

PLANNING COMMISSION STAFF REPORT
Legislative Item



Planning Division
Department of Community
and Economic Development

AMERICAN AVENUE ALLEY CLOSURE
PLNPCM2013-00340
Near 364 W. American Avenue
July 10, 2013

Applicant: BM&V Enterprises

Staff: Wayne Mills
(801) 535-7282
wayne.mills@slcgov.com

Tax ID: N/A

Current Zone: CG General
Commercial

Master Plan Designation:
Gateway Master Plan –
Secondary/Support Commercial

Council District: District 5 –
Jill Remington Love

Community Council: Ballpark

Alley Area: Approximately
5,013 square feet

Current Use: Parking and
access to applicant's business

**Applicable Land Use
Regulations:**

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

Attachments:

- A. Application Submittal
- B. Department/Division Comments
- C. Property Ownership Map

Request

BM&V Enterprises is requesting closure of an alley located between 900 South, 400 West, American Ave., and a Utah Transit Authority (UTA) rail corridor. The alley was created as part of a subdivision plat but has not functioned as a public alleyway. The alley has been gated and used for parking and private business access. 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 PLNPCM2013-00340 to close the public alley located between 900 South, 400 West, American Ave., and the UTA rail corridor 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.

Recommended Motion

Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to close the alley located between 900 South, 400 West, American Ave., and the UTA rail corridor subject to the conditions of approval.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to close a portion the alley located between 900 South, 400 West, American Ave., and the UTA rail corridor.

VICINITY MAP



Background

Project Description

BM&V Enterprises (applicant) is requesting the full closure of an alley located interior of the block surrounded by 900 South to the north, 400 West to the west, American Avenue to the south, and a railroad corridor to the east. The railroad corridor is owned by the Utah Transit Authority (UTA).

The alley was platted as part of the Coates & Corums South Gale Addition subdivision but does not serve as a public alleyway. There is no through access due to the railroad corridor so the alley serves as private access and parking for the applicant's business.

Aside from the UTA corridor, there are three owners of property that abut the alley; Craig Lindberg, Salt Lake City Corporation, and the applicant. The applicant has obtained signatures of

support for the alley closure from all abutting property owners. Planning Staff had a phone conversation with a UTA property management representative and followed up with an email with additional information regarding the request. The email also requested feedback if there were any concerns. Staff did not receive any return comments from UTA at the time this Staff Report was written.

Public Notice, Meetings and Comments

Salt Lake City code section 14.52.030 states that proposed alley vacations and closures must be presented to the appropriate neighborhood organization. The subject alley is located in the Ballpark Community Council area. Planning Staff emailed and mailed information regarding the proposal to the chair of the community council on May 21, 2013 and asked for a response if a presentation was desired. Staff did not receive a response from the community council chair.

Notice of the public hearing for the proposal includes:

- Public hearing notice posted in newspaper on June 27, 2013.
- Public hearing notice mailed on June 27, 2013.
- Public hearing notice posted on City and State websites on June 27, 2013
- Public hearing notice emailed to the Planning Division listserv on June 27, 2013.

City Department Comments

The comments received from pertinent City Departments/Divisions are included with this staff report (Attachment C). There are no comments of particular concern.

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 proposed alley closure is consistent with policy consideration A, Lack of Use. The alley was platted as part of the Coates & Corums South Gale Addition subdivision but does not serve as a public alleyway. The alley is fenced off along the UTA rail corridor; therefore, there is no through access between public rights-of-way. The alley serves as parking and private access to the applicant’s property and the City does not maintain the alley.

Finding: The request satisfies one of the policy considerations 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. Comments were received from the Transportation, Building Services, Engineering, Fire, Public Utilities and Property Management. There were no objections to the requested closure.

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 the “Lack of Use” policy consideration (see the discussion and findings on page 4).

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: The adjacent properties include the applicant’s commercial property, four parcels owned by Salt Lake City Corporation, and the commercial property owned by Craig Lindberg (see Attachment C: Property Ownership Map). If the subject alley is closed, it would be combined with the applicant’s property and would continue to be used as access. Mr. Lindberg’s property has direct access from 400 West; therefore, the alley closure would not deny access to his property. Three of the four parcels owned by Salt Lake City are occupied by single-family dwellings; however, the tenants of these homes have been relocated in preparation for redevelopment of the site. These four parcels will be combined and developed as the future Salt Lake City Police and Fire large vehicle garage. Combining the four lots will create one corner lot with direct access from American Avenue and 400 West; therefore, the proposed alley closure would not deny access to the property. Furthermore, the Salt Lake City Property Manager has signed the petition in support of the alley closure.

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 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: The applicant is requesting closure of the alleyway to allow him to purchase the alley and combine it with his existing auto body and paint business. The subject alley is located in the Gateway Master Plan area. The Master Plan identifies the future land use of the block containing the alley as Secondary/Support Commercial and auto repair is listed as an appropriate use in this land use designation. The Master Plan also identifies corridors where urban trails connections are appropriate. The subject alleyway is not identified as an urban trail or any other alternative transportation use.

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: None of the abutting property owners is opposed to the proposed alley closure.

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 requesting closure of the entire alley located within the block.

Finding: The proposal is compliant with the City's preference of disposing of an entire alley.

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

Discussion: As discussed under standard 3 on page 5, the existing residences abutting the subject alley are being demolished in preparation for development of the Salt Lake City police and fire large vehicle garage. There are no other residences along the alleyway and no access is required to accessory uses that are not part of the applicant's business.

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

Attachment A

Application Submittal



SALT LAKE CITY PLANNING

Alley Vacation or Closure

OFFICE USE ONLY

Received By:	Date Received:	Project #:
--------------	----------------	------------

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley:
364 West American Ave SLC, Utah 84101

Name of Applicant: BM&V ENTERPRISES contact: William Ventura	Phone: 801-328-9135
Address of Applicant: 372 W. AMERICAN AVE SLC, UTAH 84101	
E-mail of Applicant: MELVENTURA@MSN.COM	Cell/Fax: 801-557-8294
Applicant's Interest in Subject Property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other:	
Name of Property Owner abutting the alley (if different from applicant): CRAIG LINDBERG & SALT LAKE CITY CORP	
E-mail of Property Owner:	Phone: 801-330-6469

➔ **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

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

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: 	Date: 5/13/2013
---	--------------------



May 13, 2013

Att; Salt Lake City Corp

We are writing this letter requesting the alley closure that goes between our properties. This is a huge security issue for us that would stand in the way of our being able to secure our property. In the 25 years that we have been here this has been fenced off and no one has ever used that portion of the alley that goes into the back of our shop. I know the previous owner always had the fence there as well. We own all of the parcels that affect the rear portion and also the buildings on both sides of the alley in the rear of the properties. It only makes sense for the alley to be closed as there is no usable purpose for it to remain open. There are Rail Road tracks that run on the east side of our property that brings a large amount of transient foot traffic and by leaving the alley open they would be able to enter the shop yard and have access to the buildings. I have always maintained the alley having the weeds removed and sprayed ever since I have been here since 1988. I hope this explains why we are requesting this. If you have any other questions please feel free to call me.

Sincerely,

**William L. Ventura
BM&V Enterprises**



A description of the purposed alley:

**Alley Begins at 364 West American Ave (955 So.)
It runs in a North to South direction approximately
two hundred eighty nine running feet (289).**

**The second alley connects into this alley runs
East and West approximately 75 running feet.**

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:

BM&V ENTERPRISES

Address of Applicant:

372 W. AMERICAN AVE SALT LAKE CITY UTAH 84101

Date:

MAY 9, 2013

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.

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
CRAIG N LINDBERG	927 SO. 400 WEST	<i>Craig N Lindberg</i>	5/13/13

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
WILLIAM VENTURA	327 W AMERICAN AVE	<i>William Ventura</i>	5/13/2013

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
SALT LAKE CITY CORP		<i>Ryan Reynolds</i>	14 MAY 2013

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

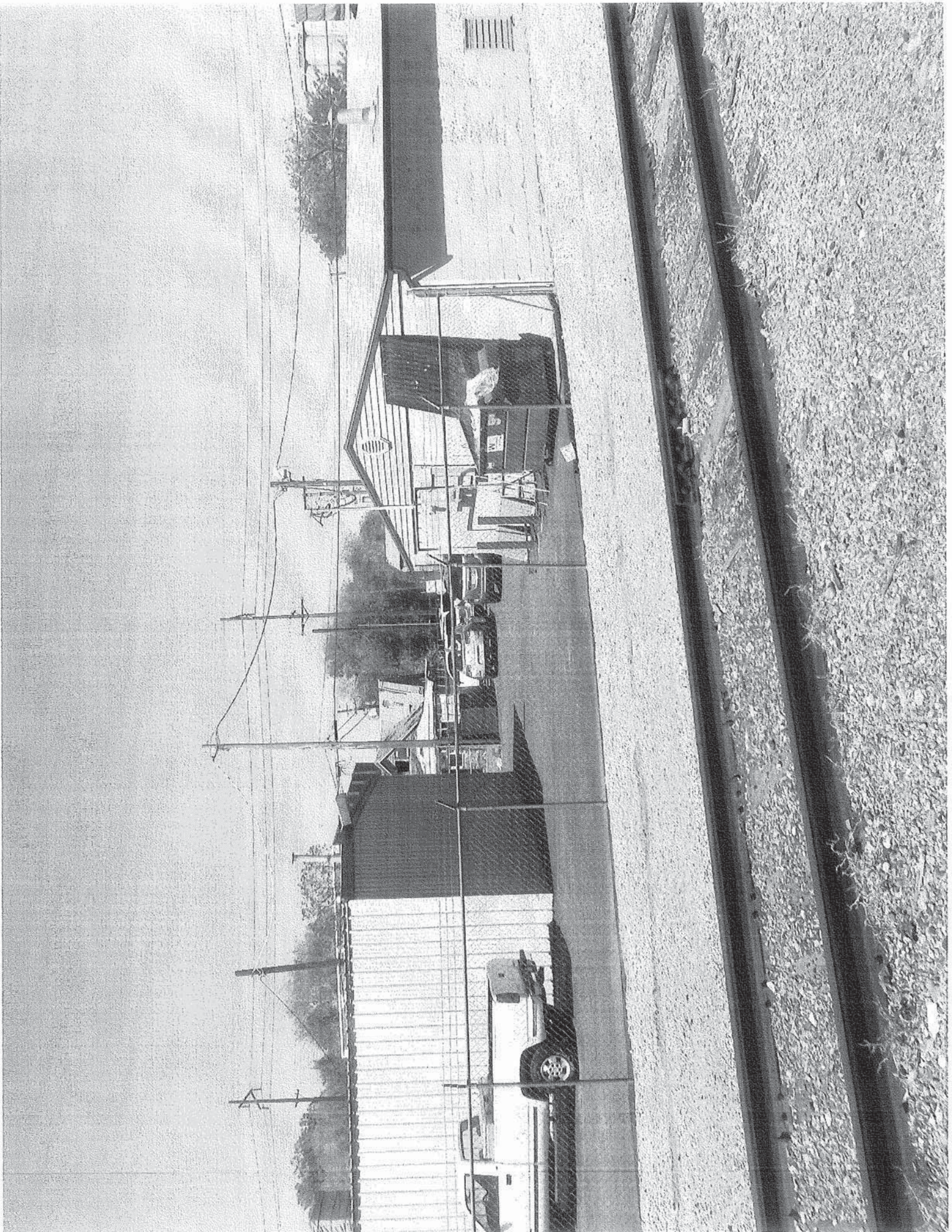
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

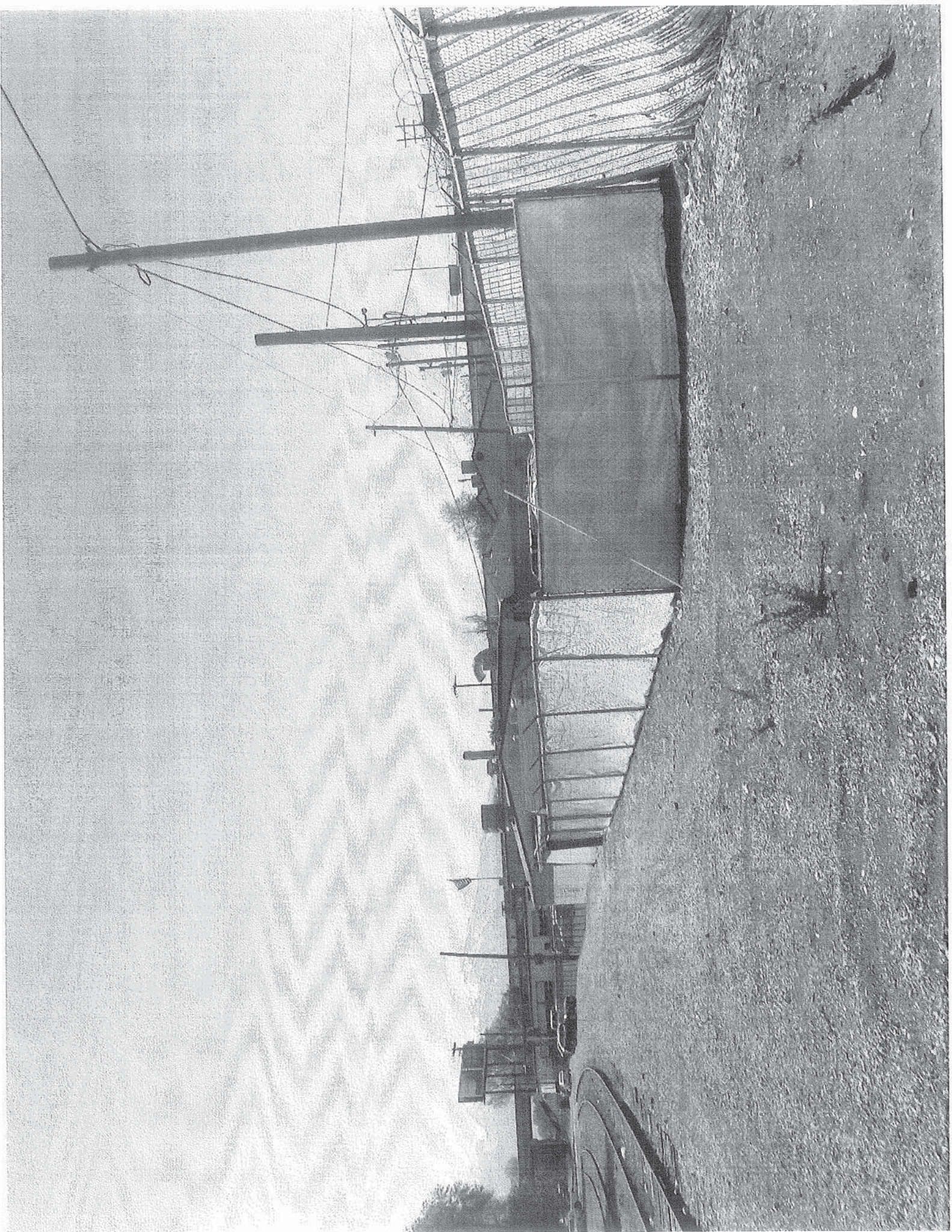
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------

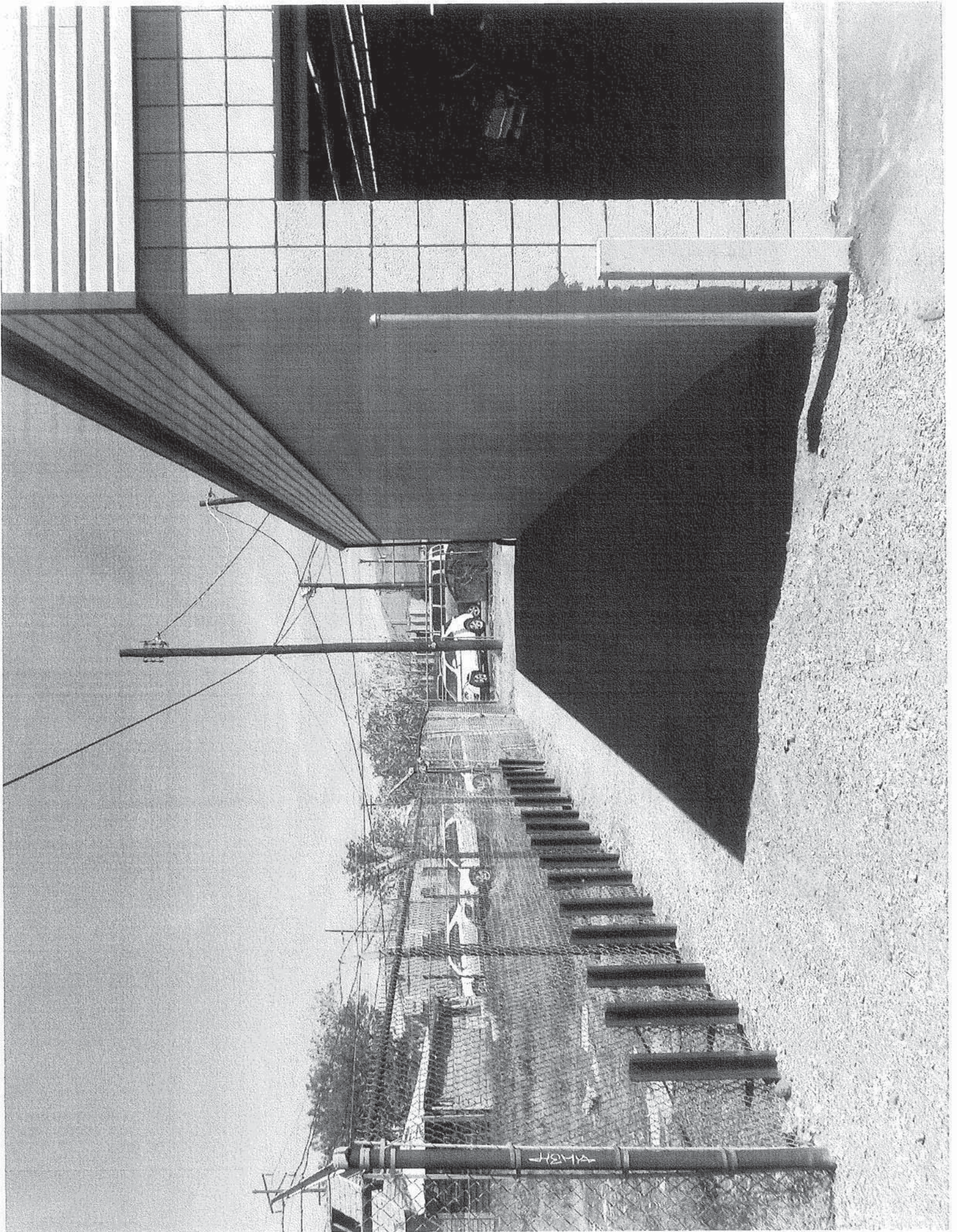
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
-------------------	----------------	------------------	-------------













Attachment B

Department/Division Comments

CITY DEPARTMENT REVIEW
American Avenue Alley Closure

Applicant Address: 364 W. American Ave.

Applicant: BM&V Enterprises

Department/Division: Fire

Reviewer: Ed Itchon

Review Comments: I reviewed the information with Fire Prevention Bureau today and with an on-site inspection concluded we have no objection with the vacation of the property.

Department/Division: Public Utilities

Reviewer: Justin Stoker

Review Comments: We have no interest in the area proposed to be closed. All other utility companies should be contacted, such as Questar, Rocky Mountain Power, Comcast, etc., to verify that there aren't other utility interests in the alley.

Planning Staff Comment: Staff sent information regarding the project to representatives from AT&T, Comcast, Level 3 Communications, Questar Gas, Centurylink, and Rocky Mountain Power. There is a Questar gas line serving the applicant's business and a Centurylink overhead line located within the alley. All existing utility easements would need to remain in place upon closure of the alley unless the applicant works with the utility companies to eliminate or relocate the utilities and easements.

Department/Division: Engineering

Reviewer: Scott Weiler

Review Comments: Engineering has no objection to closing (selling) the alley, assuming all abutting property owners give their consent.

Department/Division: Transportation

Reviewer: Barry Walsh

Review Comments: The proposed alley vacation does not serve the general public and closure does not restrict access to the abutting parcels. There are no public way improvements or drive approaches required to be removed.

Department/Division: Building Services

Reviewer: Larry Butcher

Review Comments: There are no concerns regarding the petition.

Attachment C

Property Ownership Map

PLNPCM2013-00340 - Alley Closure



 Proposed Alley Closure

