

DATE: June 11, 2007
TO: Salt Lake City Planning Commission
FROM: Ana F. Valdemoros, Associate Planner
RE: Staff Report for the June 27, 2007 Planning Commission Meeting

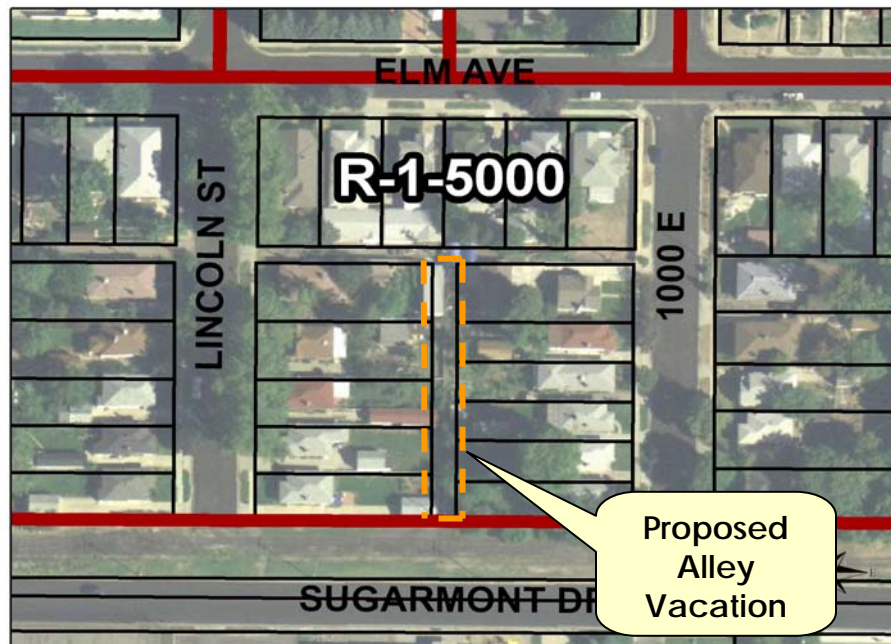
CASE #: 400-07-03

APPLICANT: Zachary and Jennifer Parrish

STATUS OF APPLICANT: Adjacent property owners

REQUESTED ACTION: The applicant is requesting that the entire portion of a north-south alley between Elm Avenue and Sugarmont Drive and Lincoln Street and 1000 East Street be vacated. The Planning Commission's role in the process is to forward a recommendation to the City Council.

PROJECT LOCATION: Between 1000 East and Lincoln Street; and between Elm Avenue and Sugarmont Drive



PROJECT/PROPERTY SIZE:	Approximately 0.10 acres								
COUNCIL DISTRICT:	District 7, Councilmember Søren Simonsen								
COMMUNITY COUNCIL:	Sugar House Community Council								
SURROUNDING ZONING DISTRICTS:	<table> <tr> <td>North</td> <td>R-1/5000 Single Family Residential</td> </tr> <tr> <td>South</td> <td>R-1/5000 Single Family Residential</td> </tr> <tr> <td>East</td> <td>R-1/5000 Single Family Residential</td> </tr> <tr> <td>West</td> <td>R-1/5000 Single Family Residential</td> </tr> </table>	North	R-1/5000 Single Family Residential	South	R-1/5000 Single Family Residential	East	R-1/5000 Single Family Residential	West	R-1/5000 Single Family Residential
North	R-1/5000 Single Family Residential								
South	R-1/5000 Single Family Residential								
East	R-1/5000 Single Family Residential								
West	R-1/5000 Single Family Residential								
SURROUNDING LAND USES:	<table> <tr> <td>North</td> <td>Single Family Residential</td> </tr> <tr> <td>South</td> <td>Single Family Residential</td> </tr> <tr> <td>East</td> <td>Single Family Residential</td> </tr> <tr> <td>West</td> <td>Single Family Residential</td> </tr> </table>	North	Single Family Residential	South	Single Family Residential	East	Single Family Residential	West	Single Family Residential
North	Single Family Residential								
South	Single Family Residential								
East	Single Family Residential								
West	Single Family Residential								

PROJECT DESCRIPTION:

The subject right-of-way runs north/south in the middle of the block between Elm Avenue and Sugarmont Drive and between Lincoln Street and 1000 East Street. The applicant is a property owner to the east of the subject right-of-way. The alley is approximately 221 feet in length and 20 feet in width. An east/west alley that runs from Lincoln Street to 1000 East will not be affected by this proposed alley vacation and will remain public right-of-way. Consistent with City Council policy, the surplus property will be divided among and deeded to the adjacent property owners.

The vacation has been requested because the applicant would like to build a new garage on his property and discovered that the alley had never been vacated officially although there is no apparent alley. The applicant received the signatures of the abutting property owners on the block along the alley. This vacation does not affect the east/west public right-of-way to the north; it would only impact the property owners along the alley.

SUBJECT PROPERTY HISTORY:

The alley is part of the Fairmount Springs Addition subdivision. The alley has not been vacated properly since it still shows in our records as a public alley. However, there is no existing physical alley since all neighbors along it have built and/or added fences into their properties, generally using it for storage in some cases.

ACCESS:

At its southern terminus the alley is blocked by a railroad right of way and the north access is blocked by a fence. Since all of the abutting property owners have encroached into the alley right of way, no part of the alley is passable.

APPLICABLE LAND USE REGULATIONS:

Chapter 14.52 of the Salt Lake City Code outlines a procedure for the disposition of City owned alleys and establishes criteria for evaluating the public’s interest in an alley.

Chapter 2.58 of the code regulates the disposition of surplus City-owned real property.

MASTER PLAN SPECIFICATIONS:

There are two master plan documents that are applicable to this area. The land use policy document that guides development in this area is the Sugar House Master Plan last updated in December of 2005. The plan addresses public alleys with the following policies:

- Incorporate alleyways in new residential development projects whenever feasible.
- Discourage the use of alleyways for commercial access if the alleyway abuts residential property.
- Encourage dedicated public streets in new development.

These policies do not apply to this particular alley. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The subject alley property has not been designated as a future trail in the Open Space Master Plan.

COMMENTS:

City Department/Division Comments

A. Building Services (Larry Butcher)

All properties either have existing street access for parking or potential access from the alley to the north.

B. Engineering Division

The Engineering Division had no issues regarding this proposal.

C. Fire Department (Eric Nalder)

No comments were received from the Fire Department.

D. Police Department (Dave Askerlund)

No comments were received from the Police Department.

E. Property Management (John Spencer)

No comments were received from Property Management.

F. Public Utilities Department (Jason Brown)

Public Utilities has reviewed the above mentioned petition and according to our records there are no sewer, water or storm drain pipes located within the alley. For this reason, Public Utilities is not opposed to the vacation of the alley.

G. Transportation Division (Barry Walsh)

The Transportation Division review comments and recommendations are for approval of the proposed alley vacation as follows:

The alley that runs north/south between the Sugarmont Drive RR easement and the east west alley has no vehicular access except to 2187 South Lincoln Street and 2188 South 1000 East. The remaining east/west alley is a dead end along 2188 South 1000 East and 980 East Elm Avenue that is being used by abutting properties and is fenced.

Due to the dead end status and the approval signatures of all abutting properties, we recommend that all of the alley be vacated to private ownership and that the remaining alley that is needed for vehicular access be designated as a private access easement to those few abutting properties as needed.

Final vacation is subject to approval of all utilities and utility easements shall remain as required and approved by the entity concerned.

Community Council Comments

A. Sugar House Community Council

The Sugar House Community Council reviewed this petition on the May 2, 2007 monthly meeting where staff and the petitioner presented and answered questions on this case. Philip Carlson, the Chair of the Sugar House Community Council, submitted on May 16 the following comments: The Sugar House Community Council (SHCC) supports the alley vacations requested in the petition # 400-07-03. This support is unusual and should not be seen as setting a precedent. This alley was, apparently, really vacated in the 1930's or 40's but missed some bureaucratic step.

Staff Comment: City records indicate that this alley has never been vacated.

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 substantially contributes 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 entire portion of the north/south alley does not physically exist because of the existence of fences and accessory structures that encroach into the alley. Furthermore, in terms of urban design, there is no real purpose to the continuation of this portion of the alley for these reasons: it does not lead anywhere and does not function as an alley in any obvious way. The requested alley vacation satisfies policy considerations A and C.

Finding: The alley property is not usable as a public right-of-way nor does it serve as a positive urban design element. The request satisfies at least one of the policy considerations listed above 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 only from the Transportation Division, the Building Services and Licensing Division, and the Public Utilities Department. These comments are attached to this staff report as Exhibit C.

Finding: The appropriate City departments and divisions have reviewed this request and have no objections to the proposed disposition of the alley property.

2. The petition meets at least one of the policy considerations stated above;

Discussion: The proposed alley vacation satisfies both the “Lack of Use” and the “Urban Design” policy considerations (See discussion on page 5).

Finding: The petition meets at least one of the policy considerations stated in Section 14.52.020 of the Salt Lake City Code.

3. The petition must not deny sole access or required off-street parking to any adjacent property;

Discussion: It has been the City’s policy not to close an alley if it would deny a property owner required access to their lot. The non-existing alley does not provide access to the any adjacent property owners. The applicant accesses his property via a driveway on 1000 East. The property owners who access their rear yards from the east/west alley would not be affected by this proposal.

Finding: Closing the alley will not deny sole 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 be divided among the property owners adjacent to the subject right-of-way and no parcel would become landlocked.

Finding: The proposed alley vacation 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 alley has not been designated for a future trail in the Open Space Master Plan. The land use of adjacent properties is low density residential and is consistent with the Future Land Use Map of the Sugar House Master Plan. The disposition of the alley would preclude the use of the alley as a trail and would not be contrary to any other policies of the City.

Finding: The proposed alley vacation meets this standard.

- 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: All property owners who abut the subject right of way have discussed the proposal with the applicant and have signed off on the application. None of the adjacent property owners intend to construct a garage accessed from the alley.

Finding: No abutting property owner intends to build a garage requiring access from the alley property.

- 7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and**

Discussion: This petition requests to close the entire length of the north/south alley.

Finding: the entire alley will be disposed as part of this proposal, and will comply with the City preference of disposal of an entire alley instead of a small segment of it.

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

Discussion: The subject right-of-way is not used for access to any property or for any accessory uses. The applicant can access his rear yard and accessory structure via a driveway on the side of his property.

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

Section 14.52.040 (B) of Salt Lake City Code: High Density Residential Properties and Other Nonresidential Properties.

If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

Finding: The property is not zoned commercial or high density residential; the adjacent properties are single family homes. Under City Policy, the alley property would be transferred to abutting property owners by quit claim deeds with no cost to the property owners.

RECOMMENDATION:

Based upon the analysis and findings identified in this report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to vacate and close the subject alley and deed it to the abutting property owners with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Attachments: Exhibit A – Application Materials
Exhibit B – Maps of Proposed Alley Vacation
Exhibit C – Departmental/Division Comments
Exhibit D – Communication with the Community Council
Exhibit E – Letters to Neighbors on Block
Exhibit F – Photographs

Exhibit A
Application Materials

Exhibit B
Map of Proposed Alley Vacation

Exhibit C
Department/Division Comments

Exhibit D
Communication with the
Community Council

Exhibit E
Letter to Neighbors on Block

Exhibit F Photographs



South/north view of alley



North/south view of alley