



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Nannette Larsen, 801-535-7645
Date: December 11, 2019
Re: PLNPCM2019-00813 – Alley Vacation at approximately 740 West 900 South

ALLEY VACATION

PROPERTY ADDRESS: Approximately 740 West 900 South
PARCEL ID: Affects 15-11-278-008, 016, 001
MASTER PLAN: Westside
ZONING DISTRICT: M-1 (Light Manufacturing)

REQUEST: - A request by Maximillian Coreth of West End LLC, the applicant and surrounding property owner, for an alley vacation or closure. The alley is located near the address of 740 West 900 South, runs mid-block east/west, and was previously partially vacated in 1993. The subject alley is surrounded by the M-1 (Light Manufacturing) zoning district and is adjacent to 3 properties to the north, east, and south. The applicant, West End LLC, owns all three adjacent properties. The Planning Commission is required to transmit a recommendation to the City Council for alley vacation requests.

RECOMMENDATION: It is Planning Staff's opinion that the alley vacation meets the criteria for alley vacations, therefore recommends that the Planning Commission forward a favorable recommendation to the mayor to declare the alley surplus property and for the City Council to vacate the alley with one condition:

1. A public utility easement is submitted and recorded with the County at the time the alley is dedeed to the surrounding property owners.
2. The parcel created by the alley vacation is consolidated with an adjacent property owned by West End LLC.

ATTACHMENTS:

- A. Applicant Submittal and Information
- B. Vicinity Map
- C. Aerial
- D. Site Photos

- E. Analysis of Standards
- F. Public Process and Comments
- G. Department Comments

PROJECT DESCRIPTION & BACKGROUND:

The subject alley is located near 740 West 900 South; the alley has not been used as a public access beyond accessing the adjoining property 739 West Genesee Avenue since 1993 or earlier. Ordinance 84 of 1993 vacated a portion and closed a portion of the subject alley along the properties located at 730, 712, 706 West 900 South, and 733, 723, 721, 717, 715, 707 West Genesee Avenue. Ordinance 84 of 1993 vacated and closed the previous alley through deeding the portion of the alley to a single adjoining property owner and consolidating the land to the adjoining lot, splitting the alleyway in half and deeding each half to the north or south adjoining property owner, or by creating a new parcel.

EXISTING CONDITIONS	
Approx. Square Footage:	Approximately 480 Square Feet
Existing Improvements:	Asphalt
Existing Land Use:	Access to 739 W. Genesee Ave
Adjacent Land Uses:	Auto Repair; Single-Family Residential; Vacant
Adjacent Zoning:	M-1



The remaining portion of the alley – the western most portion of the east half of the alley, including approximately 480 square feet – was not included in the previous vacation or closure. The applicant is proposing to vacate or close the alley in order to redevelop the larger site owned by West End LLC, having recently been approved for an RDA loan for the proposed redevelopment project. The applicant is proposing, as part of the redevelopment of the site, to adaptively reuse the two existing brick structures and create a retail and restaurant mixed use space. As part of the redevelopment the applicant is also proposing to include a mid-block walkway on the current location of the subject alley in order to facilitate a public utility easement.

From visiting the site, it appears only a single parcel utilizes the existing alley. The alley presently provides access to 739 West Genesee Avenue, which is where an auto repair business resides. This property is owned by the company which made application, West End LLC.

KEY ISSUES:

Issue 1: Public Utility Easement

A sewer main runs along the length of the alley between 800 West and 700 West. If the alley is vacated an easement along the entire alley width will need to be reserved for Public Utilities to access any portion of the sewer main. A condition of positive recommendation is recommended by staff requiring that a public utility easement is recorded with the County at the time of the alley vacation.

DISCUSSION:

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.

NEXT STEPS:

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. 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.

**ATTACHMENT A: APPLICANT SUBMITTAL AND
INFORMATION**



SALT LAKE CITY PLANNING

LOCAL CONTACT:
IAN PERCY

Alley Vacation or Closure

OFFICE USE ONLY

Received By:	Date Received:	Project #:
PLNPCM2019-00813 A Anglin	8/29/19	8/29/19
Project Name:	Cummings Sub.	

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley:	See Requirement #3	
Name of Applicant:	Maximilian Corbett, Manager of West End LLC (owner)	Phone: [REDACTED]
Address of Applicant:	706-740 W 900 S; 717-739 Genesee Ave	
E-mail of Applicant:	[REDACTED]	Cell/Fa: [REDACTED]

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 \$259
- Plus additional fee for required public

SIGNATURE

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

Signature of Owner or Agent:	Date:
[Signature]	08/27/19

SUBMITTAL REQUIREMENTS

Staff Review



Please include with the application: (please attach additional sheet)



1. A letter explaining why you are requesting this alley vacation or closure.



2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:



a. Highlight the area of the proposed alley vacation or closure.



b. Indicate with colored dot the property owners who support the petition.



c. Submit one paper copy and a digital (PDF) copy of the map.



3. A written description with measurements of the proposed alley vacation or closure.

- A final legal description prepared by a licensed engineer will be required later.

4. The name, address and signatures of all abutting property owners who support the petition.

- Petition must include the signatures of no less than 80% of the abutting property owners.
- Signatures should be from the property owners and not from the property renters.
- You may use the form attached to this application or provide your own form with signatures.

WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

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

HIC 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.

Maximilian Coreth, Manager
West End LLC
706-740 W 900 S; 717-739 Genesee Ave
Salt Lake City, UT 84104

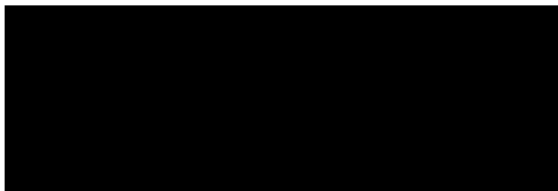
August 28, 2019

To Whom It May Concern,

As owner of 706-740 W 900 South and 717-739 Genesee Avenue, I'd hereby like to apply for a closure of a portion of the alley which runs north to south between Genesee Avenue and 900 South (see map enclosed under Requirement #2). As owner of the parcels to the north, south and east of the alley portion, the original purpose of the portion, namely allowing garage access from the alley to multiple property owners, no longer applies in this case. Furthermore, we intend to redevelop the currently vacant commercial buildings to the northeast and southeast of this portion. As part of this redevelopment, we would like to provide parking and a vibrant mid-block walkway using the land we own to the north and south of this portion (the small parcels immediately west of the aforementioned buildings). Granting a closure of the alley portion would allow us to more readily reinvigorate this mid-block walkway by bringing commercial activity to the neighborhood and making it more pedestrian friendly. Thank you for your consideration. Please let us know if you have any questions.

Best,
Maximilian Coreth

PLEASE SEND MAILING CORRESPONDENCE TO:



(CARE OF IS NECESSARY FOR MAIL TO ARRIVE)



M:008 S

S 800 W

279-001

S 700 W

700

W:GENESEEE AVE

006

700

W:900 S

006

POWERED BY
esri

County of Salt Lake, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, INCREMENT P, NGA,
USGS | Salt Lake County Surveyor's Office | Esri, HERE, iPC | Salt Lake County Assessor, Microsoft

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15-11

West End LLC
Property Line

Request for
Alley Closure

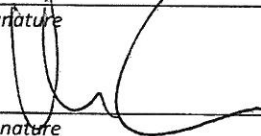
Requirement #3

The proposed alley closure is bounded by parcel 15112780010000 to the north (~32'), parcel 15112780160000 to the east (~15'), parcel 15112780080000 to the south (~32') and an alley to west (~15').

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant: Maximilian Coreth, Manager of West End LLC
Address of Applicant: 706-740 W 900 South; 717-739 Genesee Ave
Date: 8/27/19

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
Maximilian Coreth West End LLC	706-740 W 900 S; 717-739 Genesee Ave		08/27/19

Print Name	Address	Signature	Date
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Print Name	Address	Signature	Date
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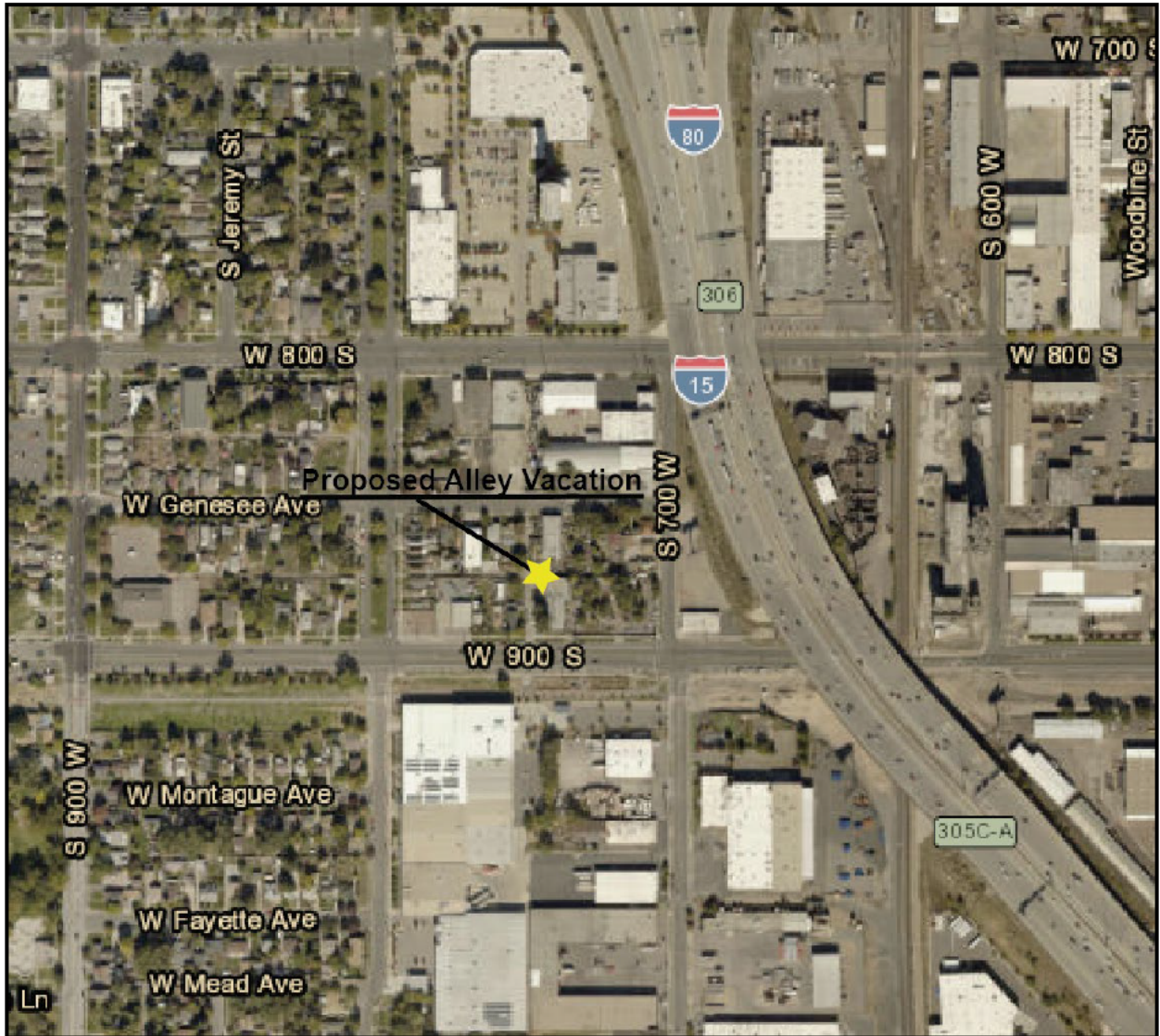
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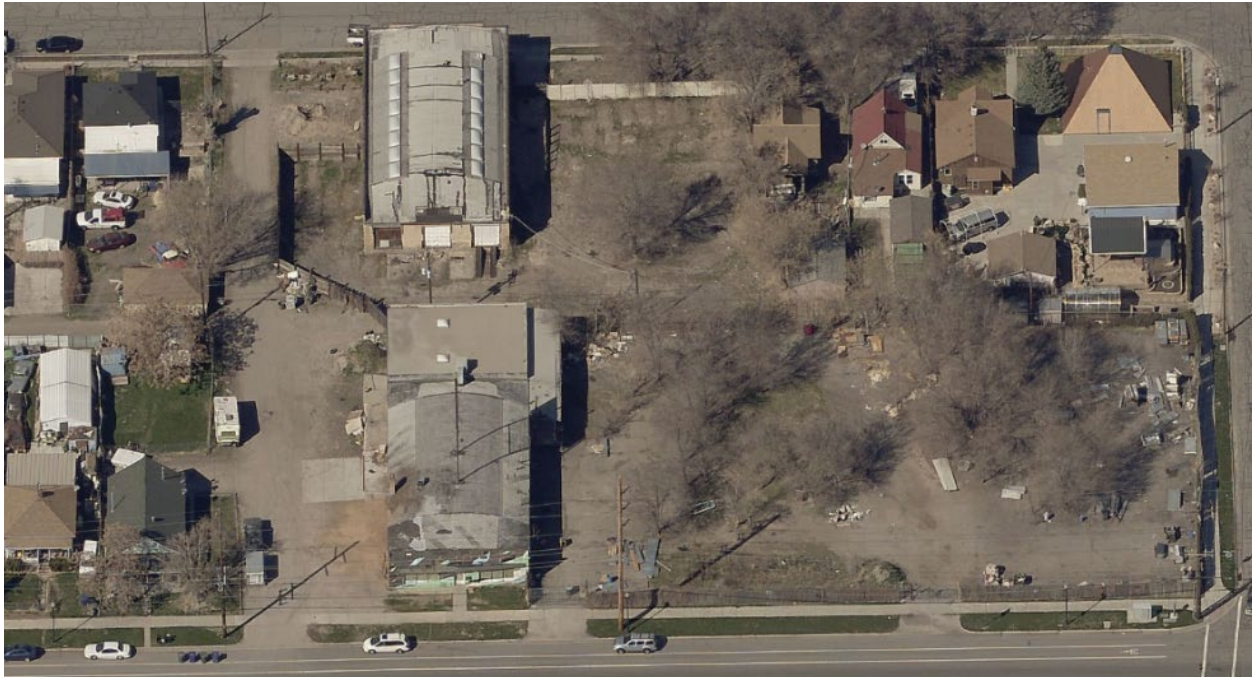
Print Name	Address	Signature	Date
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Print Name	Address	Signature	Date
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ATTACHMENT B: VICINITY MAP



ATTACHMENT C: AERIALS



Aerial of Partial Block with Subject Alley Vacation Location, Looking North.



Aerial of Existing Public Alleys Highlighted in Orange, Looking South

ATTACHMENT D: SITE PHOTOS



View of Proposed Alley Vacation with Dimensions, Looking NE



View of Partial Alley Vacation and North/South Alley to Remain Public, Looking N.



View of North/South Alley to Remain Public, Looking S.



View of East/West Alley to Remain Public, Looking W.

ATTACHMENT E: ANALYSIS OF STANDARDS

Salt Lake City Code, Section 14.52: Disposition of City Owned Alleys

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When Evaluating requests to vacate public alleys, the City considers whether the continued use of the property as a public alley is in the City's best interest. 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.

Section 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:

Criteria	Rationale	Finding
<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 onsite 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, 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; or</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>The continuation of the alley doesn't serve as a positive design element for the block between Genesee Avenue and 900 South.</p> <p>The approximate dimensions of the portion of the alley proposed to be vacated is 15' x 32', which doesn't facilitate any particular use to the neighborhood with the exception of the only present use of the alley, which is to allow access to the rear of the property located at 739 West Genesee Ave. However, by vacating the section of alley which allows for access to 739 West, it will not eliminate future access to the rear of this site. The alley running north/south through the block will remain and will facilitate any further access needed to the rear of the adjoining properties.</p> <p>While a sewer main runs the length of the alley requiring a public utilities easement will allow for facilities to still service the sewer main. Approving an alley vacation should not inhibit servicing the sewer main. As part of the easement, in order to comply with Public Utilities requirements, the alley will need to remain clear from any structure which may inhibit access. Staff has required this easement as a condition of approval.</p> <p>There are no other positive uses nor urban design elements resulting in maintaining this portion of the alley to remain open and public.</p>	<p>Complies – The continuation of the alley does not serve a positive design element for the community. The only use of this portion of the alley is accessing the rear of 739 West Genesee Ave. Vacating this portion of the alley will not alter 739 West Genesee access, nor will it alter public utility access to the sewer main if an easement is recorded. Vacating the alley will not negatively impact the street block but it will facilitate the future redevelopment of the site.</p> <p>The request satisfies one of the policy considerations as required by Section 14.52.02 of the Salt Lake City Code.</p>

Section 14.52.030B:

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	Rationale	Finding
1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;	Staff requested input from pertinent City Departments and Divisions. Comments were received and no objections from Fire, Transportation, or Police were provided. Public Utilities requires that a public utility easement is put in place to allow access to the sewer main. This utility easement is included as a condition of positive recommendation to the City Council.	Complies – The one issue pointed out by Public Utilities is addressed through a public utility easement. The applicant has agreed to implementing an access easement to service the sewer main.
2. The petition meets at least one of the policy considerations stated above;	The proposed alley vacation satisfies the “Urban Design” policy consideration of 14.52.020. See the discussion and findings on the previous page.	Complies - The request satisfies the policy considerations as required by Section 14.52.020.
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;	The alley is only being used by the property located at 739 West Genesee Ave. The property owner of 739 West Genesee Ave is West End LLC, the applicant. Vacating the alleyway will not eliminate access to the rear of this property as the north/south alley, which also provides access to the site, will remain.	Complies – The alley vacation will not deny access or required off street parking to any of the abutting property owners.
4. Granting the petition will not result in any property being landlocked;	All properties have street access and will not be landlocked if the alley is vacated.	Complies – The alley vacation will not result in any property

		being landlocked.
5. 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;	<p>The Westside Master Plan addresses the importance of creating mid-block walkways on large city blocks. However, the subject alley does not facilitate the future creation of a mid-block walkway as the majority of the alley was previously vacated and only approximately 32 feet of the alley remains.</p> <p>Additionally, the location of the subject alley will be required to remain as open space as a public utility easement is required to be recorded on the site. Because the location of the present alley will be required to remain open the applicant has expressed the location being used as open space for the community in the future redevelopment of the site.</p>	Complies - The proposed alley vacation would not preclude or otherwise create an impediment to any plans for this block.
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 twelve (12) months of issuance of the building permit;	There are no opposing abutting property owners. All abutting properties affected by the alley vacation are owned by the applicant, West End LLC	Complies – No abutting property owners have plans to build a garage that would require access from the alley.
7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and	The request is to close the remaining portion of a previously vacated alley. The remaining portion will include the rest of the alley on the east side of the block.	Complies – The proposed alley vacation would result in the remaining alley disposed in its entirety.
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.	The alley is only being used by the property at 739 West Genesee Ave. Vacating the alley will not affect access to the rear of this property as an adjacent alley will remain open and accessible.	Complies – The alley is not necessary for access.

Section 14.52.040:

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

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.

Finding: The abutting properties are zoned M-1 (Light Manufacturing) and are either vacant or commercial buildings, therefore the alley would be closed and sold for fair market value to the abutting property owners if the alley vacation is approved.

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:

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on August 29, 2019.
- Notice of the proposal, and request for input, was provided to the Poplar Grove and Glendale Community Councils on September 24, 2019 but no comments were received from the neighborhood council within the comment period. No comments have been received as of the writing of this report.
- Early Notification mailings were sent out on September 24, 2019 to property owners and residents within 300' of all four corners of the alley location, at approximately 740 West 900 South. One comment supporting the alley vacation was received as of the writing of this report.
- An open house was held on October 17, 2019. Notices of the open house were sent to property owners within 300' of the alley. No comments were received during the open house.
- Public notice of the Planning Commission hearing was mailed to property owners and residents within 300' of the alley located at approximately 740 West 900 South.
- A public notice sign was posted at the entrance of the alley on November 26, 2019. No public comments were received before this report was finalized.

Larsen, Nannette

From: Jacob W. Seitz-Sampson [REDACTED]
Sent: Monday, October 7, 2019 5:54 PM
To: Larsen, Nannette
Subject: Cummings Subdivision Alley Vacate PLNPCM2019-00813

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nannette,

I received the mailer regarding the Alley vacation/closure referenced in the subject line. As a resident of the neighborhood [REDACTED], I endorse this closure if it does not interfere with residents' access to parking/garages. I will be unable to make the open house where this will be discussed and appreciate being able to reach out to you regarding this matter.

Jacob W. Seitz-Sampson
[REDACTED]

ATTACHMENT G: DEPARTMENT COMMENTS

Police Review: (*Scott Teerlink, scott.teerlink@slcgov.com*)

- The Police Department supports this request.

Building Review: (*Greg Mikolash, greg.mikolash@slcgov.com*)

- Building Services finds no zoning related issues associated with this proposed alley closure

Engineering Review: (*Scott Weiler, scott.weiler@slcgov.com*)

- City's Engineer's recommendation is that a benefit to the city needs to be demonstrated in order to justify the proposed alley closure.

Public Utilities Review: (*Jason Draper, jason.draper@slcgov.com*)

- Public Utilities objects to the vacation of the alley. There is a sewer main running along this alley between 700 West and 800 West. If vacation is granted (as it appears the portion to the east has been, an Easement must be reserved for public utilities across the entire alley width.

Zoning Review: (*Greg Mikolash, greg.mikolash@slcgov.com*)

- Building Services finds no zoning related issues associated with this proposed alley closure.

Property Management: (*Shellie Finan, shellie.finan@slcgov.com*)

- I met with Max and had a discussion regarding the alley closure, I didn't foresee any issues on this one.

Fire Review: (*Ted Itchon, ted.itchon@slcgov.com*)

- Fire has no concerns on the alley vacation.