

PLANNING COMMISSION STAFF REPORT

1150 E. Downington Avenue Street Closure

PLNPCM2008-00241

November 12, 2008



Planning and Zoning Division
Department of Community &
Economic Development

Applicant:

Louise and Jared Millington

Staff:

Lex Traughber, Principal Planner
535-6184
lex.traughber@slcgov.com

Tax ID:

16-17-410-006

Surrounding Zoning:

R-1-5,000 (Single Family
Residential)

Council District:

District 7, Council Member
Simonsen

Surrounding Land Uses:

Residential

Applicable Land Use Regulations:

- Salt Lake City Code - Chapter 2.58 regulates the disposition of surplus City-owned real property.
- Utah Code - 10-9a-609.5 - Vacating or altering a street or alley.
- Sugar House Community Master Plan
- Salt Lake City Transportation Master Plan or Major Street Plan

Exhibits:

- A. Department/Division Comments
- B. Applicant's Photos

REQUEST

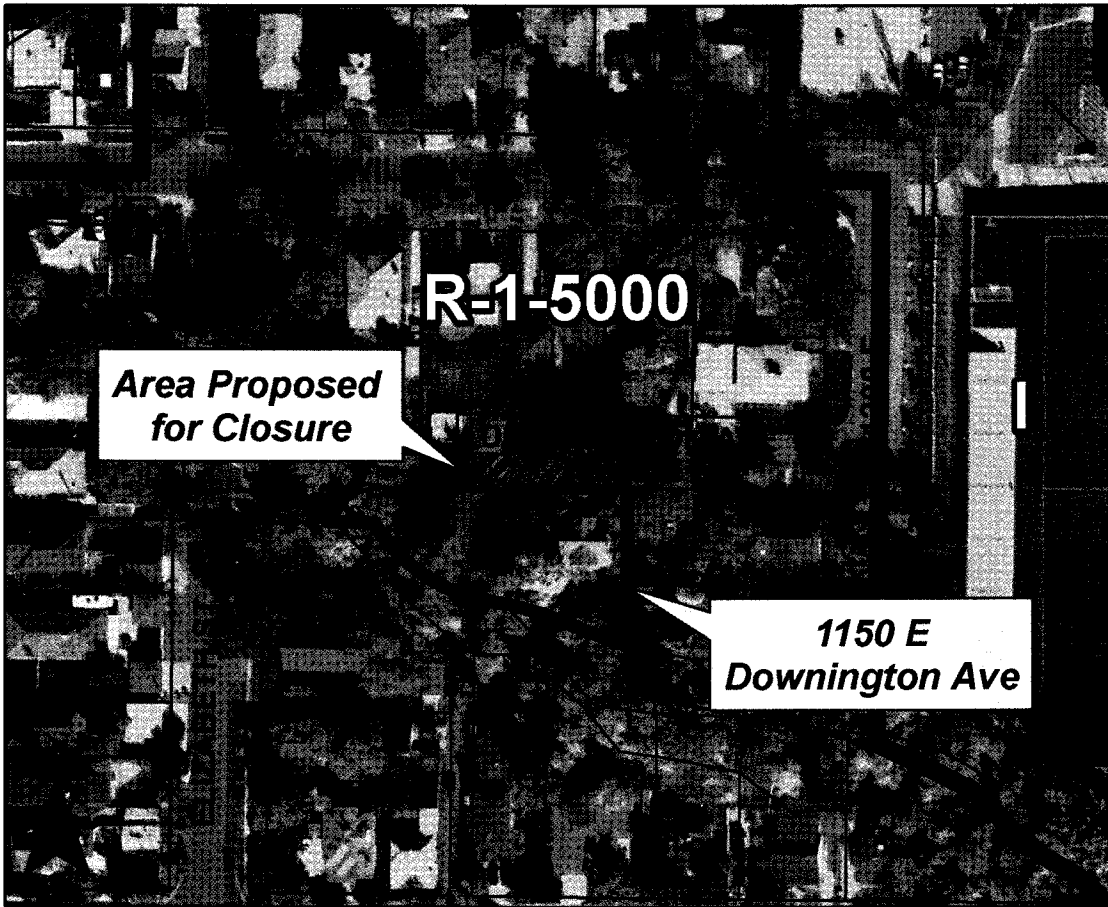
Louise and Jared Millington are requesting to close a portion of Downington Avenue located adjacent to their residential parcel.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission transmit a favorable recommendation to the City Council to close the subject street. The recommendation is subject to the following conditions:

1. All requirements and comments outlined in this staff report and attached as Exhibit A must be met.
2. Prior to City Council consideration, the applicant will provide Planning Staff with a legal description of the subject property.
3. Prior to City Council consideration the applicant will work with the City Property Management Division to obtain a compensation price for the subject property.
4. Compliance with City Code 2.58 which regulates the disposition of City owned real property.

VICINITY MAP



PROJECT DESCRIPTION

Jared and Louise Millington are requesting that the City close and declare surplus a section of Downington Avenue located adjacent to their residential property. Downington Avenue at this location consists of unimproved roadway (no pavement nor curb & gutter) and dead-ends into the applicant's property and Immigration Creek. The applicant states that this section of Downington Avenue is not maintained by the City, is the site of frequent suspicious activity, and has been used as a location to abandon vehicles. The applicant provided several photos of the area to demonstrate their rationale for the street closure request (Exhibit B).

The applicant would like to purchase the portion of this public right-of-way and consolidate this section into their existing residential parcel in order to improve the property and eliminate the problematic issues associated with this land. Downington Avenue is a fifty foot (50') right-of-way at this section and the applicant would like to obtain twenty feet (20') of this right-of-way running parallel to their north property boundary between their east and west property boundaries as shown above. A thirty foot (30') public right-of-way would be maintained.

COMMENTS

City Department/Division Comments

City comments are attached to this staff report (Exhibit A). The only issue identified of concern is the easement requirement noted by Public Utilities. There is an existing 4" water main in Downington Avenue and the City requires a thirty foot easement along the length of this main for access and maintenance purposes. The applicant's request would not interfere with this required easement.

Public Comments

No written comments were received from the public.

Community Council Comments

Community Council review of street closures is not required by the City Code.

PUBLIC NOTICE

A notice of public hearing was mailed to all property owners within 450 feet of the subject property on October 28, 2008, which meets the 14 day notification requirement. Community Council Chairs, Business Groups, and others interested parties were also notified through the Planning Division's listserv, and the agenda was posted on the Planning Division's and the State of Utah's websites.

MASTER PLAN DISCUSSION

Sugar House Community Master Plan (2005)

The subject street is located adjacent to Very Low Density Residential Land Use. The Sugar House Community Master Plan does not outline any policies specifically addressing this portion of Downington Avenue.

Salt Lake City Transportation Master Plan or Major Street Plan, adopted in 2006

The subject street is identified as a "local" street in the Transportation Master Plan. Local streets provide direct access to and from abutting property. Local streets are usually one lane in each direction meant to carry traffic over short distances at low speed.

ANALYSIS AND FINDINGS

The Planning Commission will need to review the street closure request and make findings based on the following Salt Lake City Council Policy Guidelines for Street Closures:

- 1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Analysis: Access to properties would not be affected by the proposed closure. The subject stretch of Downington Avenue is only used by the applicants for access as demonstrated in the above Vicinity Map. All adjacent properties have access to public streets; either 1200 East, Downington Avenue, or Wilson Avenue. Property Management has not commented to date on compensation for the City owned property.

Finding: Closing the portion of the subject street will not deny access to the adjacent properties. The applicant will be required to work with Property Management to determine the amount of compensation required.

2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial, or industrial.

Finding: The applicant will be required to work with Property Management to determine the amount of compensation required.

3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.

Analysis: The applicants make a justifiable argument for closing this particular section of Downington Avenue. First, this section of right-of-way is unmaintained by the City. This essentially places any maintenance activity, especially snow removal, on adjacent land owners. Second, because this is a dead-end street, it lends itself well to suspicious activity and abandonment of vehicles and/or other trash. Third, because the City would maintain a thirty foot (30') section of right-of-way paralleling the proposed closure, access to public utilities and private property would still be maintained. The closure of this section of unmaintained public street would allow the possibility for the land to be better utilized and maintained by the applicant; a benefit to the public in general.

Finding: The closure of this section of Downington Avenue will have no significant impacts on the public in general nor adjacent landowners. The closure of this section of Downington Avenue will also serve to minimize unwanted activity in the area.

4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

Finding: Staff finds the following reasons outweigh alternatives to the closure of the street:

1. The Salt Lake City Transportation Master Plan does not identify this street and there are no plans to extend or otherwise improve it;
2. Closing and selling the surplus property could eliminate nuisance activity ie. suspicious loitering and vehicle abandonment;
3. Closing and selling the surplus property will provide the applicant with the means for a better development;
4. The closure of this street has no negative impact on property access.

Exhibit A –
Department/Division Comments

PUBLIC UTILITIES

Traughber, Lex

From: Brown, Jason
Sent: Tuesday, July 15, 2008 11:20 AM
To: Traughber, Lex; Garcia, Peggy
Subject: Petition 400-08-17 Downington Avenue Street Closure
Categories: Program/Policy

Lex,

Salt Lake City Public Utilities has reviewed the above-mentioned project and offers the following comments:

There is an existing 4" water main in Downington Avenue. A 30-foot easement will need to be recorded for the water main that will run with the property for the existing main. No buildings, structures, trees, parking, fences, signage, lighting, landscaping or any other feature that would impede access or maintenance to the pipe located within the easements will be allowed.

If you need any further assistance please contact me.

Thank you,

Jason Brown

BUDG SERVICES

Traughber, Lex

From: Walkingshaw, Nole
Sent: Thursday, July 10, 2008 3:54 PM
To: Traughber, Lex
Cc: Butcher, Larry
Subject: 1150 E Downingtown Ave. Petition 400-08-17 Street Closure

Lex,

Building Services has no issues with the proposed street closure located at 1150 E. Downingtown Ave.

Thank you,

Nole

Nole Walkingshaw
Salt Lake City Planning and Zoning
Senior Planner
801-535-7128

7/14/2008

TRANSPORTATION

Traughber, Lex

From: Walsh, Barry
Sent: Wednesday, July 09, 2008 9:18 AM
To: Traughber, Lex
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Askerlund, Dave; Spencer, John
Subject: Pet 400-08-17
Categories: Program/Policy

July 9, 2008

Lex Traughber, Planning

Re: Petition 400-08-17, 1150 East Downington Avenue Street Closure.

The division of transportation review comment and recommendations for the proposed closure are for denial as follows:

The existing Downington Avenue roadway indicates a 50 foot right of way with 100 plus feet of frontage for the 1150 East parcel. The roadway surface is a partially paved gravel surface 15 to 20' wide with no defined terminus. The proposed partial closure of the south half 25' right of way does not comply to city standards for minimum road width or development.

We recommend a full evaluation of circulation requirements for end of road development to address fire and emergency vehicles, service vehicles – trash pick up and snow removal, and end of road designation, as well as utility easements, to establish minimum roadway requirements as well as abutting property access and frontage requirements for future development. From that evaluation a reasonable determination of right of way requirements can be made to determine possible partial closure boundaries.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public utilities
Ted Itchon, Fire
Larry Butcher, Permits
John Askerlund, Police
John Spencer, Property Management
file

7/9/2008

RUBUC SUCS

Traughber, Lex

From: Graham, Rick
Sent: Wednesday, July 02, 2008 9:20 AM
To: Traughber, Lex
Subject: FW: Petition to close off Downington Dead End below 12th East!
Categories: Program/Policy
Attachments: P1010092.JPG; P1010093.JPG

Please see the response our Streets/Sanitation Division provided relative to the Downington Street closure. I hope this information is useful.

Rick

From: Rokhva, Parviz
Sent: Tuesday, July 01, 2008 2:42 PM
To: Graham, Rick
Cc: Valente, Art; Aguilar, Joseph; Lust, David
Subject: FW: Petition to close off Downington Dead End below 12th East!

Rick,

As per your request we evaluated this request/petition and Dave's comments below is the only issue we have with this closure.

Do you want us to reply directly P&Z ?

Thanks Parviz

From: Lust, David
Sent: Monday, June 30, 2008 2:45 PM
To: Rokhva, Parviz
Cc: Valente, Art
Subject: Petition to close off Downington Dead End below 12th East!

Parviz and Art

We do empty a couple of refuse and recycle cans on the Downington dead end (1st photo) below 12 East. Sanitation and Recycling wouldn't have any problems if the customers moved the cans to either the east or west sides of 12th East (2nd photo) for Wednesday pick up. Thanks, Dave

ENGINEERING

Traughber, Lex

From: Smith, Craig
Sent: Tuesday, July 15, 2008 7:22 AM
To: Traughber, Lex
Subject: RE: Petition 400-08-17, 1150 E Downington Ave Street Closure
Categories: Program/Policy

Lex-
Engineering is okay with this request.

From: Traughber, Lex
Sent: Monday, July 14, 2008 11:56 AM
To: Spencer, John; Itchon, Edward; Smith, Craig; Askerlund, Dave
Cc: Paterson, Joel
Subject: Petition 400-08-17, 1150 E Downington Ave Street Closure

Gentlemen,

On June 25, 2008, I sent information to you regarding the above referenced street closure for review. I had asked for comments by July 9, 2008. If you have not had time to review the material, I would ask that you do so and respond as soon as possible. The applicant is anxious to move forward. If you do not have any comments, I would appreciate knowing that as well.

Thank you!

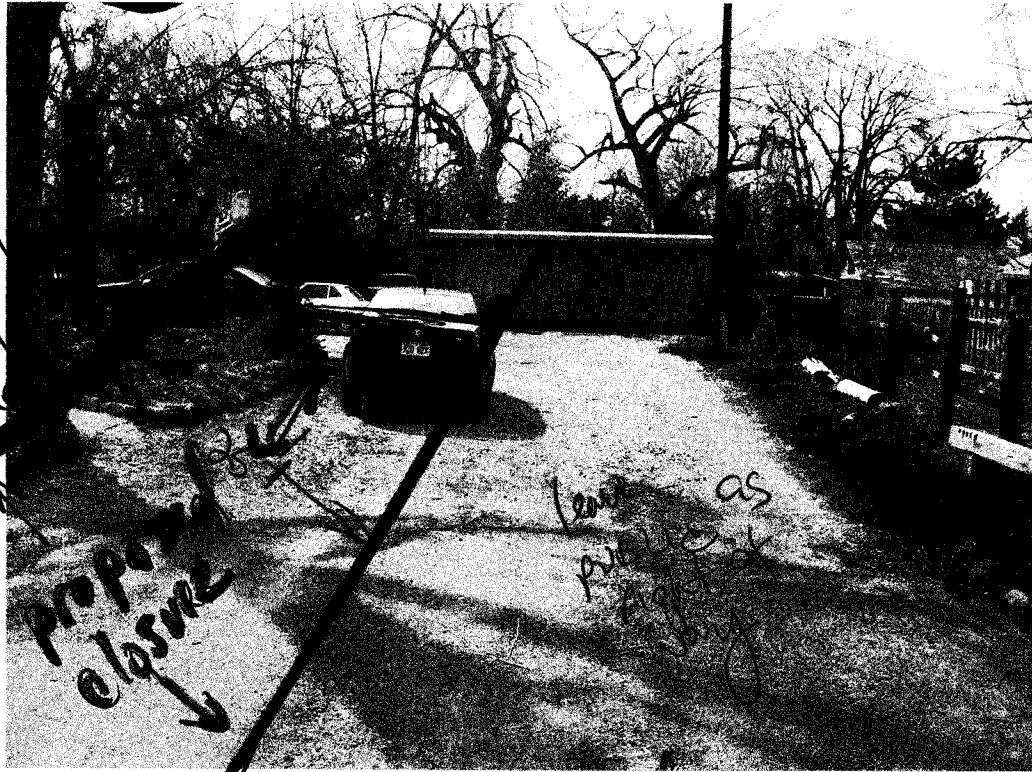
Lex Traughber
Principal Planner
Salt Lake City Planning Division

lex.traughber@slcgov.com or (801) 535-6184

7/15/2008

**Exhibit B –
Applicant Photos**

1150 DOWNINGTON
EXISTING
PROPERTY LINE



PROPERTY
CLOSURE
↓

LEAVE
PROPERTY
AS IS

25' FROM EXISTING
PROPERTY LINE

VIEW LOOKING WEST DOWN DOWNINGTON AVE

EXISTING
PROPERTY
LINE

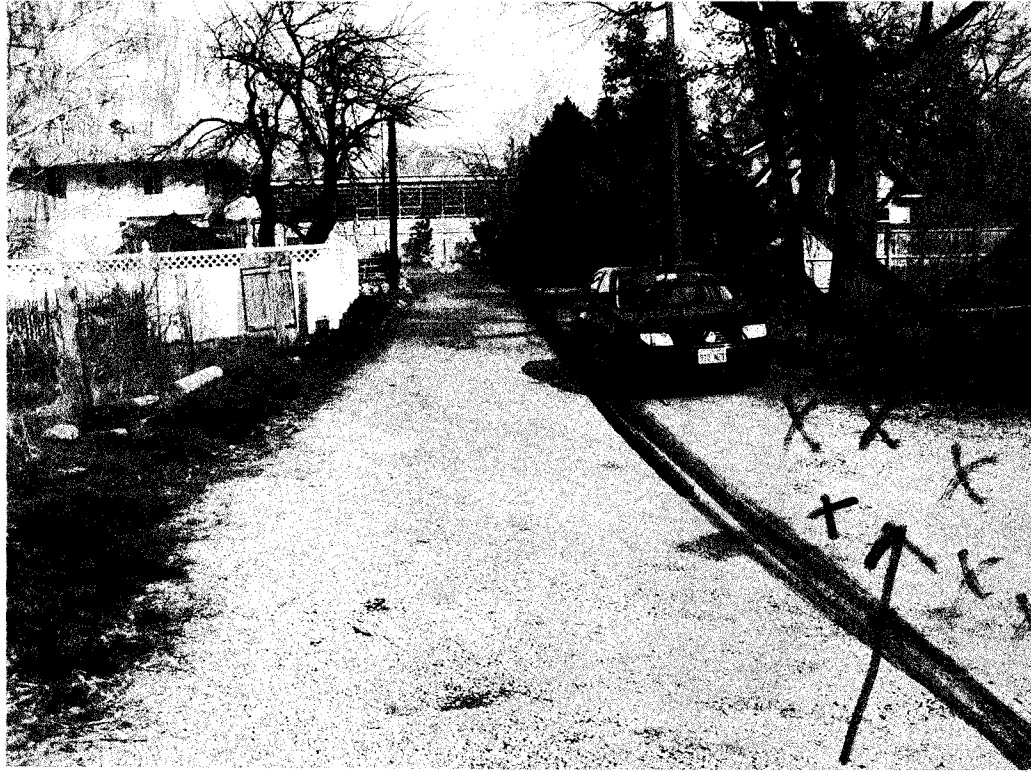


PROPOSED
CLOSURE

DOWNINGTON AVE

PUBLIC
PROPERTY
ENDS
HERE

VIEW WEST



EXISTING
PROPERTY

closure

VIEW LOOKING EAST DOWN DOWNINGTON



DOWNINGTON Ave
IS DIRT & gravel

NO OFF STREET PARKING



THIS IS ALL DIRT &
GRAVEL & CANNOT
BE PLOWED.

2 HRS. OF SHOVELING
TO GET CARS OUT OF
THIS SNOW STORM



"ICE"