

PLANNING COMMISSION STAFF REPORT

Utah Metal Works Alley Vacation PLNPCM2012-00337 808 West Everett Avenue August 8, 2012



Planning and Zoning
Division
Department of Community &
Economic Development

Applicant: Mark Lewon, representing Utah Metal Works

Staff: John Anderson 535-7214
john.anderson@slcgov.com

Tax ID:
n/a

Current Zone: (abutting properties)
M-2 Heavy Manufacturing District

Master Plan Designation:
Heavy Manufacturing

Council District:
District 3– Stan Penfold

Lot size:
5,250 square feet

Current Use:
Alleyway

Notification
Mailed:
Sign posted:
Agenda posted on the Planning Division and Utah
Public Meeting Notice websites

Applicable Land Use Regulations:

- Section: 14.52.020 Policy Considerations For Closure, Vacation Or Abandonment Of City Owned Alleys.
- Section: 14.52.040 Method of Disposition.

Attachments:

- A. Site Photographs
- B. Plat Map
- C. Department/Division Comments
- D. Application Materials

REQUEST

The applicant, Utah Metal Works, is requesting to vacate an alley adjacent to their Salt Lake City facility located at approximately 808 West Everett Avenue. The alley runs east to west at approximately 1475 North between 800 West and Dexter Street (850 West) and abuts a total of thirteen properties. Utah Metal Works owns 11 of these 13 properties. Of the two remaining properties, one of them also signed the application requesting the alleyway to be vacated. According to the applicant, they have communicated their request to the remaining property owner, Mr. David Allen. He has stated that he is not against the request but also has not signed the application to vacate.

STAFF RECOMMENDATION

Based on the findings of fact listed in the staff report, staff finds that the proposal meets the criteria for alley vacations. Therefore, staff recommends the Planning Commission make a positive recommendation to the City Council with regard to the proposed alley vacation and that Planning Commission should also recommend that the Mayor surplus the property with the following conditions:

Conditions of Approval

1. All lots owned by Utah Metal Works shall be combined through the subdivision process.
2. The applicant complies with all standards and procedures for alley vacations when adjacent to commercial properties.
3. Compliance with all other departmental comments listed in Attachment C.

Vicinity Map



BACKGROUND

The applicant, Utah Metal Works, is requesting the vacation of an east to west running alley to allow for the integration of the alley into their existing outdoor recycling facility. The alleyway is located at approximately 1475 North, and runs between 800 West and Dexter Street (850 West). The properties abutting the alley are all located in the M-2 Heavy Manufacturing District. Out of the two remaining parcels of property, one of the property owners also signed the application requesting that the city vacate the alley. No comments have been received from the last property owner. Three of the lots have existing single-family dwellings though only two appeared to be occupied. Two of the homes have recently requested demolition permits for the structures. The demolition permits were approved on June, 26 2012.

The alley to be vacated is approximately 350 feet in length and 5,250 square feet. Portions of neighboring streets, Everett Avenue and 800 West were previously vacated by the Salt Lake City Council. When Everett Avenue and 800 West were vacated five properties adjacent to the alleyway in question became landlocked. This vacated area is now the property of Utah Metal Works. These parcels should be combined with the parcels

on the south side of the alley to create a new lot that has frontage on a public street to guarantee access to all of the properties.

Proposal

The applicant is proposing to vacate this city owned alley in order to fully integrate those properties already owned by Utah Metal Works into their outdoor recycling processing facility and to construct a new building on one of the properties they own on 1500 North.

Comments

The project site is located within the Fairpark Community Council boundaries. Staff sent notice to the community council requesting comments on June 4, 2012. There have not been any comments received from the community council as of the publishing of this report. There have also not been any comments received from the general public.

Department Comments

The proposal was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit C. There were no issues raised by the City that would prevent the proposal from proceeding. The applicant must comply with all City requirements as outlined in those comments.

ANALYSIS

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 the 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.

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 considerations:

Salt Lake City Code, Section 14.52.020: 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.
- 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.
- C. Urban Design:** The continuation of the 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 east to west running alleyway does appear on the city records but in actuality it is not being used as such and in its current state could not be used as public access. As shown in the photographs in Attachment A, the area of the alleyway is currently being used for outdoor storage and other uses related to the outdoor recycling processing center owned by Utah Metal Works. With further inspection by staff there does not appear to be any remnants of the alleyway existing. The lack of use does appear to satisfy Policy A.

Furthermore, the continuation of the alleyway in question is not conducive to good urban design in the area. Utah Metal Works owns and operates their company on some of the properties on the north and all of the properties on the south side of the alleyway. Their intentions are to vacate the alleyway and eventually combine all of their properties. The City Council has already vacated two streets in the area for Utah Metal Works. Sections of 800 West and Everett Avenue were vacated and purchased by Utah Metal Works. With the prior vacation of those streets and the operation of the business throughout properties owned by the company the alleyway no longer serves the intended purpose of accessing the rear of these lots in question.

Finding: The alley property is not useful as a public right-of-way nor does it serve as a positive urban design element. The request satisfies two of the policy considerations listed above as required by Section 14.52.02 of the Salt Lake City Code.

Salt Lake City Code, Section 14.52.030B: Processing Petitions - 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 divisions. There were no objections raised in those comments. These comments are attached to this staff report as Exhibit B.

Finding: The appropriate City departments and divisions have reviewed this request and have no objections to the proposed disposition of the property.

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

Discussion: The proposed alley vacation satisfies both the “Lack of Use” and the “Urban Design” policy considerations.

Finding: The petition meets at least one of the policy considerations stated in Section 14.52.020 of the Salt Lake City Code.

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

Discussion: It has been the City’s policy not to close an alley if it would deny a property owner required access to their lot. Utah Metal Works owns all of the properties on the south side of the alleyway and a majority of those on the north. All of the properties on the north side of the alleyway have access from 1400 North.

When Everett Avenue was vacated earlier, six of the lots on the south side of the alleyway lost their frontage to a public street. The alleyway would be the only public access to these lots but these lots are used in conjunction with surrounding properties by Utah Metal Works. There is no need for public access into those lots. Staff recommends that the properties owned by Utah Metal Works are combined through the subdivision process to create one large lot. Though the lots are currently owned by a single entity, if the properties were ever to change hands it would create a challenge to ensure access to each lot.

Finding: If the lots that do not have street frontage were combined into one lot that does have street frontage, closing the alley will not deny sole access or required off-street parking to any owner of property adjacent or in close proximity to the alley. The Planning Commission should consider the combining of the lots as a condition of approval.

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

Discussion: Should the alley be vacated, it would not create any new landlocked parcels. There are existing landlocked parcels that were created by the vacation of Everett Avenue. These properties should be combined through the subdivision process with other parcels owned by Utah Metal Works that do have frontage on Dexter Street or Hot Springs Street.

Finding: The proposed alley closure would not create any new landlocked parcels and after the properties are combined through the subdivision process with adjacent properties, there will no longer be any landlocked parcels in the area. The Planning Commission should consider the combining of the lots as a condition of approval.

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 properties currently owned by Utah Metal Works are being used as an outdoor recycling processing center which is a permitted use in the M-2 Heavy Manufacturing District. As the alleyway does not currently function as an alleyway, it has most recently been used as a part of the Utah Metal Works current use. There are no policies of the City that recommend or address mid block walkways, pedestrian paths, trails, or alternative transportation uses in relation to this particular alley.

Finding: The proposed alley vacation does not result in a use that is contrary to the adopted policies of the City and complies with this standard.

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;**

Discussion: Eleven of the thirteen properties that border the alleyway are owned by Utah Metal Works and one of the two remaining property owners signed the application to vacate the alleyway. The applicant has stated that he has discussed this application with the remaining property owner, Mr. David Allen, and that he had no objections to the vacation of the alley. The applicant has further stated that he believes that he could obtain the signature of the remaining property owner if necessary. Mr. Allen, will be sent notice of the proposed alley vacation. If the alley is vacated, as an adjacent property owner he will have an opportunity to purchase half of the alley along his rear property line.

In researching records from Building Services, there is no evidence of any outstanding building permits for a garage or any other recent applications for a building permit.

The only recent permits secured by property owners in the area, show that the property owners of two of the three existing single-family dwellings remaining on 1400 North, have applied and recently secured demolition permits for the structures.

Finding: Staff finds that this standard has been met as there is no evidence of permits for any garages on the properties involved.

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

Discussion: The applicant is proposing that the entire alley be vacated. Signatures were obtained from all property owners but one. The applicant did receive at least eighty percent of the signatures of property owners abutting the alley, which is the requirement for submitting an application for an alley vacation.

Finding: This proposal will dispose the entirety of the alley, which is consistent with the City's preference for disposing the entire alley.

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

Discussion: The alley is not necessary for actual or potential rear access to residences or for accessory uses since all of the abutting properties either have access to 1400 North or are owned and utilized in the recycling process by Utah Metal Works. There are lots on the south side of the alleyway that do not currently have frontage on a public street. This situation was created when the adjacent streets were vacated. If the alleyway is vacated then all of the properties owned by Utah Metal Works should be combined creating a single larger lot that does have frontage on a public street.

Finding: The subject right-of-way is not used for access to any property where a single family home exists nor for any accessory uses.

Section 14.52.040 Method of Disposition of the Salt Lake City Code: (C) Mixed Zoning

If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value.

Finding: Property Management has determined that if the alley is vacated, the petitioner or any other qualified party interested in acquiring a portion of the alley would be required to pay fair market value for their portion of the vacated alley. There are three entities with ownership interest along the alley. Each entity would be able to purchase half of the alley that is adjacent to their own respective parcel. In the event that the property owners are not interested in purchasing the property that is adjacent to their parcel, the full width will be offered to the petitioner.

RECOMMENDATION:

Based upon the analysis and findings identified in this report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to vacate and close the subject alley and deed it to the two abutting property owners with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

**Attachment A
Site Photographs**



This is a photograph looking east down the alley that is proposed to be vacated from Dexter Street (850 West).



This is a photograph looking south east from 1500 North at two of the homes that are adjacent to the alley. There has been demolition permits approved for both homes. They are owned by the applicant.



This is a photograph looking to the southwest at the only single-family dwelling on the street that is occupied. It is owned by Mr. David Allen.

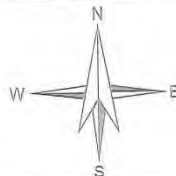
**Attachment B
Plat Map**



This map is not intended to represent actual physical properties. In order



Prepared and published by
 Salt Lake County Recorder
 Gary Ott
 2001 S. State Street #N1600
 Salt Lake City, Utah 84190
 801-468-3391
<http://slcorecorder.siredocs.com/>



E 1/2 SE 1/4 S
 SALT LAKE

Attachment C
Departmental/Division Comments

19 June 2012

Police Review

Nothing

Public Utilities—Justin Stoker (801)483-6786

We have no objection to the proposal. The alley is not used for water or sewer services. The applicant should verify with other utility companies to be sure that there isn't anybody else using the alley for utilities. These companies could be, but not limited to: Comcast, Rocky Mountain Power, Questar, CenturyLink, etc. If another public utility entity is using the alley they may have requirements for easements to protect to the existing utility lines

Zoning Review—Larry Butcher (801)535-6181

No comments.

Building Review—Larry Butcher (801)535-6181

No comments

Transportation Review—Barry Walsh (801)535-6630

Review for proposed alley vacation between 800 West and Dexter Street. All abutting properties have access to frontage roadway - 1500 North on the north side and Everett St. on the south side.

Engineering Review- Scott Weiler (801)535-6204

No comments.

Fire Review—Ted Itchon (801)535-6636

No comments

Property Management—Duran Lucas (801)535-7133

Property management has reviewed the above referenced petition regarding an alley vacation. If it is determined that the alley will be vacated, the petitioner or any other qualified party interested in acquiring portion of the alley would be required to pay fair market value for their portion of the vacated alley. There appears to be three entities with ownership interest along the alley. Each entity would be able to purchase half of the alley that is adjacent to their own respective parcel. In the event that the property owners are not interested in purchasing the property that is adjacent to their parcel, the full width will be offered to the petitioner—if the alley is closed we do not want remainder parcels.

Attachment D
Application Materials



Alley Vacation or Closure

OFFICE USE ONLY
Petition No. <i>PLNPCM2012-00337</i>
Date Received: <i>5-30-12</i>
Reviewed By: <i>[Signature]</i>

SALT LAKE CITY PLANNING

Address of Subject Property: *808 W. Everett*
Alley running east-west on Block 4, Empire Addition

Project Name: *Utah Metal Works*

Name of Applicant: *Bodega Bay LLC* Phone: *801 364 5679*

Address of Applicant: *808 W. Everett Ave Salt Lake City, 84116*

E-mail Address of Applicant: *marke@umv.com* Cell/Fax: *801 364 5676*

Applicant's Interest in Subject Property:

Name of Property Owner:	Phone:
E-mail Address of Property Owner:	Cell/Fax:
County Tax ("Sidwell #"):	Zoning:

Existing Property Use	Proposed Property Use
<i>Vacant</i>	<i>Staging + Maneuvering</i>

Please include with the application:

1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
2. The name, address and Sidwell number of all property owners on the block must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **Payment in the amount to cover first class postage for each address for two mailings is due at time of application.**
3. The name, address and signatures of all owners of property abutting the subject alley who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.**
4. A property ownership map (known as a Sidwell map) showing the area of the subject alley. On the map, please:
 - a. Highlight the subject alley.
 - b. Indicate with a colored circle or dot, the property owners who support the petition.
5. A legal description of the subject alley may be required.
6. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
7. Filing fee of \$221.48 due at time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Buzz Center (535-7700) prior to submitting the petition.

County tax parcel ("Sidwell") maps and names of property owners are available at:
 Salt Lake County Recorder
 2001 South State Street, Room N1600
 Salt Lake City, UT 84190-1051
 Telephone: (801) 468-3391

File the complete application at:
 Salt Lake City Buzz Center
 451 South State Street, Room 215
 Salt Lake City, UT 84111

Signature of Property Owner
 Or authorized agent

[Signature] for Bodega Bay LLC

Feb 2008


Petition to Vacate or Close an Alley

Petitioner:

Address:

Date:

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name Karl Christensen *Address* 939 W 1500 N *Signature*  *Date* 5-29-12

Print Name _____ *Address* _____ *Signature* _____ *Date* _____

Print Name _____ *Address* _____ *Signature* _____ *Date* _____

Print Name _____ *Address* _____ *Signature* _____ *Date* _____

Print Name _____ *Address* _____ *Signature* _____ *Date* _____

Print Name _____ *Address* _____ *Signature* _____ *Date* _____

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