

# PLANNING COMMISSION STAFF REPORT

South Temple  
PLNPCM2010-00320

Street closure and  
sale of excess right-of way property  
South Temple between 500 and 600 West  
June 23, 2010



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:** Mayor Becker

**Staff:** Doug Dansie 801 535-6182  
doug.dansie@slcgov.com

**Tax ID:** No tax ID

**Current Zone:** Adjacent zoning  
GMU Gateway Mixed-Use

**Master Plan Designation:**  
The surrounding land is designated  
mixed-use by the Gateway Master  
Plan

**Council District:** District 4 –  
Luke Garrott

**Lot Size:** Approximately  
43,000+/- square feet

**Current Use:** Vacant and drive  
access to parking

**Applicable Land Use  
Regulations:**

- Salt Lake City Council Policy  
and Guidelines for Street  
Closures

**Notification**

- Notice mailed on June 10, 2010
- Sign posted on June 10, 2010
- Agenda posted on the Planning  
Division and Utah Public  
Meeting Notice websites June  
10, 2010

**Attachments:**

- A. Map of Proposed Street Closure
- B. Department/Division  
Comments
- C. Photographs

## ***Request***

Mayor Becker has requested that Salt Lake City close and sell portions of South Temple which is located between 500 and 600 West. This portion of the street is a “paper street” in that the right-of-way exists but the actual street has never been constructed. The “street” is being traded with the Boyer Company to resolve ownership and contract issues regarding the new North Temple viaduct. Also included in the sale is additional City owned land north of the South Temple right-of-way

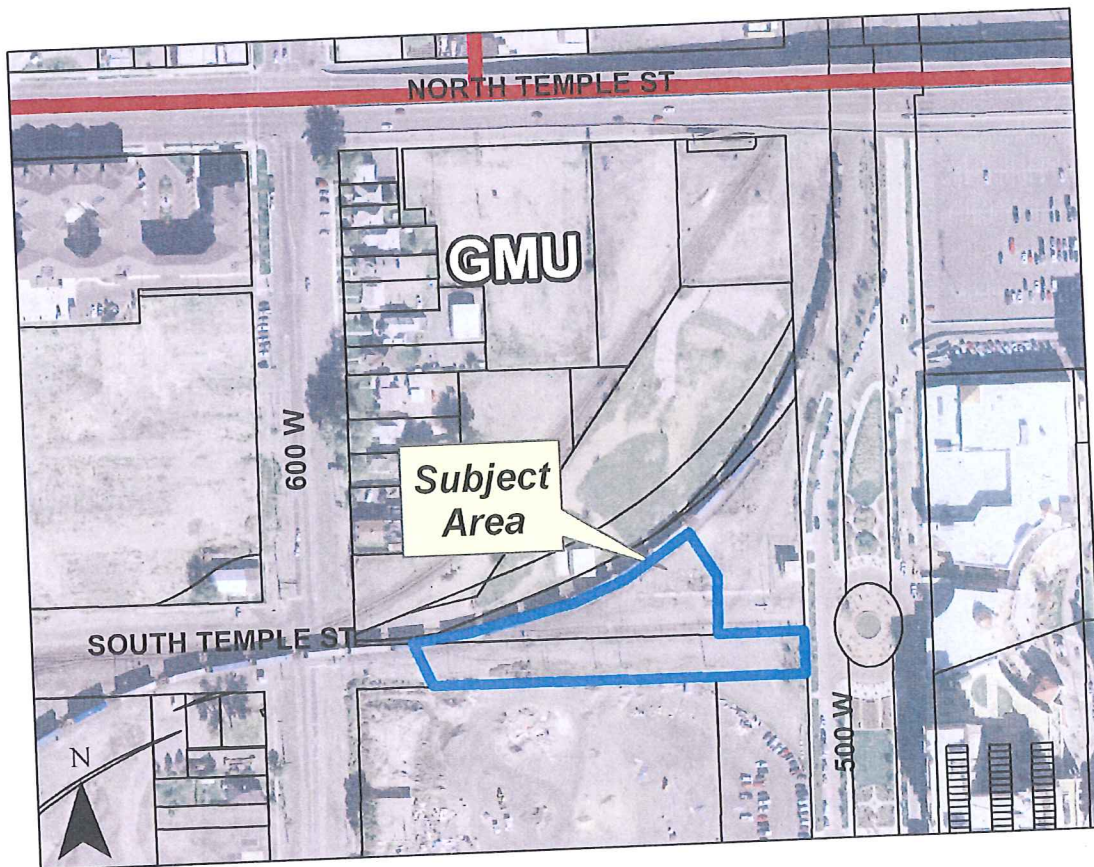
The Planning Commission sends a recommendation to the City Council on street closures requests. The Mayor has the authority to sell property that is deemed surplus.

## ***Staff Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore recommends that the Planning Commission recommend to the Mayor and City Council that the street be closed and the property be declared surplus and sold with the following conditions:

1. An easement be maintained for the sewer line or other measures be taken to resolve the issue.
2. The land is sold according to the City regulation relating to disposition of real property.

Also, That the adjacent land to the north (as identified in the staff report) be declared surplus and sold.



**VICINITY MAP**

## **PROJECT HISTORY/DESCRIPTION**

This is a request to close and sell the South Temple right-of-way between 500 and 600 West and to sell additional land located north of the right-of-way. The street is a “paper” street and no roadway is constructed. The Boyer Company maintains a drive to their parking facilities across this right-of-way.

## **COMMENTS**

### **Community Council Comments:**

Community Council presentation is not required for street closures.

### **City Department/Division Comments:**

The application material was routed on June 1, 2010 for a request to close portion of South Temple. The comments received from pertinent City Departments and Divisions are found on Attachment B of this staff report. There were no major concerns expressed and all departments felt that the land could be sold as surplus with no negative effect on City interests; with the exception of the need to acknowledge and address a sewer line located in the street either by easement or movement.

### **Public Comments:**

Planning Staff received no comments.



## STAFF ANALYSIS AND FINDINGS

### Master Plan Discussion:

#### **Gateway Master Plan, adopted in 1998**

The plan identifies the need to transition the area from industrial/rail to mixed-use. The creation of public spaces and manageable size blocks is part of that philosophy.

**Analysis:** This particular property is held as public right-of-way but a street has not been built because it cannot be extended further, either to the east or west, because of rail track or development. The concept of other access remains open; the City will retain enough control to maintain a trail system and/or extension of City Creek via continued ownership of land to the immediate north.

**Finding:** Currently the South Temple right-of-way is not constructed as a functional street. The land is already effectively part of a private front yard. Inclusion of the excess property into the adjacent lot or lots would facilitate the current construction of the North Temple viaduct and allow ongoing investment in the adjacent properties, which would in turn stabilize the neighborhood. The City retains ownership of enough adjacent land to accomplish City goals.

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

This portion of South Temple is identified in the Transportation Master Plan and/or Major Street Plan as a local street (plan is currently being revised).

**Analysis:** The Street is presently not constructed and the Transportation Division has indicated they do not need the right-of-way in question. The need for a pedestrian/bicycle right-of-way to connect the western City Creek Corridor (Folsom Ave) to the Downtown area is being accommodated on City property immediately adjacent to the north.

**Finding:** Selling of the unused right-of-way and minimal additional land will not impact the long term goals of City Creek trail access.

### Street Closure Guidelines:

#### **Salt Lake City Council Policy and Guidelines for Street Closures**

The Planning Commission will need to review the street closure request and make findings based on the following guidelines:

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:** This land in question is primarily adjacent to property owned by the Boyer Company and is presently being used as their driveway access. This trade would increase the size of their holdings and allow for more flexible development. The elimination of the South Temple right-of-way will not affect access to adjacent properties.

**Finding:** Closing the subject street will not deny access to the adjacent properties; however, who it is sold to would affect the properties. The land is being traded to the Boyer Company; the sale to any other entity would affect access.

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.**

**Analysis:** The land is proposed to be traded for other Boyer Company interests.

**Finding:** The right-of-way will be sold at negotiated market value to be determined by the Salt Lake City.

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 City has made a decision to reconstruct the North Temple viaduct. Resolution of property issues with the Boyer Company is critical to allow the project to continue. The parcel in question is a "paper street" that can be folded into the Boyer portfolio and resolve any outstanding issue regarding North temple.

**Finding:** The street is presently not operational; the property is presently used as access and is not necessary for transportation purposed

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

**Analysis:** The street presently does not exist and is not functional.

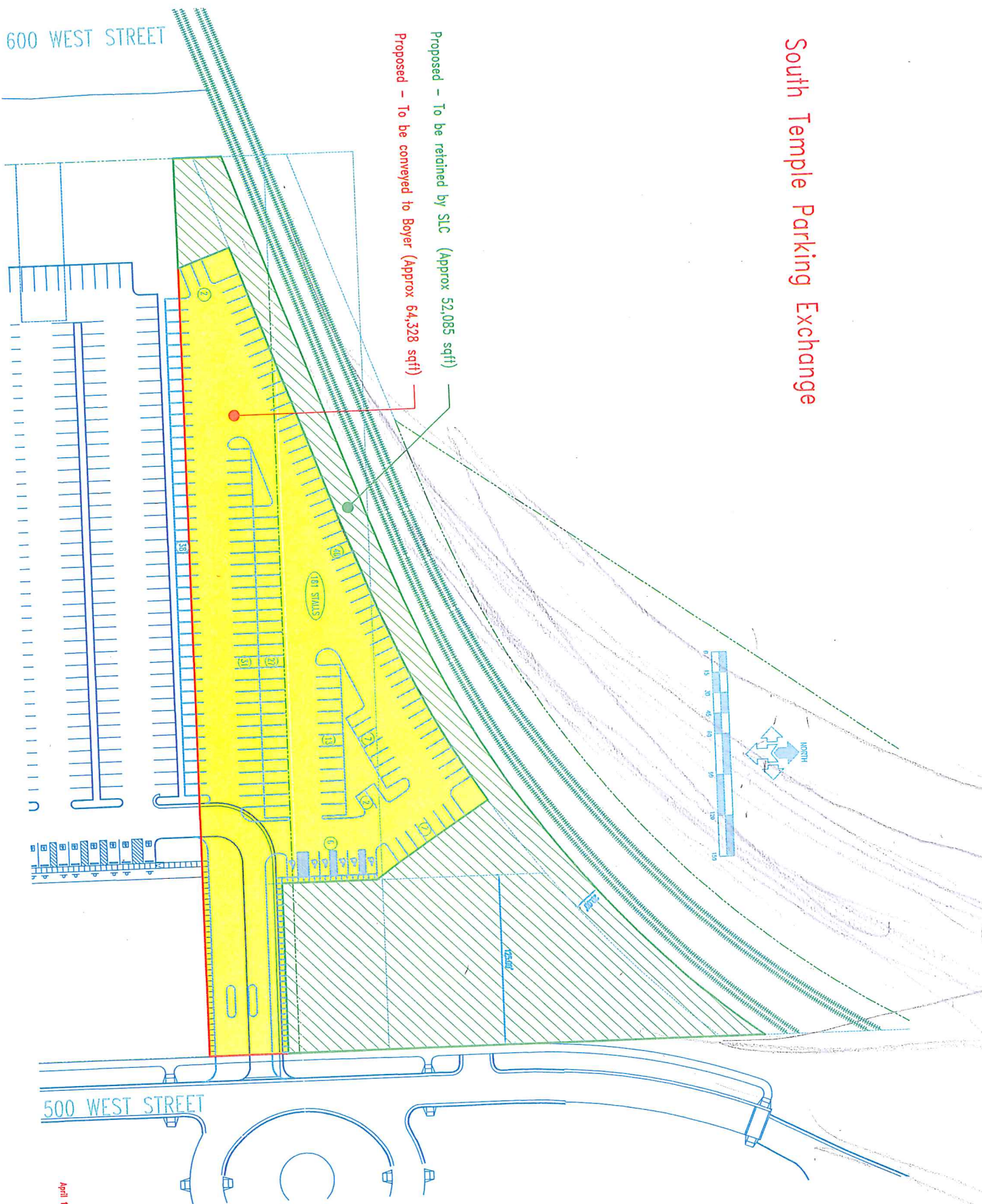
**Finding:** The property is unnecessary for transportation purposes and would be placed in private hands where it would be maintained as part of a developed parcel and the owner would pay property taxes on it. All development in the GMU is a Planned Development, therefore the Planning Commission will have input into future development of the site.

**Attachment A**  
**Map of Proposed Street Closure**



# South Temple Parking Exchange

- Proposed - To be retained by SLC (Approx 52,085 sqft)
- Proposed - To be conveyed to Boyer (Approx 64,328 sqft)



**Attachment B**  
**Department/Division Comments**

## **Public Utilities (Justin Stoker)**

The Public Utilities department supports the street vacation, however there exists an 8-inch VCP sewer main across this parcel. If the street is vacated then an easement (using Public Utilities easement language) will need to remain for access and maintenance of the sewer main. Due to the depth of the sewer main and to comply with OSHA safety standards, the easement will need to be 35-feet wide with the sewer line offset 5-feet from the center of the pipe. Better would be an easement for the full width of the current right-of-way (usually needed to work around conflicts with unmarked "dry" utilities). According to our records, the sewer main is located 25-feet north of the southern right-of-way boundary. The easement should be recorded as a separate document and the boundaries of the easement and the reference to the recorded document identified on the amended plat.

## **Zoning Review (Larry Butcher)**

No comment

## **Engineering (Randy Drummond)**

## **Transportation (Barry Walsh)**

The division of transportation review comments and recommendations are for approval as follows:  
There is no physical roadway existing and we do not see it as a necessary transportation corridor for future development.

## **Fire (Ted Itchon)**

No comment



**Attachment C**  
**Photographs**



**Development parcel south of South Temple  
500 West intersection (not part of surplus)**

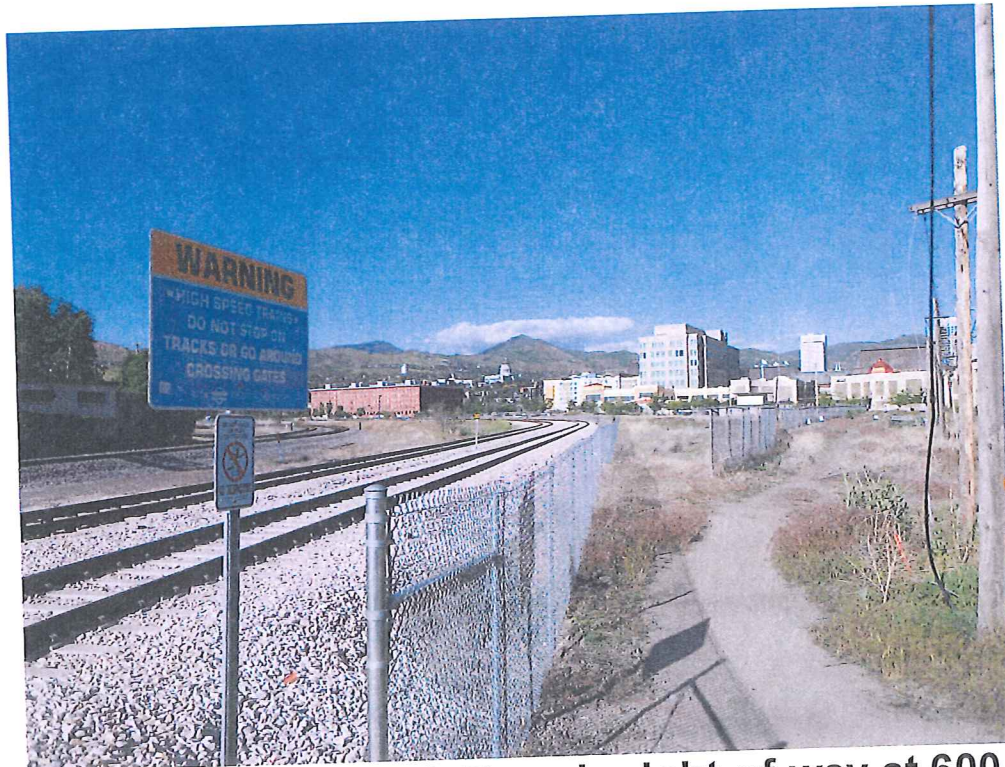


**Driveway in South Temple right-of-way at 500 West**





**Land north of South Temple right of way at 500 West (part of surplus)**



**Land north of South Temple right-of-way at 600 West (pathway right-of-way to be maintained)**





**South Temple right-of-way at 600 West**



**Development parcel south of South Temple right-of-way (not part of surplus)**