



# Staff Report

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

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To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner, 801-535-6107, [david.gellner@slcgov.com](mailto:david.gellner@slcgov.com)

Date: November 28, 2018

Re: PLNPCM2018-00666 – Mead Avenue Alley Vacation – Between 800 West and Jeremy Street

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## ALLEY VACATION

**PROPERTY ADDRESSES:** The alley abuts seven (7) individual properties as follows:

1. 1006 South 800 West (Petitioner's Property)
2. 1001 S Jeremy Street
- 3-7. Fayette Avenue – 809, 815, 825, 837 and 845 W. Fayette Avenue.

**MASTER PLAN:** Westside Master Plan

**ZONING DISTRICT:** R-1/5000 – Single-Family Residential

**REQUEST:** James Keifert, a property owner residing at 1006 South 800 West has initiated a petition to vacate an alley known as Mead Avenue to the north of his property. The alley runs between 800 West and Jeremy Street. The alley is referenced as Mead Avenue but the City recognizes it as an alley rather than a street.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the alley vacation request. The City Council will make the final decision on this application.

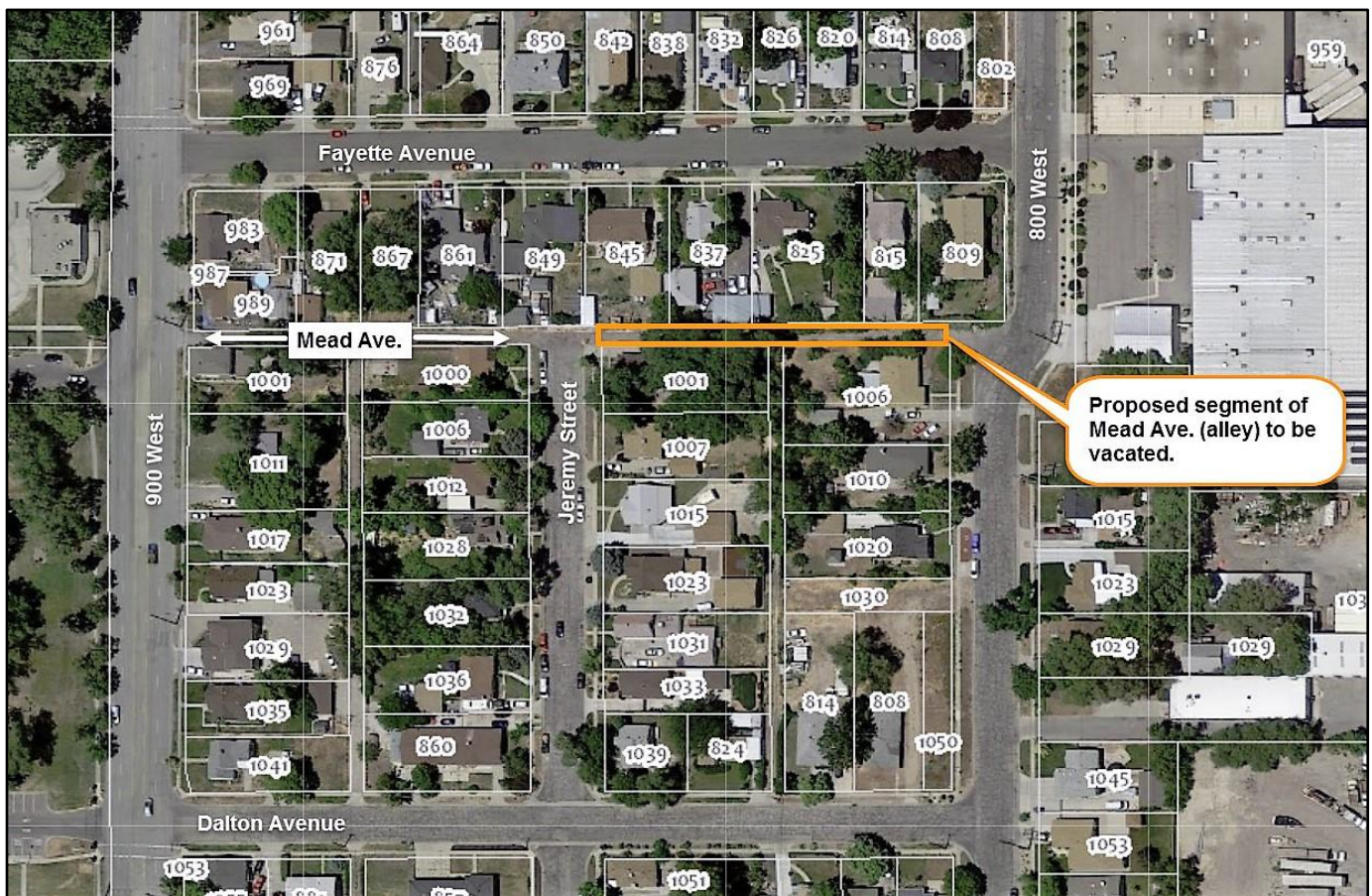
**RECOMMENDATIONS:** Based on the findings and analysis in this staff report, Planning Staff recommends that the Planning Commission transmit a negative recommendation to the City Council for the Mead Avenue Alley Vacation.

## ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Photos](#)
- C. [Project Narrative & Petition](#)
- D. [Existing Conditions & Zoning](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)

## PROJECT DESCRIPTION:

Mead Avenue is highlighted on the aerial photo below. The alley runs through the block from 800 W to 900 W. While the alley is referenced as Mead Avenue the City officially recognizes it as an alley rather than a street. The approximately 350-foot long alley that is the subject of the proposed vacation is located between 800 W and Jeremy Street and functions as a whole alley rather than just a segment based on bisection by Jeremy Street. The applicant's reason for the request includes a concern about the alley being a magnet for crime and blight in the area, creating a public nuisance. The applicant's narrative as well as the petition bearing the signature of abutting property owners is included in [Attachment C](#) of this report.



## **KEY CONSIDERATIONS:**

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

### **Consideration 1: Property Owner Consent**

Section 14.52.030 A.1 specifies “The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property.” There are a total of seven (7) properties that abut the alley and six (6) property owners signed the petition. The property owner residing at 815 W. Fayette Avenue did not sign the petition in support of vacating the alley but has not submitted or voiced any concerns to staff. In total, 85% of abutting property owners have signed the petition and support the vacation so this ordinance requirement has been met.

This item is also addressed in [Attachment C: Project Narrative & Petition](#) and in [Attachment E: Analysis of Standards](#).

### **Consideration 2: Creation/History of the Alley and Disposition if Vacated**

While the alleyway is labeled as “Mead Avenue” the City considers it a street rather than an alley. Research by Planning Staff in conjunction with SLC Engineering and the City Surveyor indicate that this alley was created in between the Muscatine Place and Albert Place subdivisions. The Muscatine Place Subdivision was platted in 1888 followed by the Albert Place Subdivision which was platted in 1890. The alley was established and platted as part of Albert Place which lies to the north of Muscatine. While there may have been a time when a street was planned or considered for the right of way on the northern edge of the Muscatine Place Sub, the Albert Place subdivision established the alley and it was dedicated as part of that plat.

According to the Salt Lake City Attorney’s Office, alleys that are dedicated as part of a subdivision must be conveyed to owners within that subdivision if they are vacated. Case law in the Utah courts have supported this position.

The alley was originally dedicated as part of the Albert Place Subdivision while the applicant’s property is located in the Muscatine Place Subdivision. As such, the alley property cannot be legally conveyed to the actual petitioner for the alley vacation since his property lies in the adjacent subdivision. This however would not preclude the petitioner from negotiating with the property owner to the north to split the alley property between them or to convey it to the other party in whole or in part. This would be a private transaction outside of the purview of the City. The issue of property disposition has been explained to the applicant. The applicant chose to pursue the alley vacation citing the closure and elimination of the alley being more important than the issue of who ultimately the alley property is transferred to.

### **Consideration 3: Condition of the Alley**

The alley runs the full block between 800 W and 900 W. Typically alleys bisect the long access of the blocks in many older residential neighborhoods of the city. Mead Avenue runs all the way from 800 West to 900 West, but it is bisected by Jeremy Street, so for all intents and purposes, there are two separate functional alleys for Mead Avenue. The subject of this request is the alley that runs between 800 W and Jeremy Street.

Staff has visited the alley and driven from 800 West to Jeremy Street with a regular City passenger vehicle during a field visit. The alley still exists physically, is passable and still appears to be used. The alley is not completely overgrown and while the pavement surface is in somewhat rough shape, it still provides a drivable surface. Whether there a future public uses for the alley is a City consideration discussed below.

There is also a north/south running alley segment that is located between Dalton Avenue and Mead Avenue that is not part of this vacation request. The north/south running alley appears to be more overgrown than Mead Avenue and does not look to be paved. Whether or not that alley is still used and to what extent is not known.

#### **Consideration 4: Future Public Uses for the Alley**

One issue that comes up with proposals to vacate alleys are questions about the alley serving other potentially beneficial uses in the area. These elements could include trails for instance in order to help facilitate alternative transportation and as a positive urban design element.

This particular alley runs east/west along the long axis of the block and does provide a connection between 800 W and 900 W. Both Dalton Avenue to the south and Fayette Avenue to the north have existing sidewalks on both sides of the street to facilitate east/west pedestrian traffic. As such, this alley is not necessary to create an alternative trail and access in the area. Another beneficial use that alleys can serve is to improve access to rear Accessory Dwelling Units (ADUs). The City recently adopted a city-wide ADU ordinance. While no property owner has made application to build such a unit, this is a future use that the alley could possibly help to accommodate.

The alley runs through an established residential area that is made of single-family homes. There is no anticipated change to this composition identified in the West Side Master Plan and the area is unlikely to change significantly over time. However, from a policy perspective, potential future uses for the alley must be considered in the context of the area as well as the fact that this alley physically exists and is still usable.

#### **DISCUSSION:**

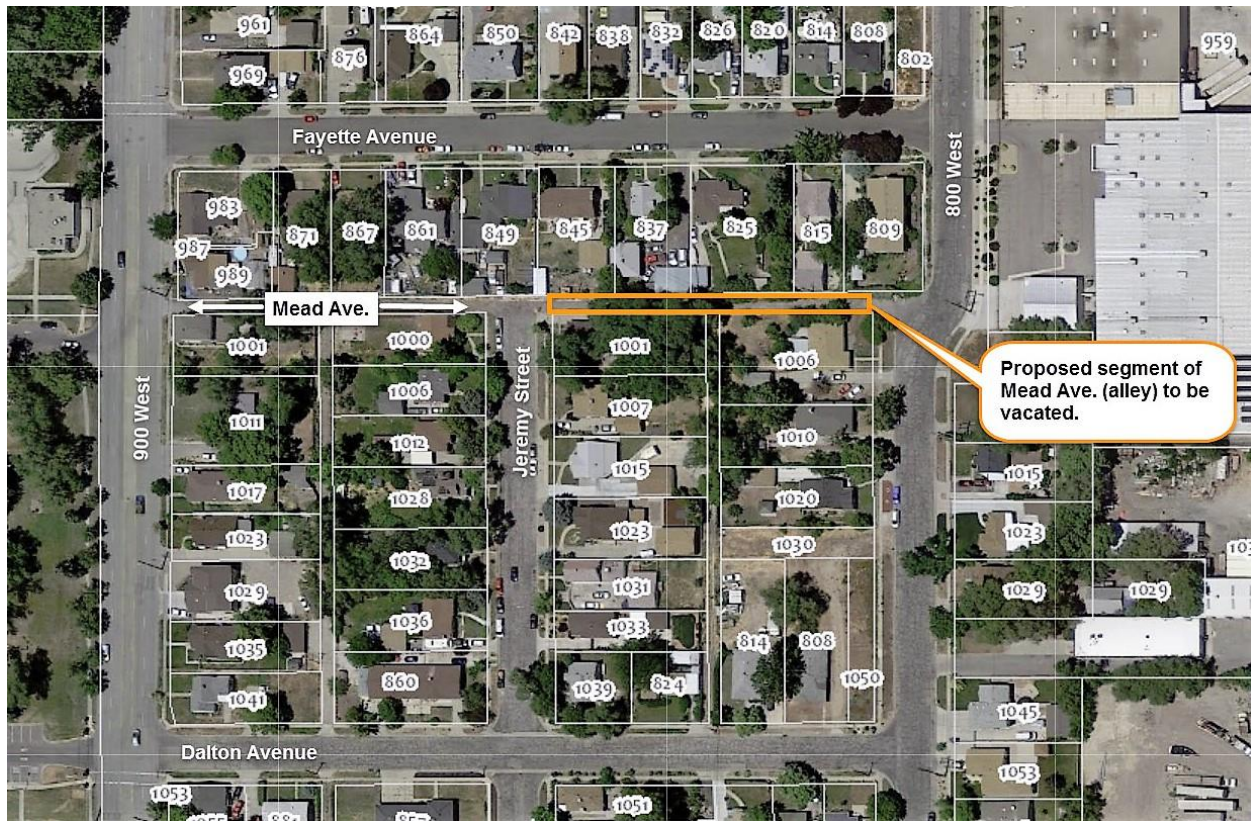
The petition has been reviewed against the City's policy considerations for alley closures located in Chapter 14.52.020 as well as the analysis factors found in 14.52.030.B. The closure of the alley meets some but not all of the analysis factors for an alley vacation. The alley is currently used for limited public purposes and the closure is supported by the majority of adjacent property owners. City policies and the relevant Master Plan do not include any policies that would oppose the closure of this alley, but the potential future uses of the alley must also be considered in context of the area. This closure would also make another existing alley into a dead end, something that City Engineering department noted. The benefits of closing the alley must be weighed against the benefits of closing it and the need for the closure. Reports from the Salt Lake City Police Department did not indicate that the alley is particularly problematic or that it contributes to an increase in crime and other public safety issues in the area. As such, staff is recommending that the Planning Commission transmit a negative recommendation to the City Council for the alley vacation for the following reasons:

1. The alley physically exists and is passable.
2. Reports from the SLCPD did not provide significant evidence that the alley is problematic or that it contributes to crime or other public safety issues in the area.
3. Closure of this segment of alley will render an intersecting north/south alley into a dead end making it less functional.
4. There may be potential future uses for the alley that have not been fully explored at this point in time.

**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 City Council has final decision authority with respect to alley vacations and closures.

## ATTACHMENT A: VICINITY MAP



## **ATTACHMENT B: PHOTOS**



Intersection of Mead Avenue and 800 West



Intersection of Mead Avenue and Jeremy Street



Mead Avenue between 800 W and Jeremy Street



North/south running alley that would become a “dead end” if Mead Avenue were vacated.

## **ATTACHMENT C: PROJECT NARRATIVE & PETITION**

On the following pages are the project narrative and the petition signed by six of the seven owners of property abutting the alley requesting the vacation and closure of Mead Avenue. There was only one adjacent property owner (at 815 W. Fayette Avenue) that did not sign the petition. This individual has not voiced any opposition to the closure however.

## **Proposal to close Alleyway of Mead Ave.**

We wish to close the alley of Mead Ave S. Starting at 800 w and moving west to Jeremy St (approximately 200 feet long). With this closer another unused alleyway will be dead ended. For those that access their home through that alley, should have no problem with this as they will still have open access should they choose to use that.

The first concern prompting this closure is a matter of safety. We have often observed suspicious people at odd hours at night, my neighbor behind me has said on multiple occasions he has had to chase away people that were shooting up (presumably heroine) from the alley.

Another concern is the low maintenance of this alley has led to over growth (contributing to the cover for people to use for shady activities), but also the pavement is in deplorable conditions, this has led people, who drive very quickly through the alleyway, to suddenly veer off and run into my backyard fence, this has happened a couple of times leading me to lift my fence back up, further damaged, and try to fix it enough to stay and keep my dog in. As this has happened more than once, it makes me worried that someone could veer into my fence when my son or dog is near it leading to serious injury or death. Each time someone has ran into my fence, they leave without speaking to me or leaving a note, leaving me to pay for all damages.

Thirdly we are constantly dealing with random people coming and dumping their garbage here. We've seen all manner of wrappers, toilets, drug needles, people's mail, sleeping bags, a mattress and so much broken glass. The city does not make it a top priority to keep this area clean, and even if they did, it would be a huge cost with the frequency in which it happens.

Finally, there is no real purpose for this alley to be open. Just to the North is Fayette Ave S. which is a full neighborhood street only 150 ft away. Just to the south, 5 houses down, is Dalton Ave S. another full 2 way street. West of Jeremy St, the Mead Ave alley would continued undeterred for any of the homeowners connected to up to 900 West.

I thank you for your time and consideration on this issue, this is something that my neighbors and I are looking forward to. If you have any questions, please don't hesitate to call or text me at [REDACTED]

# PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:

James Keifert

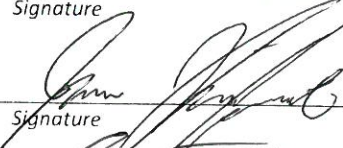



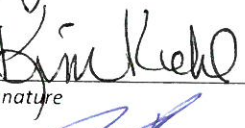
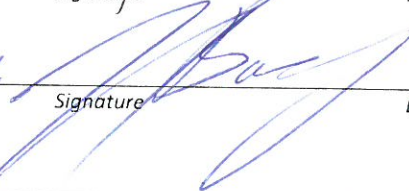
Address of Applicant:

1006 s 800 w Salt Lake City Ut

Date:

7-14-2018

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.

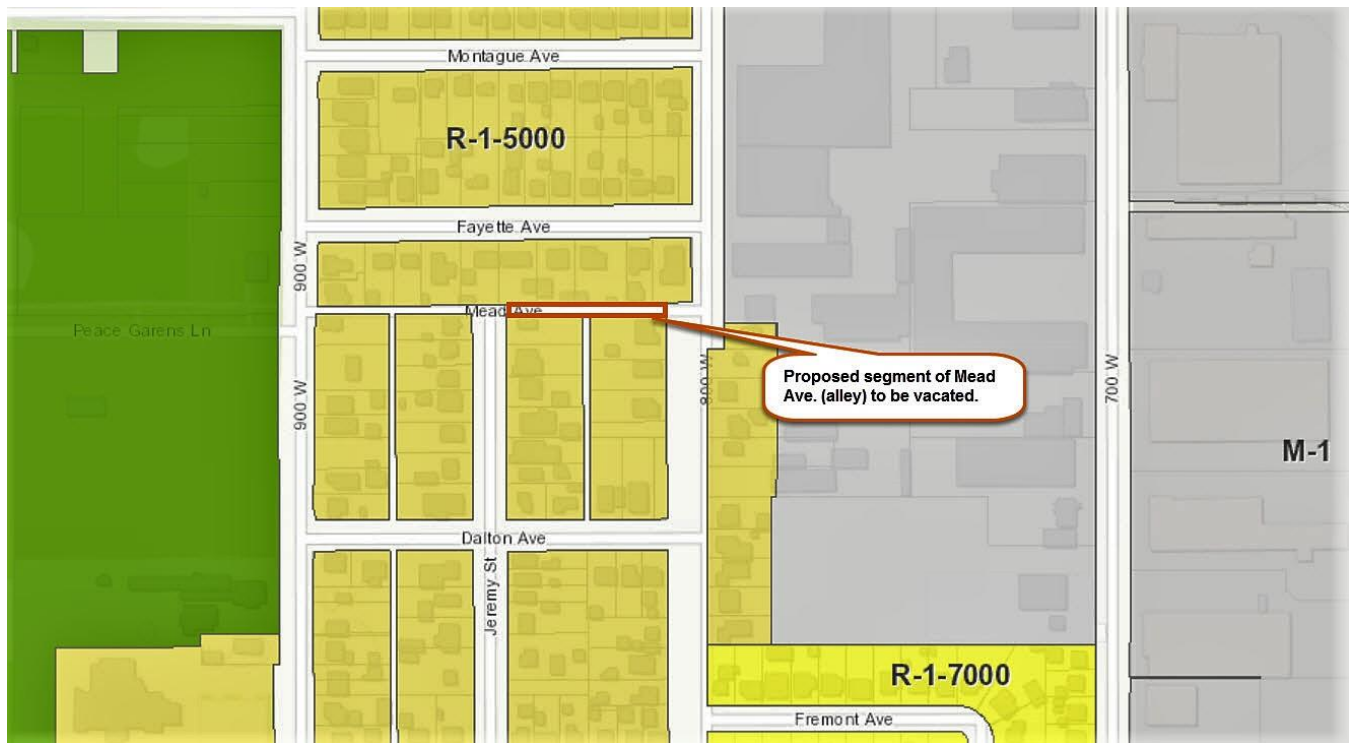
Print Name	Address	Signature	Date
James Keifert	1006 s 800 w		7-14-2018
Clint Lehmberg	1001 S JEREMY		7/14/2018
Jeanne Dupont	809 W. Fayette Ave.		7/14/18
Maria Orea	845 W. Fayette Ave.		7/14/18
Kim Kehl	825 Fayette Ave.		7/14/18
Alleg Brily	837 Fayette Ave.		7/14/18

## **ATTACHMENT D: EXISTING CONDITIONS & ZONING**

### **ADJACENT LAND USE**

The property lies within a residential area. All properties that are adjacent to the alley and in the immediate vicinity to the west of 800 West are zoned R-1/5000 – Single Family Residential. To the east of 800 W, the zoning becomes M-1 – Light Manufacturing and is dominated by light industrial uses and development. This is shown on the zoning map below.

None of the property owners have indicated a need to access their rear yard via the alley.



## **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:*

- 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 applicant cites **Policy Consideration B – Public Safety** as the main driving factor for the alley vacation request. This includes both suspicious activities and persons frequenting the area and the alley itself serving as a location for the illegal dumping of trash and other criminal activity. Another factor cited for this closure was that cars pass down the alley causing a safety concern for adjacent residents. The applicant also describes the poor condition of the pavement as a factor in people crashing into neighboring fences while driving down the alley.

Staff routed this petition to the Salt Lake City Police Department (SLCPD) for comments. The SLCPD indicated that while there is a fair amount of police activity in the area, they did not find it to be particularly alarming in their words. However, the applicant has expressed this as a concern as have some of the other property owners that border on the alley, so there is certainly a perception by neighboring residents that the alley constitutes a condition that contributes to crime, blight and public health nuisances. Based on this, staff asserts that this policy consideration has been sufficiently met in order to process the petition.

**Finding:** The property owners have experienced issues with the alley, however reports from the SLCPD do not provide significant evidence that the alley is problematic or that it contributes to crime and other public safety issues in the area.

***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:*

<b>Factor</b>	<b>Finding</b>	<b>Rationale</b>
<b>1.</b> 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;	Does not Comply	Staff requested input from pertinent City Departments and Divisions. Comments were received Public Utilities, Zoning, Transportation and Engineering. Transportation noted that a north/south running alley in the area would be cut off and become a dead end if this segment were vacated. The SLCPD did not find significant evidence that the alley was contributing to crime in the area. Individual comments are included in Attachment G: Department Review Comments.
<b>2.</b> The petition meets at least one of the policy considerations stated above;	Complies	The proposed alley closure satisfies the Public Safety policy considerations of 14.52.020 for the petition to be processed. See the discussion and findings in the previous section of this report for more details.
<b>3.</b> The petition must not deny sole access or required off-street parking to any adjacent property;	Complies	None of the properties that abut the alley appear to use it for off-street parking or access to their property. As such, none will be denied vehicle access due to the closure of the alley.
<b>4.</b> The petition will not result in any property being landlocked;	Complies	No properties would be rendered landlocked by this proposal.
<b>5.</b> 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	Complies	<p>The petitioner is requesting closure of the alleyway in order to eliminate a community nuisance and what neighboring property owners view as a condition that helps perpetuate crime in the neighborhood and contributes to blight.</p> <p>Traditional alley uses such as garbage pickup, coal delivery and parking having been eliminated or moved to the street in the</p>

alternative transportation uses;		<p>front of the residences in many established areas of the city. With this change, the alley may be redundant and not needed at this point in time.</p> <p>City documents and policies do not speak to the future use or closure of alleys in this area of the City. While there may be potential future uses for the alley, these are not articulated in policy or documents and closing of the alley will not result in a use that is contrary to any City policy.</p>
<b>6.</b> 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;	Complies	No abutting property owners have opposed the alley vacation. No applications for a permit have been made.
<b>7.</b> The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies	The applicant is requesting closure of an alley that runs between 800 W and 900 W. Mead Avenue continues all the way to 900 West, but it is bisected by Jeremy Street, so for all intents and purposes, there are two separate alleys for Mead Avenue. One alley, the subject of this request runs between 800 W and Jeremy Street. The other is located between Jeremy Street and 900 W. As such, this petition would dispose of an entire alley rather than a small segment of it.
<b>8.</b> The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	The alley has ceased to be used for functional access to the back of properties and no property owners have indicated that the access is necessary for that purpose.
<b>NOTES:</b>		

## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

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

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- Notice of the project and request for comments sent to the Chair of the Glendale Community Council (GCC) on September 4, 2018 in order to solicit comments.
- Dane Hess, Chair of the GCC provided the following comment back to staff in relation to the proposal:  
*This seems like a great idea to close the alley based on the information that has been provided. I think that these types of community generated ideas/solutions are essential to our community's success. You can put the GCC's stamp of approval on this project.*
- Staff sent an early notification announcement of the project to all residents and property owners located within 300 feet of the project site on September 5, 2018 providing notice about the project and information on how to give public input on the project. No public comments were submitted.
- The 45-day recognized organization comment period expired on October 22, 2018

#### **Notice of the public hearing for the proposal included:**

- Public hearing notice mailed on: November 15, 2018
- Public hearing notice sign posted on the property: November 15, 2018
- Public notice posted on City and State websites & Planning Division list serve: November 15, 2018

## **ATTACHMENT G: DEPARTMENT REVIEW COMMENTS**

The proposed alley closure request was sent out for internal review. The following comments were received:

### **Engineering** (Scott Weiler)

A north/south alley exists between Jeremy and 800 West. If the proposed closure occurs, this north/south alley will become a dead end.

### **Engineering – Public Way Assets** (Nicholas Daniels)

Mead Ave is considered an Alleyway according to our records in Cartegraph. While I have records of inspections I have no records of any maintenance activities.

### **Public Utilities** (Kristeen Schumacher)

Public Utilities has no issues with the proposed alley vacation.

### **Building and Zoning** (Greg Mikolash)

There are no zoning or building code related issues associated with the proposed alley closure.

### **SLC Police Department** (Officer Joshua Ashdown)

Officer Ashdown of the SLCPD Operations provided information in relation to the police reports and crime related to or near the alley over the last 2 years. A copy of that information is included on the following page of this report. While there appears to be a fair amount of activity, it was not classified as “alarming”. There may however be a perception among abutting property owners that there is a serious issue with the alley despite the reports.

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**Gellner, David**

**From:** Ashdown, Joshua  
**Sent:** Monday, October 15, 2018 7:22 AM  
**To:** Gellner, David  
**Cc:** Oliver, Eldon  
**Subject:** Alley Way Crime Numbers

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello David,

I was able to sort through the reports to the police for that alley way south of Fayette between 800 West and 900 West. For the past two years I found the following reports directly related to the alley way. There is a fair amount of police activity in the surrounding area, but nothing alarming. So, the residents probably see officers often. A few of the below cases were not an actual crimes.

SL201837690	3/2/2018 23:46	SUSPER	SUSPICIOUS PERSON	861 W FAYETTE AVE	7399	PUB ORD - FREE TEXT
SL201829651	2/17/2018 8:23	FOUND	FOUND PROPERTY	825 W FAYETTE AVE	73995	PUB ORD - FOUND PROPER
SL2017221734	11/22/2017 13:34	129C5	SUSPICIOUS CIRCUMSTANCES	825 W FAYETTE AVE	ATL	ATTEMPT TO LOCATE/BOLO
SL2017216920	11/15/2017 7:31	SUSVEH	SUSPICIOUS VEHICLE	825 W FAYETTE AVE	4803	OBST POLICE - MAKING FA
SL2017210413	11/4/2017 18:15	SHOTS	SHOTS FIRED JUST OCCURRED	815 W FAYETTE AVE	7399	PUB ORD - FREE TEXT
SL201793788	5/26/2017 17:55	129C4	WANTED VEHICLE	1001 S JEREMY ST	7399	PUB ORD - FREE TEXT
SL201782913	5/9/2017 20:16	ATL	ATTEMPT TO LOCATE/BOLO	MEAD AVE / JEREMY ST	7399	PUB ORD - FREE TEXT
SL201782010	5/8/2017 15:51	TRAF	TRAFFIC STOP	1000 S 800 W	539987	PUB PEACE - TRANSIENT AC

Best Wishes,

Josh

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**From:** Ashdown, Joshua  
**Sent:** Thursday, October 4, 2018 12:07 PM