

PLANNING COMMISSION STAFF REPORT

Vista Industrial Project 4145 West Street Closure

Petition 400-07-24

February 13, 2008



Planning and Zoning Division
Department of Community
Development

Applicant:

Kevin Towle, Log Cabin Investments, LLC

Staff:

Katia Pace, Associate Planner
535-6354
katia.pace@slcgov.com

Tax ID:

15-07-200-005, owned by Salt Lake City

Surrounding Zoning:

M-1 (Light Manufacturing)

Council District:

District 2, Van Blair Turner

Acreage:

Approximately .95 acres

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

• **West Salt Lake Master Plan**
• **Salt Lake City Transportation Master Plan or Major Street Plan**

Attachments:

- A. Map of Proposed Street Closure
- B. Department/Division Comments

REQUEST

Log Cabin Investments, LLC, represented by Kevin Towle, is requesting Salt Lake City to close a street (an unimproved right-of-way) and declare it surplus property. The street is located immediately west and abutting the property at 4095 West and 700 South in the M-1 zoning district.

PUBLIC NOTICE

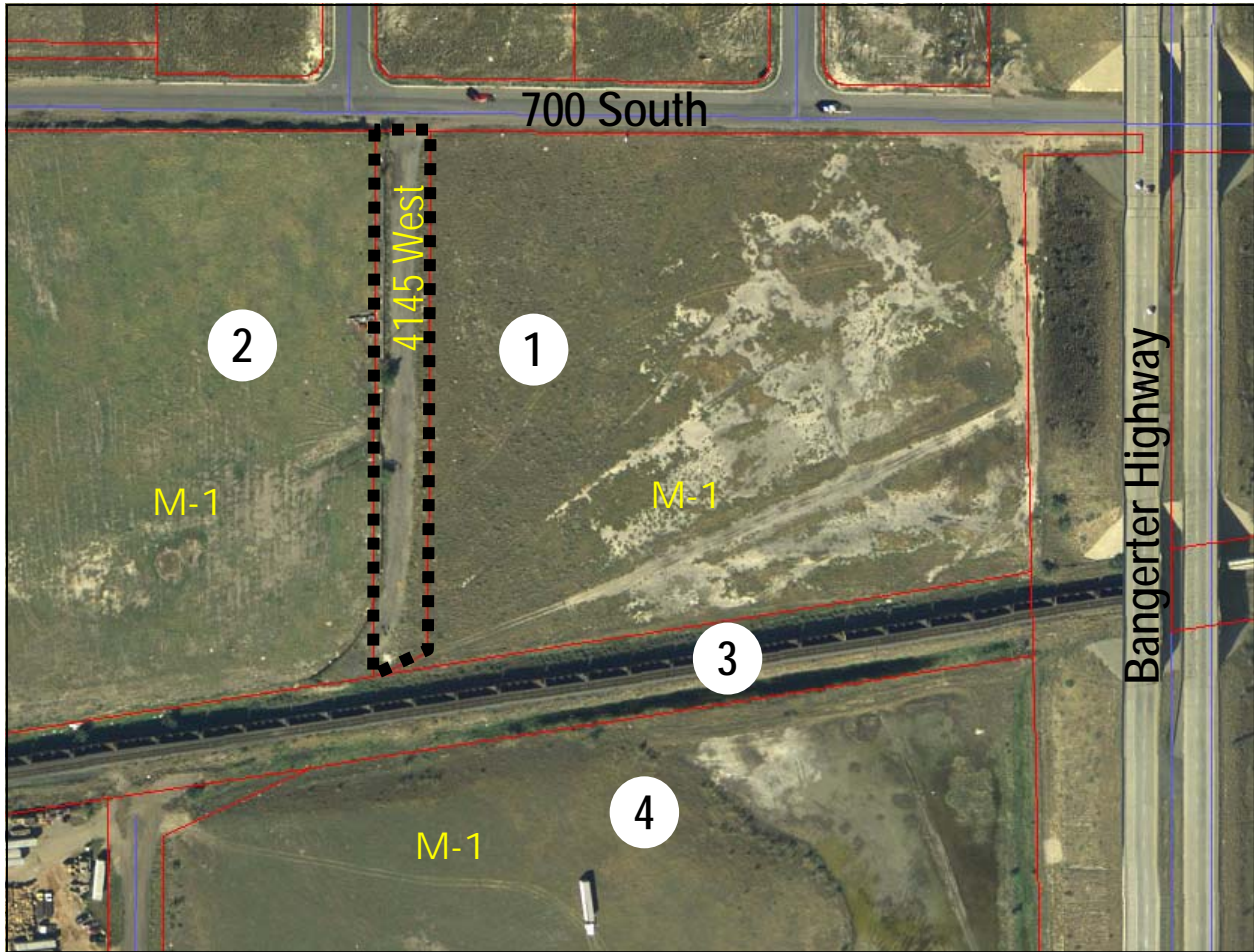
On January 30, 2008, a notice regarding the Planning Commission hearing was mailed to all property owners within a 450 foot radius of the subject property and to the chair of the Poplar Grove Community Council, meeting the 14 day minimum notification requirement. A notice was also sent to all those listed on the Planning Division list-serve.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission transmit a favorable recommendation to the City Council to close the subject street, declare it surplus property and recommend to the Mayor to sell the property to the applicant at fair market value. The recommendation is subject to the following conditions:

1. All requirements and comments outlined in this staff report and attached as Exhibit C must be met.
2. An avigation easement must be given to the City for continued airport activities.
3. Compliance with City Code 2.58 which regulates the disposition of City owned real property.
4. That the street be purchase by the applicant prior to the recording of phase 2 of the subdivision plat on the adjacent property (4095 West 700 South.)

VICINITY MAP



■ ■ ■ Proposed Street Closure

Petitioner: Kevin Towles, 4095 West 700 South
Hugo Neu Steel Production, 4221 West 700 South
Union Pacific
Hugo Neu Steel Production, 815 South 4190 West

PROJECT HISTORY/DESCRIPTION

The applicant would like to include this parcel with the property to the east which the applicant is proposing to develop as a planned development subdivision.

The applicant is requesting that the City close this street and declare it surplus property. The street does not have a name and is an unimproved right-of-way approximately 700 feet long and 66 feet wide. The address equivalent of this street is approximately 4145 West. The street was

used as a roadway that at one point connected 700 South Street and Central Avenue. However, due to a railroad right-of-way that intercepts it, and a subsequent street closure traffic was redirected to Central Avenue through 4400 West Street.

The applicant would like to incorporate either half or all of the 4145 West street property into his project located at 4095 West 700 South, a planned development subdivision. The abutting property owner on the west side of the property, Hugo Neu Steel Production, was contacted by the Planning Staff and informed of the request to close the street and of his option to purchase the half of the street that abuts his property. Mr. Neu has not responded to this proposal.

COMMENTS

Poplar Grove Community Council Comments:

Mike Harman, Chairperson of the Poplar Grove Community Council, was notified via e-mail on October 2, 2007 of the petition and asked if he wanted the Community Council to review this petition. No response was received from the Poplar Grove Community Council.

City Department/Division Comments:

The application material was routed in October 2007. 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 4350' MSL (approximately 125' above ground). Salt Lake City requires an aviation easement for a 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 (Craig Smith)

Engineering has no interest in the property and recommends the street to be closed.

Engineering (Linda Montoya and William Brown)

There used to be a roadway which went south from 700 South and connected to Central Avenue. Several years back it was closed off and traffic was directed to Central Avenue by way of 4400 West. The Engineering Department is unaware of any plans to develop a permanent connection between this street and 4150 West Street. The two streets do not line up and there is a railroad right-of-way intercepting this street. An old County parcel map (published in 1981) shows the parcel belonging to Salt Lake County. The street looks more like a right-of-way on this map.

Fire (Gary McCarty)

The Fire Department has no concerns, and recommends 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 are no existing public utilities within this property. All water, sewer and storm drainage service for the surround property can be serviced from 700 South and or other locations.

Transportation (Barry Walsh)

The Division of Transportation reviewed the application and because the existing unimproved street does not serve as access to the abutting properties, which all have frontage on 700 South, the Division of Transportation recommends approval of the proposed closure subject to abutting property owners and any utility easement issues being resolved.

STAFF ANALYSIS AND FINDINGS

Master Plan Discussion

West Salt Lake Master Plan, adopted in 1995

The subject street is located within the “West Salt Lake Industrial District.” This Industrial District has a pattern of land utilization that is “not well organized and poorly interrelated.” The master plan calls for “planning influences that will result in an improved urban pattern.”

Salt Lake City Transportation Master Plan or 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. The Engineering Department is unaware of any plans to develop a permanent connection between this street and 4150 West Street. The two streets do not line up and there is a rail road crossing intercepting this street.

Finding: Closing the subject street will not deny all access to the adjacent properties. The underlying property would be sold at fair market value and the property is 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 all or half of the property at fair market value. The other abutting property owner, Hugo Neu, was given notice of the City's intent to close the street and was informed of his option to purchase the half of the street that abuts his property. Mr. Neu has not responded.

Finding: 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 that dead ends into the railroad right-of-way. It does not connect with any other streets aside from 700 South Street. The street is not needed for vehicular or pedestrian access as the street dead ends into the railroad right-of-way. The proposed street closure will contribute to surrounding development and improved land development as per the West Salt Lake Master Plan.

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

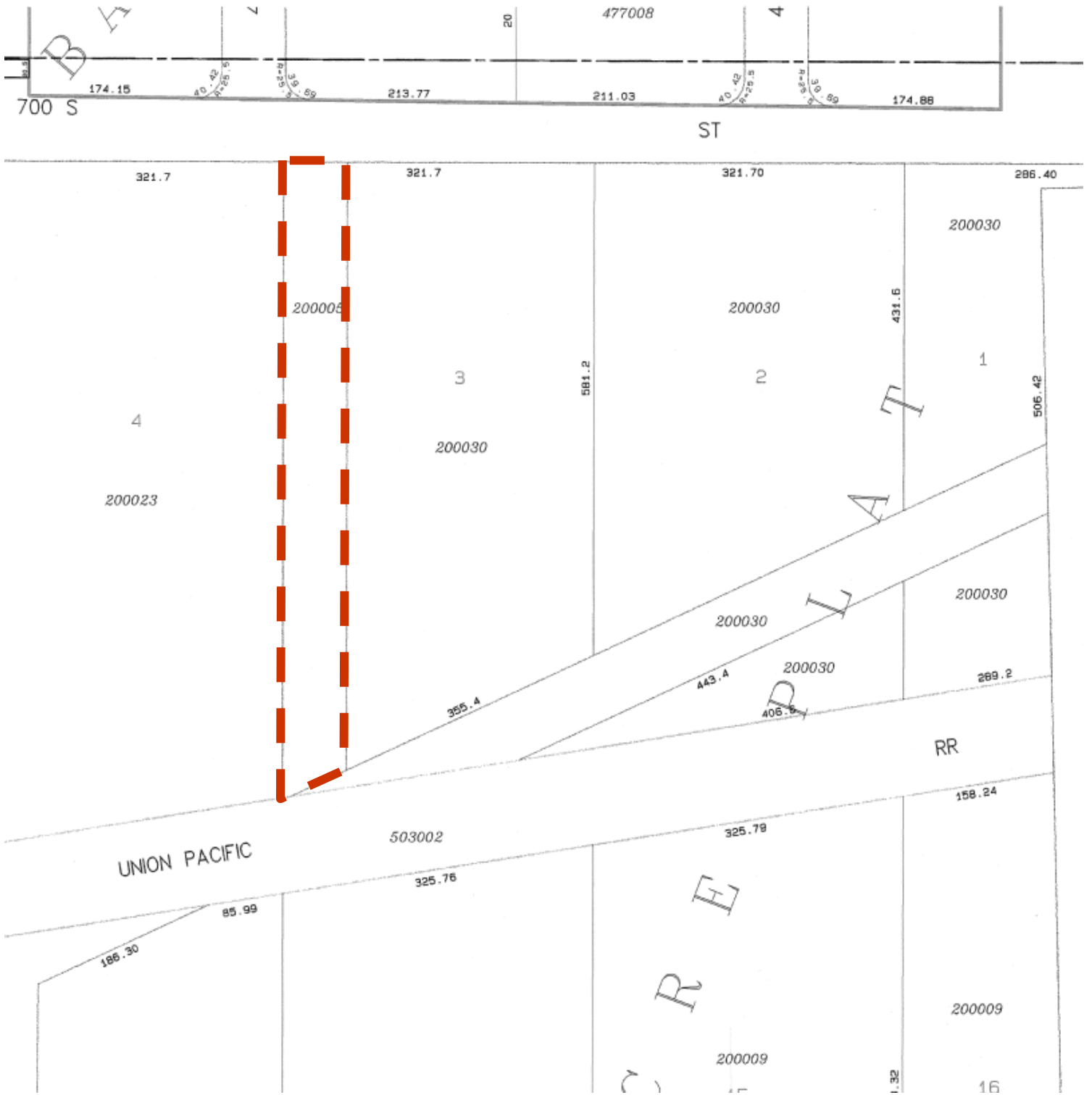
4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

Analysis: The alternative to closing the street is to require the applicant to improve the street. If left as a public street it will require the applicant to pay for street improvements, provide additional setbacks on his project, and to place a cul-de-sac at the end of the street 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 west of the street has not responded with any objections to this closure.
4. This street is not required for pedestrian or vehicular traffic.

Attachment A
Map of Proposed Street Closure



— — — — — Proposed Street Closure (parcel # 15-07-200-005)

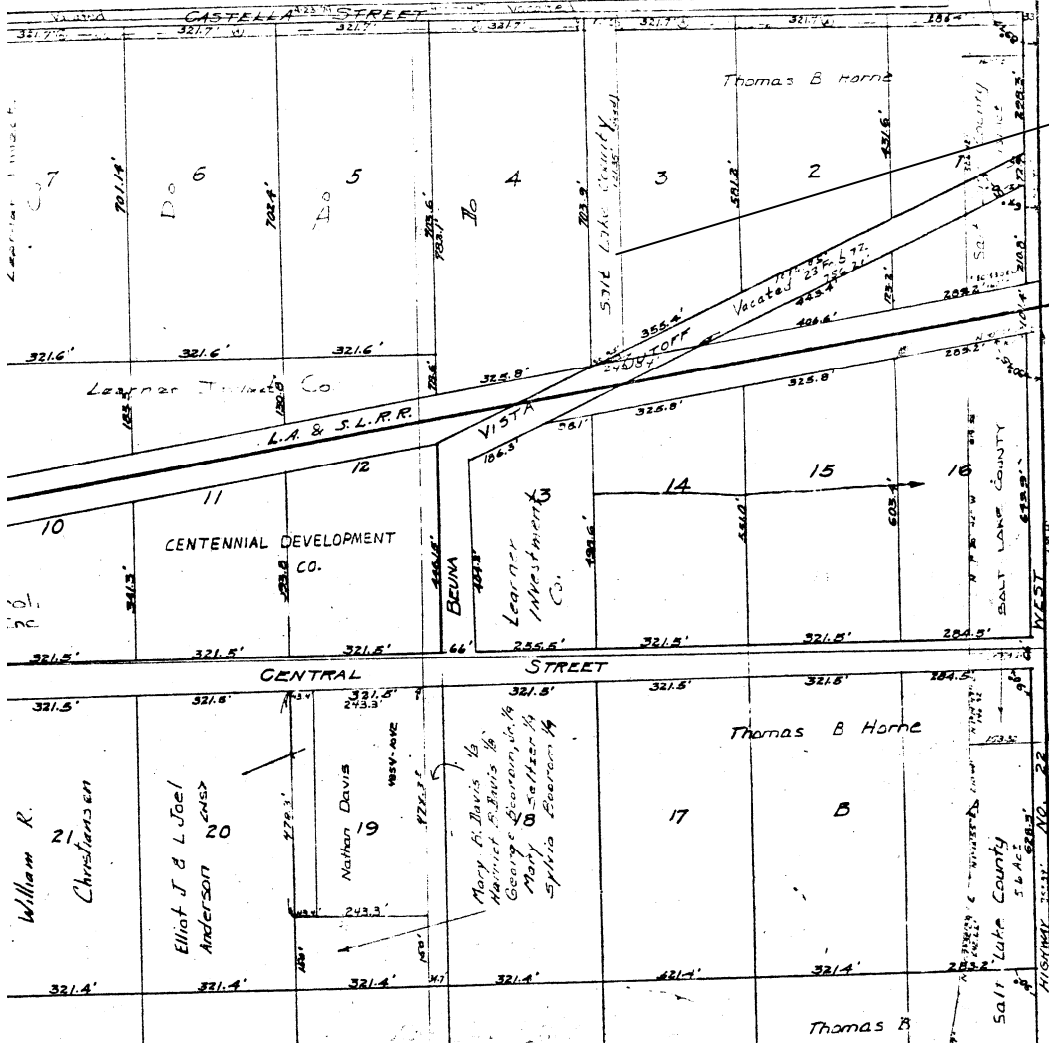
NE 1/4 SECTION 7 TP. 1 S. R. 1 W.
 SALT LAKE BASE & MERIDIAN
 SCALE 200 FEET = ONE INCH

John J. Jack, John A. L.
 James G. Oakland

GRANITE & CITY

S-6-135

JUNIOR'S FIVE ACRE FLAT



Proposed Street Closure

Attachment B

Department/Division Comments

AIRPORT COMMENTS

From: Miller, David
Sent: Monday, October 08, 2007 9:35 AM
To: Pace, Katia
Cc: McCandless, Allen
Subject: RE: Courtesy Notice: Petition 400-07-24, to

Katia,

Thank you for the notice for The street abuts the applicant's property at 4095 West 700 South Street. The parcel number of the street is 15-07-200-005. This address is in the Salt Lake City's 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 4350' MSL (approximately 125' above ground). Salt Lake City requires an avigation easement for new development in this zone. The owner or developer should contact me at the address or email below, to complete the avigation 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: Sunday, October 14, 2007 7:28 AM
To: Pace, Katia
Cc: Goff, Orion
Subject: Street Closure / 4095 W. 700 S. / 400-07-24

Categories: Program/Policy
Katia:

I assume this parcel will be combined with the abutting property owner's site. This parcel lies within the Airport Overlay District "B" and it appears that the southern portion of the lot is within a seismic study overlay. Future development will require a geotechnical report to address this issue.

Larry

ENGINEERING COMMENTS

From: Smith, Craig

Sent: Wednesday, October 03, 2007 7:35 AM

To: Pace, Katia

Cc: Walsh, Barry

Subject: petition #400-07-24

Good morning Katia-

The Engineering division has reviewed petition #400-07-24, a request by Kevin Towle to close a street and declare it surplus property. Engineering has no interest in the property and recommends the parcel be declared surplus and be sold at fair market value to the abutting property owners.

Sincerely,

Craig

ENGINEERING COMMENTS

From: Montoya, Alice
Sent: Thursday, September 20, 2007 12:01 PM
To: Pace, Katia
Cc: Wheelwright, Doug; Brown, William
Subject: RE: Request for a street closure

Attachments: img5.TIF

I am attaching an old County parcel map (published in 1981) which shows the parcel at belonging to SL County. It looks more like a right-of-way on this map. I didn't find anything else.

Hopefully this helps,
Alice

From: Montoya, Alice
Sent: Monday, September 17, 2007 10:41 AM
To: Pace, Katia; Brown, William
Cc: Wheelwright, Doug
Subject: RE: Request for a street closure

There used to be a roadway which went south from 700 South and connected to Central Avenue. Several years back it was closed off and traffic was directed to Central Avenue by way of 4400 West.

Bill,
Can you tell Katia any more about this roadway?

Alice

From: Pace, Katia
Sent: Friday, September 14, 2007 5:03 PM
To: Montoya, Alice
Cc: Wheelwright, Doug
Subject: Request for a street closure

Alice,

I received a request for a street closure at approximately 4095 West and 700 South. However, when I looked at the street on the GIS (15-07-200-005) it looks like the property was never dedicated for a street. I'm wondering if it is not a street I should take care of this request as a surplus property instead. Please let me know what you can find.

Thanks

Katia Pace
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-6354

FIRE COMMENTS

From: McCarty, Gary
Sent: Wednesday, October 03, 2007 9:44 AM
To: McKone, Dennis
Cc: Pace, Katia
Subject: RE: Courtesy Notice: Petition 400-07-24, to
Chief after reviewing this request I can see no reason that the Fire department would have any issues with the granting of this petition.

From: McKone, Dennis
Sent: Tuesday, October 02, 2007 13:33
To: McCarty, Gary
Subject: FW: Courtesy Notice: Petition 400-07-24, to

From: Pace, Katia
Sent: Tuesday, October 02, 2007 10:53
To: Baxter, DJ; Boskoff, Nancy; Burbank, Chris; Clark, Luann; Creswell, Lyn; Goff, Orion; Graham, Rick; Harpst, Tim; Hooton, Leroy; Riley, Maureen; Rutan, Ed; Zunguze, Louis; McKone, Dennis; Butterfield, Edward
Cc: Shaw, George; Coffey, Cheri; Wheelwright, Doug
Subject: Courtesy Notice: Petition 400-07-24, to

Directors:

The Planning Division is currently reviewing a request by Kevin Towle to close the street (a parcel owned by Salt Lake City that at one time was used as a street) and declare it surplus property. The street abuts the applicant's property at 4095 West 700 South Street. The parcel number of the street is 15-07-200-005.

As a Department Director/Cabinet Member, a courtesy notice is sent to you to inform you of the project. You are not required to respond unless you want to. The information has been sent to the staff members listed below and the Planning Staff will work directly with them to obtain the necessary input.

The following City staff members received documents via interoffice mail for review:

Property Management, John Spencer
Engineering, Craig Smith
Fire, Kevin Nalder
Public Utilities, Brad Stewart
Transportation, Barry Walsh
Building Services, Larry Butcher
Police, Dave Askerlund

If you would like to review the details of this proposal, please let me know by **Tuesday, October 9, 2007**, and I will forward information to you. If you have any questions, please do not hesitate to email or phone.

Katia Pace
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-6354

FIRE/PERMITS COMMENTS

From: Itchon, Edward
Sent: Tuesday, October 30, 2007 8:43 AM
To: Pace, Katia
Cc: Butcher, Larry; McCarty, Gary; Montanez, Karleen
Subject: 400-07-24
No new comments

PUBLIC UTILITIES COMMENTS

From: Brown, Jason

Sent: Wednesday, October 24, 2007 3:52 PM

To: Pace, Katia

Cc: Garcia, Peggy

Subject: Petition #400-07-24 Road Closure at approximatley 4150 West 700 South
Katia,

Public Utilities has reviewed the above mentioned petition and offer the following comments. According to our records there are no existing public utilities with in this property. All water, sewer and storm drainage service for the surround property could be serviced from 700 South and or other locations. Public Utilities has no objection to closing the street.

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

Jason Brown, PE

Development Review
Salt Lake City Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
(801) 483-6729

TRANSPORTATION COMMENTS

From: Walsh, Barry

Sent: Tuesday, October 02, 2007 2:27 PM

To: Pace, Katia

Cc: Young, Kevin; Smith, Craig; Spencer, John; Stewart, Brad; Nalder, Kevin; Butcher, Larry

Subject: Petition 400-07-24 St Closure.

Categories: Program/Policy

October 2, 2007

Katia Pace, Planning

Re: Petition 400-07-24, to close a street – 4100 West 700 South and declare it surplus property.

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

In coordination with abutting properties in the area, the railroad crossing was closed sometime ago in an agreement to up grade the 4200 West crossing further to the west. The existing unimproved right of way does not serve as access to the abutting properties which have frontage on 700 South. There fore we recommend approval of the proposed closure and vacation subject to abutting property owners and any utility easement issues.

Sincerely,

Barry Walsh

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