



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Daniel Echeverria, (801) 535-7165, daniel.echeverria@slcgov.com
Date: January 7, 2016
Re: PLNPCM2015-00935, 700 West Alley Vacation

ALLEY VACATION

PROPERTY ADDRESS: Affects 723 W Pacific, 745 W Pacific Ave, and 470 S 700 West
PARCEL ID(s): Affects 15-02-430-002, -004, and -005
MASTER PLAN: Gateway Master Plan
ZONING DISTRICT: CG, General Commercial
APPLICABLE LAND USE REGULATIONS: Utah State Code, Section 10-9a-204 and 10-9a-609.5, Chapters 2.58 and 14.52 of Salt Lake City Municipal Code

REQUEST: Jim Lewis, representing FFKR Architects, is requesting an alley vacation for an alley located along the south and west property lines of the parcel at 723 W Pacific Ave (440 S). The Planning Commission is required to transmit a recommendation to the City Council for alley vacation requests.

RECOMMENDATION: Based on the findings and analysis in this staff report, Planning Staff recommends that the Planning Commission transmit a positive recommendation to the City Council for the alley vacation.

The following motion is provided in support of the recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation for the alley vacation to the City Council with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.
2. The closure is subject to payment to the city of the fair market value of the alley property, based upon the value added to the abutting properties.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Photos](#)
- C. [Applicant Request Letter & Exhibit](#)
- D. [Existing Conditions & Zoning](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)

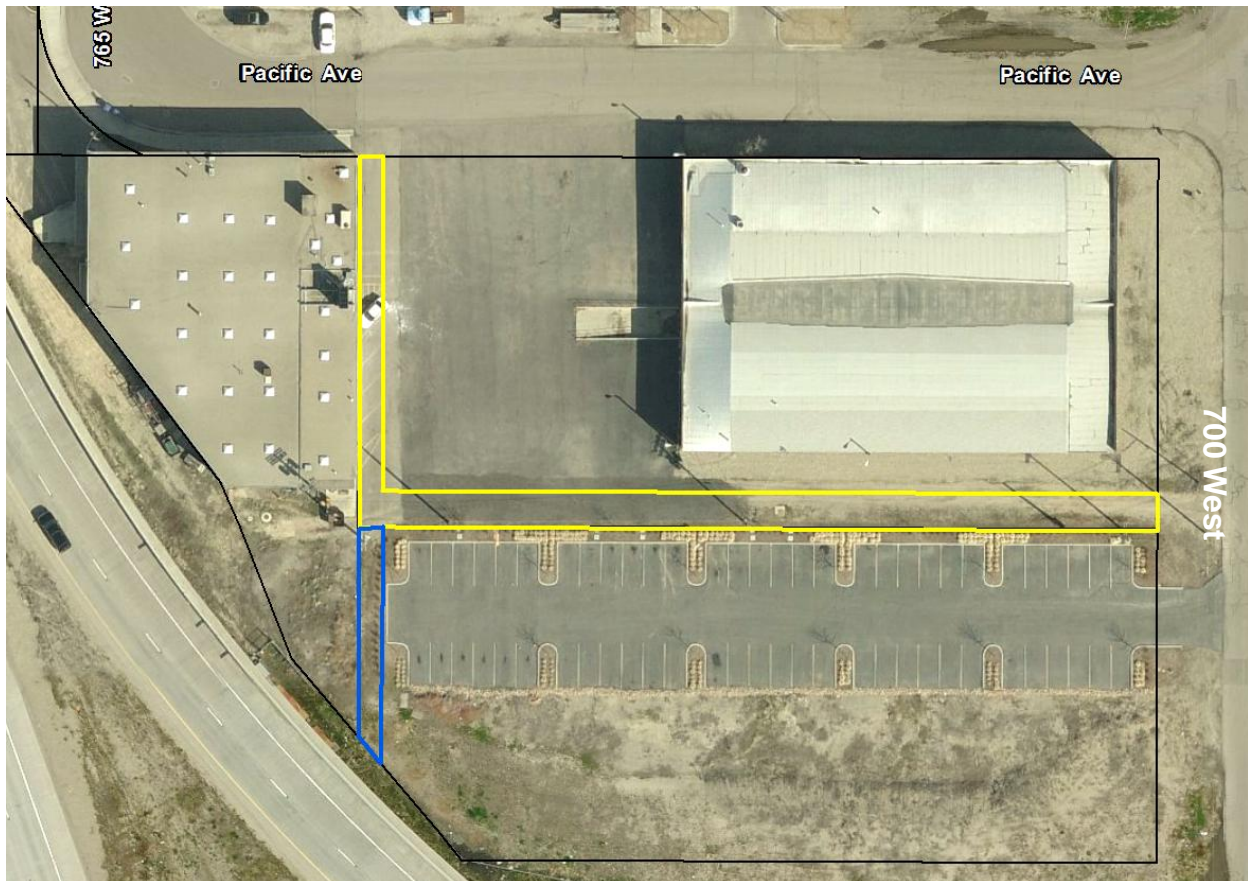
G. [Department Review Comments](#)

H. [Potential Motions](#)

PROJECT DESCRIPTION:

This is a request to completely vacate the City's ownership of an alley located at approximately 723 W Pacific Avenue (440 S). The alley vacation was formally requested by all of the property owners adjacent to the alley. They have provided a formal letter detailing the reasons for their request in [Attachment C](#). Vacating a public alley closes it to public access and transfers ownership of the alley from the City to the adjacent private property owners. For commercial properties, the method of transfer is through sale of the alley property at fair market value to adjacent land owners.

All of the surrounding properties are commercial properties and none of the properties rely on the alley for vehicle access. Nearly half of the alley already functions as part of the parking lot of the adjacent properties. In particular, the portion of the alley on the west side of 723 W Pacific Avenue functions as vehicle parking for the adjacent business and has been painted with lines to indicate parking since at least 2006. Aerial photography indicates that the alley generally stopped functioning as a traditional alley when the interstate was built in the 1960s. The interstate eliminated residential properties that had used the alley for vehicle access.



The alley proposed for vacation is highlighted in yellow. The blue portion has already been vacated. As shown in the photo, much of the alley already functions as part of the adjacent properties and there is generally no physical distinction on the ground that identifies the alley as a public alley versus private property.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

Issue 1: Compliance with Standards for Alley Vacations

The alley closure has been reviewed against the standards for alley vacations located in [Attachment E](#). In compliance with the applicable policies, the alley is not being used as a public alley and the vacation is supported by all the adjacent property owners. Further, City policies and the relevant Master Plan do not include any policies that would oppose the vacation of this alley. The alley vacation generally meets all of the applicable standards.

NEXT STEPS:

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. If the City Council approves the alley vacation, the alley will be closed and abandoned. The closure is subject to payment to the city of the fair market value of the alley property, based upon the value added to the abutting properties.

ATTACHMENT A: VICINITY MAP

Vicinity Map - 700 West Alley Vacation





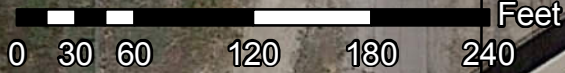
Vacated by Bill 69 of 1978

Proposed Alley Vacation



Legend

-  Subject Alley
-  Vacated Alley



ATTACHMENT B: PHOTOS



View of the alley from Pacific Avenue, looking south. The yellow line shows the approximate location of the alley. As can be seen in the photo, the alley currently functions as parking and appears as part of the paved parking/maneuvering area to the east. The building on the right is used for warehousing and manufacturing and the building to the left is used for warehousing.



Panoramic view of the two properties adjacent to the alley. View from Pacific Avenue, looking south.



View of the alley from 700 West, looking west. The yellow line shows the approximate location of the alley. To the south is a parking lot, and the building to the east is currently used as warehousing.



Panoramic view of the properties adjacent to the alley from 700 West, looking west. Yellow line shows approximate location of the alley.

**ATTACHMENT C: APPLICANT REQUEST LETTER &
EXHIBIT**



November 8, 2015

Salt Lake City Planning Department
451 South State Street, Room 215
Salt Lake City, Utah 84114

RE: Request to Vacate Alleys

Dear Salt Lake City Council, and Salt Lake Planning Officials,

We are requesting two alley ways be vacated by Salt Lake City.

One alley is located between Pacific Ave. (450 South) at approximately 475 South, and runs east to west from 700 West to approximately 750 West. The alley area measurements are approximately, 335' x 15'.

The other alley runs north to south from approximately 750 West to Pacific Ave. (450 South) The alley measurements approximately, 150' x 10'.

Refer to attached Sidwell map, for locations.

Reasons for this request include:

Vacating one of the alleys will accommodate a future, potential power line change that could be accommodated more easily if the guy-wires for an existing pole were secured in the alley right of way.

The alleys have been vacant for many years. Maintenance has been taken care of by the adjacent property owners.

The property owners would like to have the alleys vacated so they could clean up the ownership of the strips of the vacant land, and obtain ownership of the vacated alleys through the city process that would be purchased at fair market value.

At this time, no further development is planned in the areas of the alleys, but ownership of the alleys, by the property owners, could be beneficial for future development on the sites.

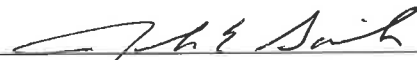
The three property owners include:

Thornton Investments LLC	Scott Thornton sthornton@dmba.com , 801-390-9034 Ron Thornton ronthornton@gmail.com , 801-328-8855
KOME Enterprises, LLC	Joe Sasich jesasich@aol.com , 801-518-2529
The Bogue/FFKR Building, LLC	Jim Lewis, Sr. Principal, Partner, FFKR Architects jlewis@ffkr.com , 801-5211-6186

Thank you for your consideration,



Scott Thornton, Thornton Investments



Joe Sasich, KOME Enterprises



Jim Lewis, FFKR Architects

WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
3. Granting the petition will not result in any property being landlocked;
4. Granting the petition will not result in a use of the alley property 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;
5. 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;
6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.


INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.


PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant: JIM LEWIS - for the Bogue/FFKR Building, LLC
 Address of Applicant: 730 PACIFIC AVE. Salt Lake City, Utah
 Date: Nov. 9/2015 84104

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	Address	Signature	Date
KOME Enterprises Joseph E. Sasich	2918 Kennedy Dr SLC, Utah 84108		11-8-15

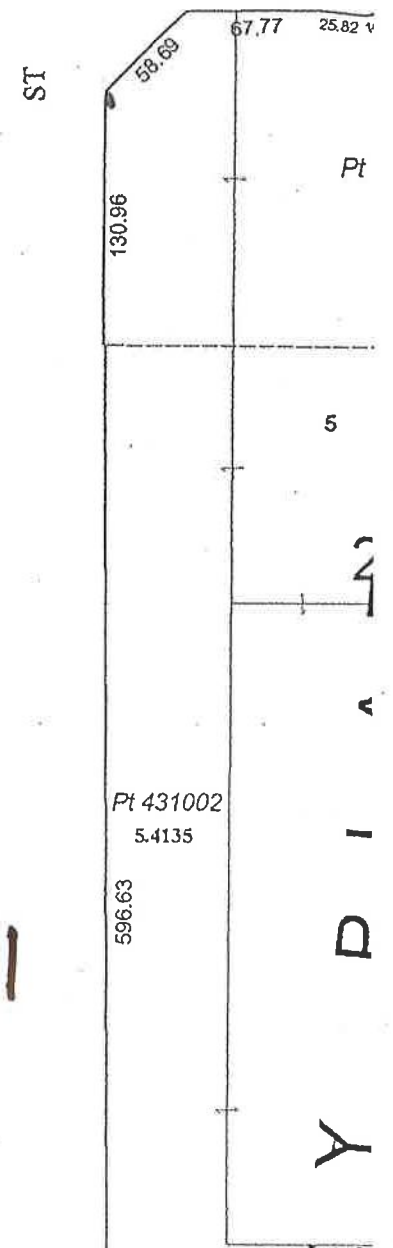
Print Name	Address	Signature	Date
Thornton Investments, LLC Scott Thornton	704 E. 650N. Cantermville, UT 84014		11-10-15

Print Name	Address	Signature	Date
The Bogue/FFKR Building, LLC JIM LEWIS	730 Pacific Ave, SLC Utah 84104		11-9-15

Print Name	Address	Signature	Date

Print Name	Address	Signature	Date

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Thornton Investments, LLC
contact: Scott Thornton



Kome Enterprises, LLC
contact: Joe Sasich



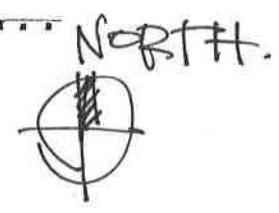
The Bogue/FFR Building, LLC
contact: Jim Lewis



ALLEY #1



ALLEY #2



ATTACHMENT D: EXISTING CONDITIONS & ZONING

ADJACENT LAND USE

The land uses surrounding the site include:

- **East:** Warehousing and manufacturing.
- **West:** Office/manufacturing/warehousing.
- **North (Across Pacific Ave):** Parking lot, outdoor storage, and two non-conforming homes.
- **South:** Parking lot.

ADJACENT ZONING

The land surrounding the alley is all zoned CG, General Commercial.

ATTACHMENT E: ANALYSIS OF STANDARDS

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:*

Factor	Finding	Rationale
<p>14.52.020: 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:</p> <p>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.</p> <p>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.</p> <p>C. Urban Design: The continuation of the alley does not serve as a positive urban design element.</p> <p>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.</p>	<p>Complies</p>	<p>The proposed alley closure is consistent with policy consideration A, Lack of Use, and D, Urban Design. The alley was platted as part of the “Coates & Corums Block 26 Plat C” subdivision in 1889 and was used for vehicle access to residences within the subdivision until the 1950s. However, those residential uses were eliminated with the construction of I-15 in the 1960s. The elimination of the residential uses left only industrial uses and vacant properties in the subdivision, which have direct vehicle access to the public street and have utilized the alley only as secondary vehicle access. The majority of the alley has been paved and utilized as private commercial property and generally does not physically exist as an alleyway. The alley predominantly serves as parking and as a secondary private access drive to the applicant’s property and the City does not maintain the alley.</p> <p>Alleyways can serve as positive urban design elements in commercial areas with high levels of potential pedestrian activity. For example, they can serve as pedestrian shortcuts through the City’s wide blocks or serve as service vehicle corridors behind pedestrian oriented development. However, this alley does not serve such purposes. The potential of this alley to serve such purposes was eliminated with the construction of I-15, which eliminated half of the alley and its potential to create a shortcut through the block. Further, the alley is located in a generally isolated high intensity commercial and industrial area, between both a highway and a major rail corridor, where an alley would not provide walkability benefits to the public. Additionally, the applicable master plan and current zoning do not generally support the future development of this area for pedestrian oriented development that would potentially benefit from a public alley. Therefore, the alley does not serve as a positive urban design element.</p>

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:

Factor	Finding	Rationale
<p>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;</p>	<p>Complies</p>	<p>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.</p>
<p>2. The petition meets at least one of the policy considerations stated above;</p>	<p>Complies</p>	<p>The proposed alley vacation satisfies the “Lack of Use” and “Urban Design” policy consideration of 14.52.020. See the discussion and findings on the previous page.</p>
<p>3. The petition must not deny sole access or required off-street parking to any adjacent property;</p>	<p>Complies</p>	<p>The adjacent properties all have vehicle access from the public streets Pacific Avenue and 700 South. None of the properties will be denied vehicle access with the vacation of the alley. The vacation of the alley will serve to legitimize the current use of a portion of the alley as private parking.</p>
<p>4. The petition will not result in any property being landlocked;</p>	<p>Complies</p>	<p>Should the alley be vacated, it would become part of the applicant’s property and no parcel would become landlocked. All of the properties have frontage on public streets.</p>
<p>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;</p>	<p>Complies</p>	<p>The applicants are requesting closure of the alleyway to allow them to clean up property ownership and determine respective maintenance responsibility. Further, they state that closure of the alley may ease the installation of power lines by Rocky Mountain Power. The property is zoned CG, General Commercial, which is intended to support a variety of commercial uses. The proposed alley closure will not have an impact on the current commercial uses, nor otherwise result in a use which is not allowed by the zoning.</p> <p>The alley is located within the <i>Gateway Master Plan</i> area. The Master Plan identifies</p>

		<p>the future use of the block containing the alley as “Parks and Open Space.” The plan originally envisioned that the City would purchase the entire area between the I-15 freeway and the rail corridor (~650 West), running from approximately South Temple to 900 South. The closure of the small amount of alley land to accommodate the current use of the property would not preclude or otherwise create an impediment to any purchase of the larger property for open space in the future.</p> <p>Although not adopted, the current draft Downtown Master Plan continues to identify the area just east of the freeway as a potential green linear park, however, it leaves the determination of the specific dimensions and configuration of the linear park up to a future planning process. It is possible that the alley being reviewed for this alley vacation would not be included in such a park.</p> <p>The Master Plan also identifies corridors where urban trail connections are appropriate. The subject alleyway is not identified as an urban trail or any other alternative transportation use.</p>
<p>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;</p>	<p>Complies</p>	<p>All of the abutting property owners support the proposal and have not indicated intent to build garages that take access from the alley.</p>
<p>7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and</p>	<p>Complies</p>	<p>The applicant is requesting closure of the entire alley located within the block.</p>
<p>8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.</p>	<p>Complies</p>	<p>There are no residences located adjacent to this alley and so the alley is not necessary for rear access to residences or accessory uses.</p>
<p>NOTES:</p>		

Alley Vacation Standards from Utah Code 10-9a-609.5:

If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section [10-9a-208](#) and determine whether:

Standard	Finding	Rationale
1. Good cause exists for the vacation; and	Complies	As noted in the above findings, the petition was initiated by all of the adjacent property owners and is supported by them. The alley is currently maintained by the private adjacent property owners and is essentially utilized as private property. The closure of the alley would legitimize the current usage of the alley and clean up ownership and maintenance.
2. Neither the public interest nor any person will be materially injured by the proposed vacation.	Complies	The alley closure will not materially injure any of the involved property owners or the public interest. All of the adjacent property owners support the alley closure and no one will be denied access to their properties with this closure. The alley is utilized for private property access and parking and is not generally utilized by the public. Further, the City has no specific plans for this alley and closing the alley does not harm the public interest.

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

PUBLIC PROCESS AND INPUT

- The proposal was taken to a public open house on December 17th.
- Public hearing notice mailed on December 30th.
- Public hearing notice posted on property on December 30th.
- Public hearing notice posted on City and State websites on December 30th.
- Public hearing notice emailed to the Planning Division list serve on December 30th.

The following is a list of the public comments received for this project:

- All of the adjacent owners came to the Open House held on December 17th and expressed their support for the alley closure.
- No public comments from persons opposed to the alley closure were received as of publication of this staff report.

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

The proposed alley vacation request was sent to the departments listed below for review and comment.

Fire (Ted Itchon, 801-535-6636, ted.itchon@slcgov.com)

No comments.

Engineering (Scott Weiler, 801-535-6159, scott.weiler@slcgov.com)

No objection to the proposed alley closure but the applicant needs to submit a legal description for our review and approval.

Staff note: The legal description of the alley is required to be attached to the City ordinance that vacates the alley. The description will be obtained following the Planning Commission hearing and recommendation.

Transportation (Michael Barry, 801-535-7147, michael.barry@slcgov.com)

Transportation has no objections to vacating the alley.

Public Utilities (Jason Draper, 801-483-6751, jason.draper@slcgov.com)

No public utility comments on the proposed vacation.

Zoning (Greg Mikolash, 801-535-6181, greg.mikolash@slcgov.com)

No zoning related comments at this time.

ATTACHMENT H: POTENTIAL MOTIONS

Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation for the alley vacation to the City Council with the following conditions:

- 1. The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.*
- 2. The closure is subject to payment to the city of the fair market value of the alley property, based upon the value added to the abutting properties.*

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a negative recommendation for the alley vacation to the City Council due to the proposal not complying with the following standards:

(The Planning Commission shall make findings on the applicable Conditional Use standards and specifically state which standard or standards are not being complied with. Please see [Attachment E](#) for applicable standards.)