

**PLANNING COMMISSION STAFF REPORT**  
**Legislative Item**



Planning Division  
Department of Community  
and Economic Development

**BUD MAHAS CONSTRUCTION**  
**Alley Closure PLNPCM2013-00196**  
**Between Duluth Ave and 1500 North Street**  
**west of 900 West Street**  
**October 9, 2013**

**Applicant:** Bud Mahas  
Construction

**Staff:** Everett Joyce  
(801) 535-7930,  
everett.joyce@slc.gov.com

**Tax ID:** Not Applicable

**Current Zone:** M-2

**Master Plan Designation:**  
Capitol Hill Community –  
Future Land Use is Business  
Park

**Council District:** District 3 –  
Stan Penfold

**Community Council:** Capitol  
Hill

**Alley Area:** Approximately  
5,248 square feet

**Current Use:** Unimproved  
alley

**Applicable Land Use**

**Regulations:**

- Chapters 2.58 and 14.52 of  
Salt Lake City Code
- Utah State Law, Section 10-  
9a-204 and 10-9a-609.5

**Attachments:**

- A. Property Owner Petition
- B. Community Council  
Comments
- C. Department / Division  
Comments

**Request**

Bud Mahas Construction Inc is requesting to close an alley located between Duluth Ave and 1500 North Street west of 900 West Street. The Planning Commission is required to transmit a recommendation to the City Council for alley closure requests.

**Recommendation**

Planning Staff finds that the proposal meets the criteria for alley closure, and therefore recommends that the Planning Commission forward a favorable recommendation to the City Council to approve application PLNPCM2013-00196 to close the public alley between Duluth Avenue and 1500 North Street west of 900 West Street with the following conditions:

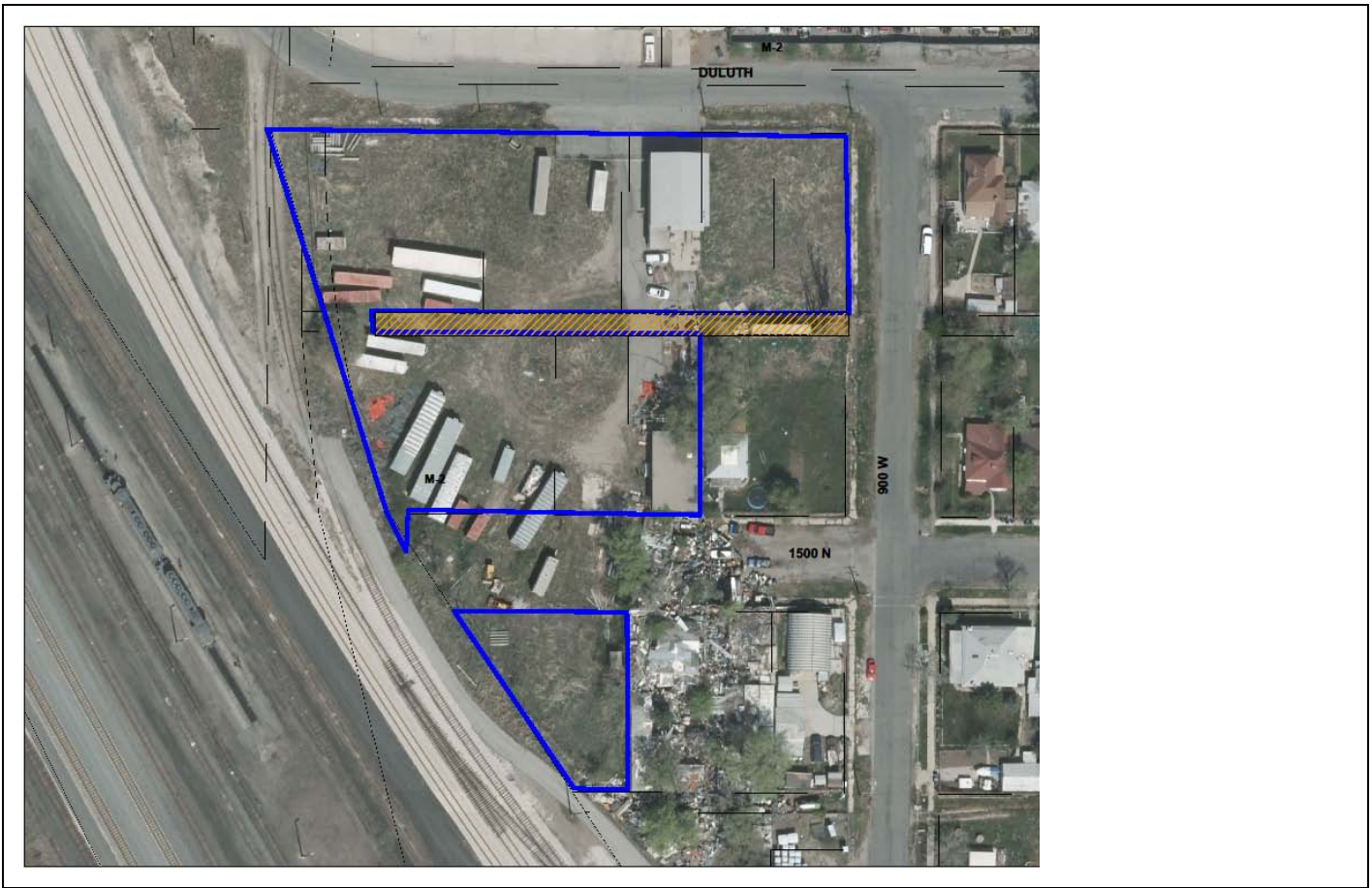
1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Compliance with all departmental comments listed in Attachment C of the staff report.

**Recommended Motion**

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, discussion and public comment presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to petition PLNPCM2013-00196 to close the alley located between Duluth Avenue and 1500 North Street west of 900 West Street subject to the conditions of approval.

**Not Consistent with Staff Recommendation:** Based on the Planning Commission discussion and public comment presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to vacate an alley located between Duluth Avenue and 1500 North Street west of 900 West Street.

## VICINITY MAP



### ***Background***

### **Project Description**

The alley closure will provide improved access between parcels of land owned by the applicant. This request is to close the alley between Duluth Avenue and 1500 North Street west of 900 West Street. There are a total of nine properties that abut the alley. Eight of the properties are owned by the applicant. The alley is not developed and there is no access by vehicles to the rear of the adjacent property not owned by the applicant.

### ***Public Notice, Meetings and Comments***

On April 30, 2013 the Capitol Hill Neighborhood Council was sent community council form letter identifying the petition request along with a map showing the proposed alley location. In the Council's Director's Meeting they discussed the alley closure and no one felt there was a need to comment on this issue. The Capitol Hill Neighborhood Council chair responded on May 7, 2013 in an email stating that the Capitol Hill Neighborhood Council feels they do not need to review the proposed alley closure. The Community Council response is provided in Attachment B.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on September 27, 2013.
- Public hearing notice posted on property on September 30, 2013.
- Public hearing notice posted on City and State websites on September 27, 2013

- Public hearing notice emailed to the Planning Division listserv on September 27, 2013.

## **City Department Comments**

The comments received from pertinent City Departments/Divisions are included with this staff report (Attachment C). There were no comments of concerns directly related to the requested alley closure.

## **Analysis and Findings**

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 City's legal interest in the property appears on record in the Superior Addition Subdivision plat. It is evident from an on-site inspection that the east-west running alley does not physically exist and is unusable as a public right-of-way.

**Finding:** The alley as platted does not continue through the entire block and it does not physically exist therefore it is not useful as a public right-of-way nor does it serve as a positive urban design element.

**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. Comments were received from the Transportation Division, Engineering, Public Utilities and the Property Management Divisions. Department comments are provided in Attachment 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 alley property consists of unimproved land. The majority of the surrounding land uses are industrial in character. There is one parcel located along the alley at the east end and to the south that is not a signatory of the petition request. This parcel contains a single family home which fronts on 1500 North Street. The property is a corner parcel and has the ability to access the property from 900 West or 1500 North. Closure of the alley will not negatively affect the accessibility of the property. The proposed alley vacation satisfies 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 access to their lot. The proposed alley closure would not interfere with access for the properties that share the alley (see proposed alley closure map in Attachment A – Property Owner Petition).

**Finding:** Closing the alley will not deny access or required off-street parking to any owner of property adjacent to the alley.

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

**Discussion:** Should the alley be vacated, it would become part of the applicant’s and the adjacent land owner’s property and no parcel would become landlocked.

**Finding:** The proposed alley closure would not create any landlocked parcels.

**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:

### Capitol Hill Community Master Plan

The Capitol Hill Community Master Plan's Future Land Use Map designates the subject area for Business Park. The property is within Swedetown, which is located between Beck Street and Interstate 15 and between Everett Avenue and 1900 North. Industrial land uses have been allowed in Swedetown since 1927. Between 1927 and 1955 the zoning in Swedetown allowed unrestricted development. In 1955 the zoning was further refined to industrial zoning which allowed for residential land uses. Over the years, as the definition of industrial zoning has been further restricted, new residential land uses have not been permitted and the existing residences have not been protected from incompatible neighbors. The current residential uses can continue to exist under a nonconforming use status.

### *Swedetown*

Policies for the Swedetown area include:

- Initiate redevelopment of Swedetown in the non-residential area first.
- Ensure the new interchange at 1800 North enhances access to Swedetown.
- Ensure that any vacations/street closures in this area do not eliminate important buffer areas between land uses.

Action items identified in the master plan to obtain the envisioned business park land use for this area include the development of a small area plan. This plan would include the development of a relocation plan for residential uses, zoning changes from industrial to business park, environmental cleanup, circulation improvements, provide sewer, water and other infrastructure improvements and provide redevelopment strategies. These implementation actions have not been initiated since the adoption of the master plan.

The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate for, a nuisance environment. This zone is appropriate in locations that are by the applicable master plan policies adopted by the city. The district is intended to provide areas in the city that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Due to the nature of uses allowed in this zone, land may be adversely impacted by heavy manufacturing activities that are not permitted. Certain land uses are prohibited in order to preserve land for manufacturing uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. The M-2 Zoning District permits contractor's yard/office with exterior storage.



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### Open Space and Transportation Plans

There are no proposed open space corridors as defined in the Salt Lake City Open Space Plan within the vicinity of the alley closure. There are no proposed streets or major transit corridors depicted in the Salt Lake City Transportation Plan within the immediate area. There are no bike routes proposed within the vicinity of the alley closure as depicted within the Salt Lake City Bicycle and Pedestrian Plan.

**Finding:** The disposition of the alley property will not result in a use which is otherwise contrary to the 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;**

**Discussion:** Review of City record show that none of the abutting property owners currently have a permit or have contacted the City in anticipation of construction of a garage or other building permit.

**Finding:** The proposed alley vacation meets this standard.

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 closed.

**Finding:** This proposal meets the City preference for disposing of an entire alley.

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

**Discussion:** The adjacent properties have full access to all portions of their property from the street they are located on. The one property that is not a signatory to the petition is a corner parcel with frontage on 900 West and 1500 North Streets.

**Finding:** The alley proposed for closure is not necessary for actual or potential rear access to residences or for accessory uses.

# **Attachment A**

## **Property Owner Petition**



SALT LAKE CITY PLANNING

# Alley Vacation or Closure

### OFFICE USE ONLY

Received By: <i>PLNPCM2013-00196</i>	Date Received: <i>4-3-13</i>	Project #: <i>[Signature]</i>
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Project Name:

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley: N 900 W. W. 1550 N.

Name of Applicant: Bud Mahas Construction Inc.	Phone: (801)-521-5733
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Address of Applicant: 917 West Duluth ave. Slc, Ut. 84116

E-mail of Applicant: <i>steve@budmahas.com</i>	Cell/Fax: (801)-550-3347 (Steve)
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Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

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

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

### AVAILABLE CONSULTATION

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

### WHERE TO FILE THE COMPLETE APPLICATION

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

➔ Filing fee of \$221.48, plus additional cost of postage for mailing notice.

### SIGNATURE

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

Signature of Owner or Agent: <i>[Signature]</i>	Date: <i>4-1-13</i>
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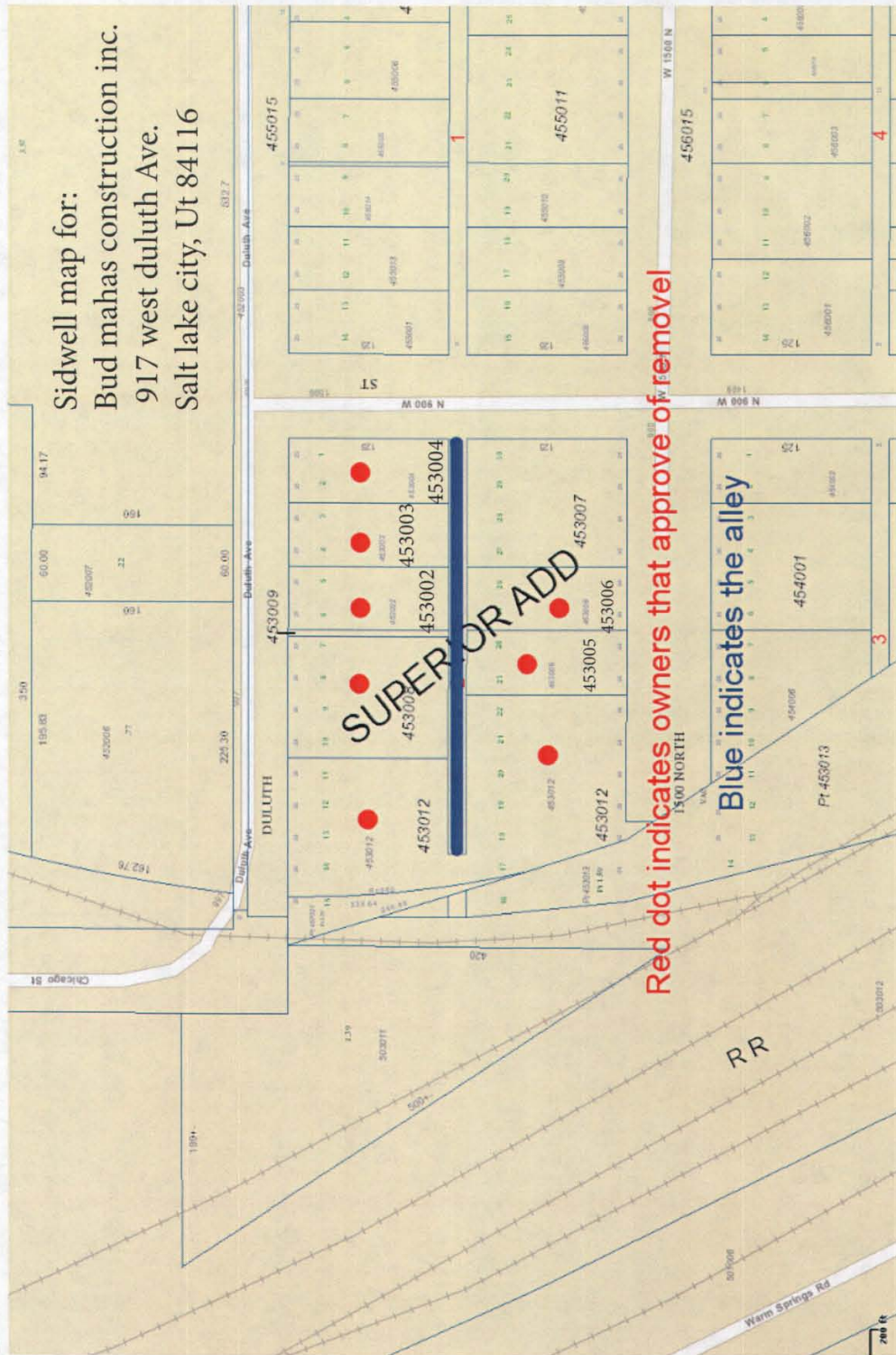
### 1. REQUEST

The applicant, Bud Mahas Construction Inc., is requesting to vacate an alley that runs through the center of our property which is located at 917 West Duluth Avenue, Salt Lake City, UT 84116. The alley runs north east and south and abuts a total of 8 properties we own. The reason for the wanting to vacate the alley is so we can combine our properties and use them for their intended purpose. When we bought the property many years ago we were told this had already been taken care of at the time of purchase.

### 3. DESCRIPTION

The proposed alley runs through the center of our property starting from N 900 W running east and west. The proposed alley is 332 feet long from our calculations.

# 1 a Flex Viewer application



Sidwell map for:  
Bud mahas construction inc.  
917 west duluth Ave.  
Salt lake city, Ut 84116

Red dot indicates owners that approve of removal

Blue indicates the alley

SUPERIOR ADD

ed. Printed on Fri Mar 29 2013 10:14:01 AM.

## **Attachment B**

### **Community Council Comments**

## Joyce, Everett

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**From:** Richard Starley [rstarley@xmission.com]  
**Sent:** Tuesday, May 07, 2013 4:26 PM  
**To:** Joyce, Everett  
**Subject:** RE: Capitol Hill Neighborhood Council review of a petition request for an alley vacation

Everett:

Thank you for bringing this issue to our attention. At our Directors' Meeting last night, I shared the information that you sent with the Board of the Council. No-one felt the need to comment on this issue. From the diagram it seems natural that Mahas Construction would want this to be added to their property. So, thank you again.

**Capitol Hill Neighborhood Council**  
[www.chnc-slc.org](http://www.chnc-slc.org)

Richard Starley, Chair  
801-355-7559 / 801-580-0350  
[rstarley@xmission.com](mailto:rstarley@xmission.com)

Meetings are the 3<sup>rd</sup> Wednesday every Month at 6:30PM  
In the East Capitol Office Building with parking on the east  
Side of the building off East Capitol Boulevard.

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**From:** Joyce, Everett [mailto:everett.joyce@slcgov.com]  
**Sent:** Tuesday, April 30, 2013 3:13 PM  
**To:** rstarley@xmission.com  
**Subject:** Capitol Hill Neighborhood Council review of a petition request for an alley vacation

Richard,

Attached is a Community Council Input form letter with information and a site map for Petition PLNPCM-2013-00196 to close an alley at 917 W Duluth Ave. Would you please review the request and let me know if you want to put this item on a Capitol Hill Neighborhood Council agenda or if there is no interest in having community council review the proposed request.

Thank you.

EVERETT L. JOYCE *AICP*  
Senior Planner

PLANNING DIVISION  
COMMUNITY *and* ECONOMIC DEVELOPMENT  
SALT LAKE CITY CORPORATION

TEL 801-535-7930  
FAX 801-535-6174

[www.SLCGOV.COM](http://www.SLCGOV.COM)

**Attachment C**  
**Department/Division Comments**





**Joyce, Everett**

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**From:** Stoker, Justin  
**Sent:** Thursday, May 02, 2013 12:48 PM  
**To:** Joyce, Everett  
**Cc:** Garcia, Peggy  
**Subject:** FW: Review of Petition PLNPCM2013-00196 Alley closure at 917 W Duluth Ave  
**Attachments:** Request for Comments\_PLNPCM2013-00265.pdf

I have reviewed the proposal to vacate an alley. I have researched the area and found that we have no apparent interest in the alley for water sewer or storm drain utilities. You will need to contact other power, gas, and communication companies to determine if there is a utility use by any of those providers.

Justin

**Justin D. Stoker, PE, LEED® AP, CFM**  
**Salt Lake City Public Utilities**  
1530 S. West Temple, SLC, UT 84115  
ph. (801) 483-6786 - [justin.stoker@slcgov.com](mailto:justin.stoker@slcgov.com)



Please consider the environment before printing this e-mail

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**From:** Garcia, Peggy  
**Sent:** Tuesday, April 30, 2013 2:35 PM  
**To:** Stoker, Justin  
**Subject:** FW: Review of Petition PLNPCM2013-00196 Alley closure at 917 W Duluth Ave

Please respond to Planning.

Thank you,

Peggy ,

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**From:** Joyce, Everett  
**Sent:** Tuesday, April 30, 2013 2:21 PM  
**To:** McFarland, Ryan; Walsh, Barry; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Ross, Michelle  
**Cc:** Hutcheson, Robin; Naser, John; Niermeyer, Jeff; Cook, Kurt; Burbank, Chris  
**Subject:** Review of Petition PLNPCM2013-00196 Alley closure at 917 W Duluth Ave

Attached for your review and comment is a request to close an alley at 917 W Duluth Ave.

EVERETT L. JOYCE *AICP*  
Senior Planner

PLANNING DIVISION  
COMMUNITY and ECONOMIC DEVELOPMENT  
SALT LAKE CITY CORPORATION

TEL 801-535-7930  
FAX 801-535-6174

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## Joyce, Everett

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**From:** McFarland, Ryan  
**Sent:** Tuesday, April 30, 2013 3:30 PM  
**To:** Joyce, Everett  
**Subject:** RE: Review of Petition PLNPCM2013-00196 Alley closure at 917 W Duluth Ave

Joyce-

I have no comments other than if/when this is approved we will sell the City ROW for the fair market value to the applicant.

Thanks,

Ryan

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**From:** Joyce, Everett  
**Sent:** Tuesday, April 30, 2013 2:21 PM  
**To:** McFarland, Ryan; Walsh, Barry; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Ross, Michelle  
**Cc:** Hutcheson, Robin; Naser, John; Niermeyer, Jeff; Cook, Kurt; Burbank, Chris  
**Subject:** Review of Petition PLNPCM2013-00196 Alley closure at 917 W Duluth Ave

Attached for your review and comment is a request to close an alley at 917 W Duluth Ave.

EVERETT L. JOYCE *AICP*  
Senior Planner

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TEL 801-535-7930  
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## Accela - Department Comments

### Engineering Division

Task	Due Date	Assigned Date
Engineering Review	05/15/2013	04/30/2013
<b>Assigned to Department</b>	<b>Assigned to</b>	<b>Status</b>
Engineering Engineer	Randy Drummond	Complete
<b>Action by Department</b>	<b>Action By</b>	<b>Status Date</b>
Engineering Engineer	Scott Weiler	05/03/2013
<b>Comments</b>		
Engineering has no objection to the proposed alley closure. On a separate issue, the public way of 1500 North, directly south of this alley, is currently being cleared of the junk and clutter that have shortened the dead end road. If this applicant has equipment in the public way of 1500 North, it needs to be moved onto private property.		

### Transportation Division

Task	Due Date	Assigned Date
Transportation Review	05/15/2013	04/30/2013
<b>Assigned to Department</b>	<b>Assigned to</b>	<b>Status</b>
Transportation Technician	Barry Walsh	Complete
<b>Action by Department</b>	<b>Action By</b>	<b>Status Date</b>
Transportation Technician	Barry Walsh	05/07/2013
<b>Comments</b>		
The proposed alley vacation indicates no impact to the public transportation roadway of 900 West, all abutting parcels have access from the frontage roads - Duluth Ave (1550 North) 900 West and 1500 North. It is recommended that the 1500 North ROW west of 900 West be vacated in that it serves no public access		