

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

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

I. Transportation Division (Barry Walsh)

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

Community Council Comments

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

Open House Comments

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

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

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

Public Comments

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

Analysis

Background Information

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

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

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

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

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



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

Master Plan Specifications

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

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

Standards of Review

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation

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

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

Exhibit B: Map of Proposed Street Closure

Exhibit E: Photographs



Everett Avenue, facing east.



Everett Avenue, facing west.



800 West, facing south.