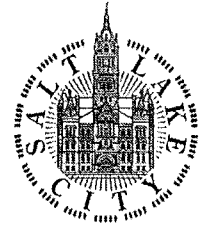


PLANNING COMMISSION STAFF REPORT

**Olivera Alley Vacation
1370 E. Bryan Avenue
Petition PLNPCM2011-00207
July 13, 2011**



Planning Division
Department of Community &
Economic Development

Applicant: Baldomero and Lourdes Olivera,
represented by Pamela Wells

Staff:
Lex Traughber
(801) 535-6184
lex.traughber@slcgov.com

Tax ID:
16-16-152-010

Current Zone:
R-1/5,000 (Single Family Residential)

Master Plan Designation:
East Bench Master Plan:
Low Density Residential
(4-8 dwelling units per acre)

Council District:
Council District 6 - J.T. Martin

Lot size:
0.22 or 9,583 square feet

Current Use:
Alley/Driveway, partially paved with some mature
landscaping

Notification
Mailed: June 30, 2011
Sign posted: June 30, 2011
Agenda posted on the Planning Division and Utah
Public Meeting Notice websites June 30, 2011

Applicable Land Use Regulations:

- Section: 14.52.020 Policy Considerations For Closure, Vacation Or Abandonment Of City Owned Alleys.
- Section: 14.52.040 Method of Disposition.

Attachments:

- A. Site Photographs
- B. Proposed Area Site Plan
- C. Department/Division Comments

Request

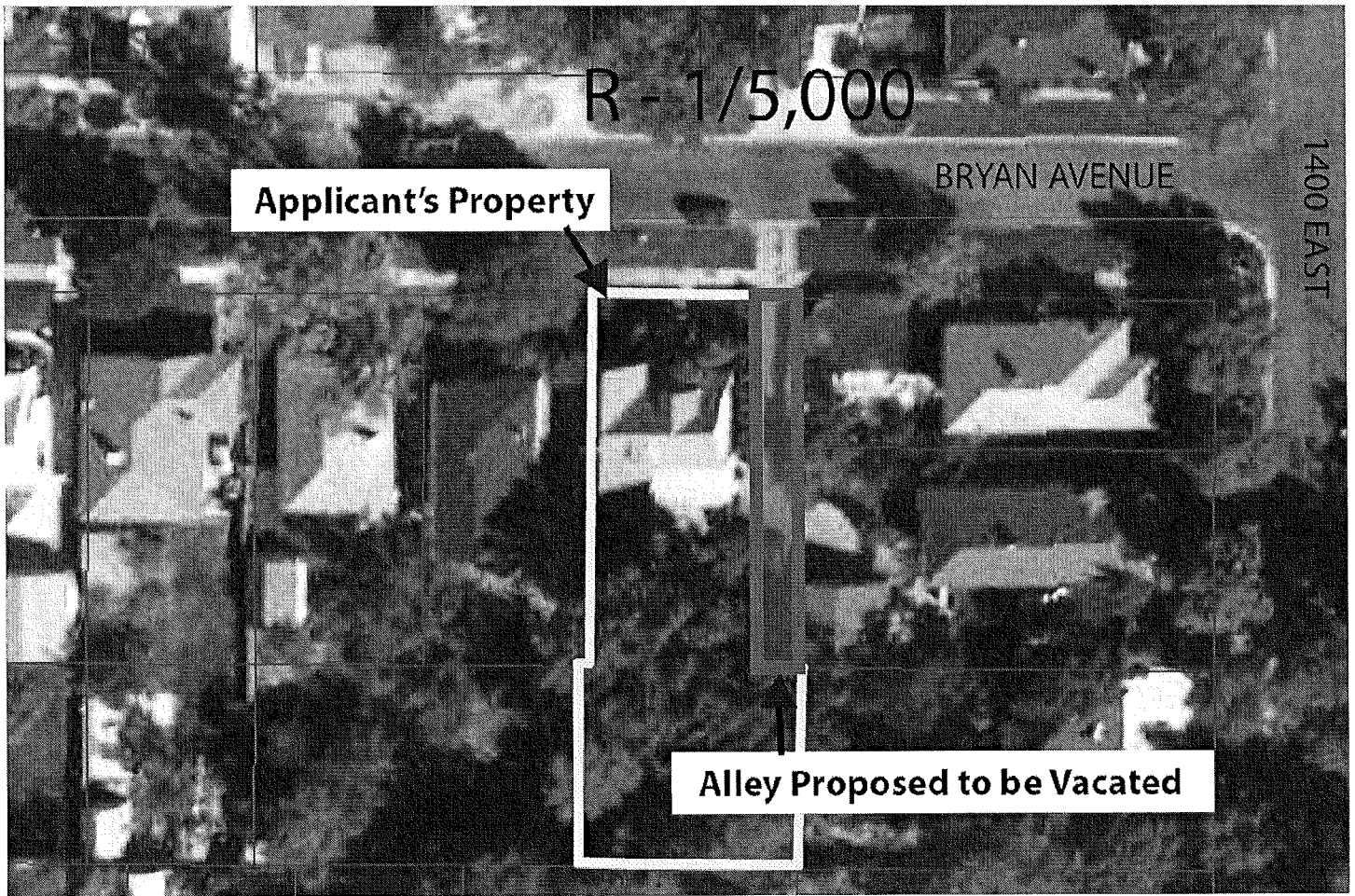
Baldomero and Lourdes Olivera, property owners, represented by Pamela Wells, are requesting to partially vacate an alley adjacent to their property which is located at 1370 E. Bryan Avenue. The alley runs north to south and abuts a total of three properties.

Recommendation

Based upon the analysis and findings identified in this report, Planning Staff finds that the proposal meets the criteria for alley vacations, and therefore recommends that the Planning Commission forward a favorable recommendation to the City Council to partially vacate and close the southern portion of the alley as proposed with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Compliance with all departmental comments with the exception of the Transportation Divisions recommendation of a full alley vacation, based on Planning Staff's analysis.

Vicinity Map



Background

Project Description

The applicants, Baldomero and Lourdes Olivera, property owners, represented by Pamela Wells, are requesting the partial vacation of the alley that runs adjacent to their property in order to build a garage. The alley runs north to south and is accessed from Bryan Avenue at the north, dead-ending at the applicant's property line to the south. The alley is 110.88 feet long and 12 feet wide. The portion to be vacated is located at the southern end of the alley, beginning from the applicant's property line and extending north 27 feet for a total area of 324 square feet in size. The applicant was granted a Special Exception on June 9, 2011, to build a garage on this portion of the proposed vacated alley. The alley accesses two garages on adjacent properties to the east. The proposed partial alley vacation and garage would not interfere with access for the two other neighbors who share the alley.

Public Meetings and Comments

- No public comments were received prior to the finalization of this staff report.

- The project site is located within the Wasatch Hollow Community Council area and it is located within 600 feet of the Sugar House Community Council area. An Open House was held on May 19, 2011. One person attended the Open House, but did not comment on the proposal.

Department Comments

The proposal was reviewed by all applicable City Departments and Divisions. The review comments have been attached to this (Exhibit C). There were no issues raised by the City that would prevent the proposal from proceeding.

The City's Transportation Division recommends a full alley vacation and a shared easement agreement to access the garages. Transportation supports the proposed location of the new garage in that it minimizes the length of the hard surface drive and for the most part maintains the existing green space associated with the three properties (Exhibit C).

It is Planning Staff's opinion that a full alley vacation is not necessary due to the existing configuration of the alley/driveways and the proposed location of the new garage, and therefore supports the applicant's proposal for a partial alley vacation as outlined. Even though this "alley" is public, it functions solely as a dead-end drive approach to two (potentially three) garages.

Analysis

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 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 subject alley serves three properties and dead-ends at the applicant's property line. The southern portion of alley that the applicants are requesting to vacate is unusable as a public right-of-way because it only accesses the applicant's property and currently appears to be part of the applicant's yard, containing mature and substantial landscaping. The proposed vacation therefore satisfies consideration *A - Lack of Use*. The partial vacation would not interfere with access to the other two adjacent properties.

Moreover, the proposed garage that would occupy the proposed vacated southern portion of the alley would have a positive urban design element by creating compatible development. The neighboring homes to the east and west both have accessory structures set back off the rear property line in the same fashion as the proposed garage. The vacated alley and garage location would be more compatible with surrounding development, increasing the aesthetic value and cohesiveness of the neighborhood.

Should the City decide not to vacate the alley, the applicant's only option would be to build the proposed garage on their property which would require the removal of mature landscaping and trees, resulting in an uneven setback to the adjacent existing garage. This would not improve the area nor would it serve as a positive urban design element, therefore satisfying policy consideration *C - Urban Design*.

Finding: The alley property is not useful as a public right-of-way nor does it serve as a positive urban design element. The request satisfies two (2) of the policy considerations 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 from the Transportation Division, Building Services, Engineering, Public Utilities and the Property Management Division.

Finding: The appropriate City Departments and Divisions have reviewed this request and have no objections to the proposed disposition of the 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.

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 access to their lot. The subject right-of-way abuts three properties. The proposed partial alley vacation and garage would not interfere with access for the two other neighbors who share the alley.

Finding: Closing the alley will not deny access or required off-street parking to any owner of property adjacent or in close proximity to the alley.

4. The petition will not result in any property being landlocked;

Discussion: Should the alley be vacated, it would become part of the applicant’s property and no parcel would become landlocked.

Finding: The proposed alley closure 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 East Bench Master Plan.

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: No abutting properties have filed for any building permits. The alley accesses two garages on adjacent properties to the east and ends at the property line of the applicant. The proposed partial alley vacation and garage would not interfere with access for the two other neighbors who share the alley.

Finding: The proposed alley vacation meets this standard.

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

Discussion: The applicant is proposing that only a portion of the alley be vacated in order to maintain access to the other adjacent property's garages. As previously stated, the alley accesses two garages on adjacent properties to the east. The applicant is proposing only a partial alley vacation to ensure the alley vacation would not interfere with garage access for the two neighbors who share the alley. Also, as noted previously, it is Planning Staff's opinion that a full alley vacation is not necessary due to the existing configuration of the alley/driveways and the proposed location of the new garage, and therefore supports the applicant's proposal for a partial alley vacation as outlined.

Finding: This proposal will only dispose a southern portion of the alley as previously defined, which is not consistent with the City's preference for disposing the entire alley and therefore the proposed alley vacation does not technically meet this standard, however given the configuration of the alley the applicant's request is warranted and reasonable.

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

Discussion: The southern portion of the subject right-of-way that is proposed to be vacated is not used for actual or potential rear access to residences or for accessory uses. As previously stated, the alley accesses two garages on adjacent properties to the east, and ends at the property line of the applicant. The proposed partial alley vacation and garage would not interfere with access for the two other neighbors who share the alley.

Finding: The portion of the alley that is being proposed for partial vacation is not necessary for actual or potential rear access to residences or for accessory uses.

Section 14.52.040 Method of Disposition of the Salt Lake City Code: (A) Low Density Residential

If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "Low Density Residential Use" shall mean properties which are zoned for single-family, duplex, or twin home residential uses.

Finding: The adjacent properties are zoned R-1/5,000 (Single Family Residential), therefore the alley would simply be vacated.

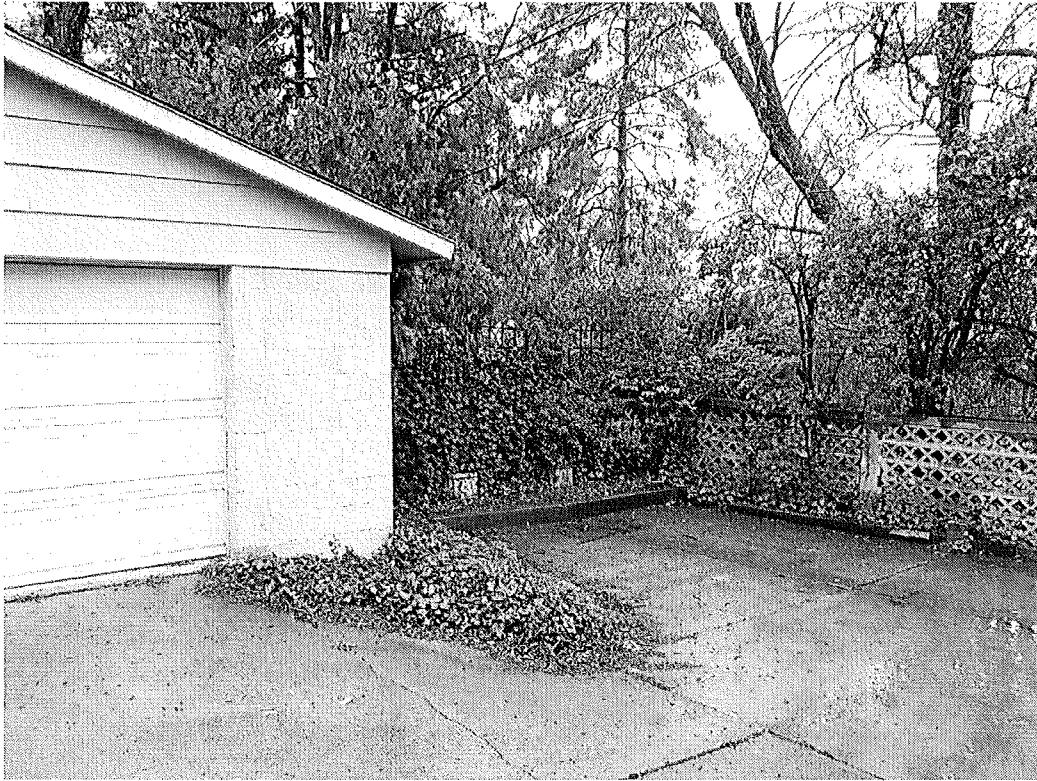
**Attachment A
Site Photographs**



This is a view looking south down the alley. The alley currently dead ends at the applicant's property line.



The alley accesses the two garages of the adjacent property owners to the east.



This is a view of the north portion of alley. The applicant received approval for a Special Exception to build a garage with similar setback to the neighboring garage seen on the left (east).



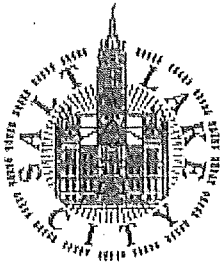
This is another view of the portion of alley that is being requested to be vacated. As can be seen, the alley is not currently in use as a public right-of-way, and appears to be part of the applicant's yard.



This is a view of the applicant's rear yard. The applicant has been granted a Special Exception in order to preserve the mature landscaping and to build a garage with similar setbacks as the neighboring accessory structures.

Attachment B
Proposed Area Site Plan

Attachment C
Department/Division Comments



Work Flow History Report

1370 E BRYAN Ave

PLNPCM2011-00207

Date	Task/Inspection	Status/Result	Action By	Comments
4/29/2011	Staff Assignment	Assigned	Norris, Nick	
5/3/2011	Planning Dept Review	In Progress	Traugber, Lex	
5/3/2011	Staff Assignment	Assigned	Traugber, Lex	
5/3/2011	Staff Assignment	Routed	Traugber, Lex	
5/5/2011	Engineering Review	Complete	Weiler, Scott	No objections.
5/9/2011	Building Review	Complete	Butcher, Larry	Future construction must meet all requirements of the current building code.
5/9/2011	Zoning Review	Complete	Michelsen, Alan	As per 21A.24.070.G, the existing 9,255 square feet lot is noncomplying due to lot size. The proposal to add 324 square feet of lot area makes the property more noncomplying. As per 21A.40.050, the location of the proposed garage exceeds the 5 feet maximum setback. Garage door location and driveway design need to show compliance with maneuverability standards for automobile access and egress.
5/10/2011	Fire Code Review	Complete	Itchon, Edward	
5/13/2011	Public Utility Review	Complete	Stoker, Justin	There are no utility interests in the alley that is proposed to be vacated. The only concern is that it appears the alley serves a garage for the property located at 1576 South 1400 East.

TRANSPORTATION

Traughber, Lex

From: Walsh, Barry
Sent: Thursday, May 12, 2011 10:58 AM
To: Traughber, Lex
Cc: Young, Kevin; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: PLNPCM2011-00207

Categories: Other

May 12, 2011

Lex Traughber, Planning

Re; PLNPCM2011-00207, Olivera Alley Vacation. At 1370 E. Bryan Avenue.

The division of transportation review comments and recommendations are as follows:

The existing alley only services three properties – the 1370 East Bryan Ave. and 1572 So. & 1576 So. 1400 East. The two properties on 1400 East have existing two car garages, the 1370 East site is proposing a new two car garage in line with the neighbor's garage. All three use the alley and therefore we propose a full alley vacation to the abutting properties as a shared easement access for the remaining alley corridor to access the garages.

We support the proposed location of the new garage in that it minimizes the length of the hard surface drive isle and increases the green space available in conjunction with the three properties.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
File

POUCE

Traughber, Lex

From: Ross, Michelle
Sent: Monday, May 09, 2011 11:16 AM
To: Traughber, Lex
Subject: PLNPCM2001-00207

Categories: Other

Lex,

The PD has no issues with this.

Thanks,
Sgt. Ross