

PLANNING COMMISSION STAFF REPORT

Salt Lake Community College Alley Vacation PLNSUB2011-00004 1575 South State Street 28 February 2011



Planning and Zoning
Division
Department of Community &
Economic Development

Applicant: Salt Lake Community College

Staff: John Anderson 535-7214
john.anderson@slcgov.com

Tax ID:
n/a

Current Zone: (abutting properties)
I Institutional
C-C Corridor Commercial
R-1-5000

Master Plan Designation:
Central Community Master Plan

Council District:
District 5– Jill Remington Love

Lot size:
4,320 square feet

Current Use:
Alleyway

Notification
Mailed: February 28, 2011
Sign posted: February 28, 2011
Agenda posted on the Planning Division and Utah
Public Meeting Notice websites February 28, 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

The applicant, Salt Lake Community College, is requesting to vacate an alley at their South City Campus which is located at 1575 South State Street. The alley runs north to south and abuts a total of five properties at approximately 123 East 1700 South.

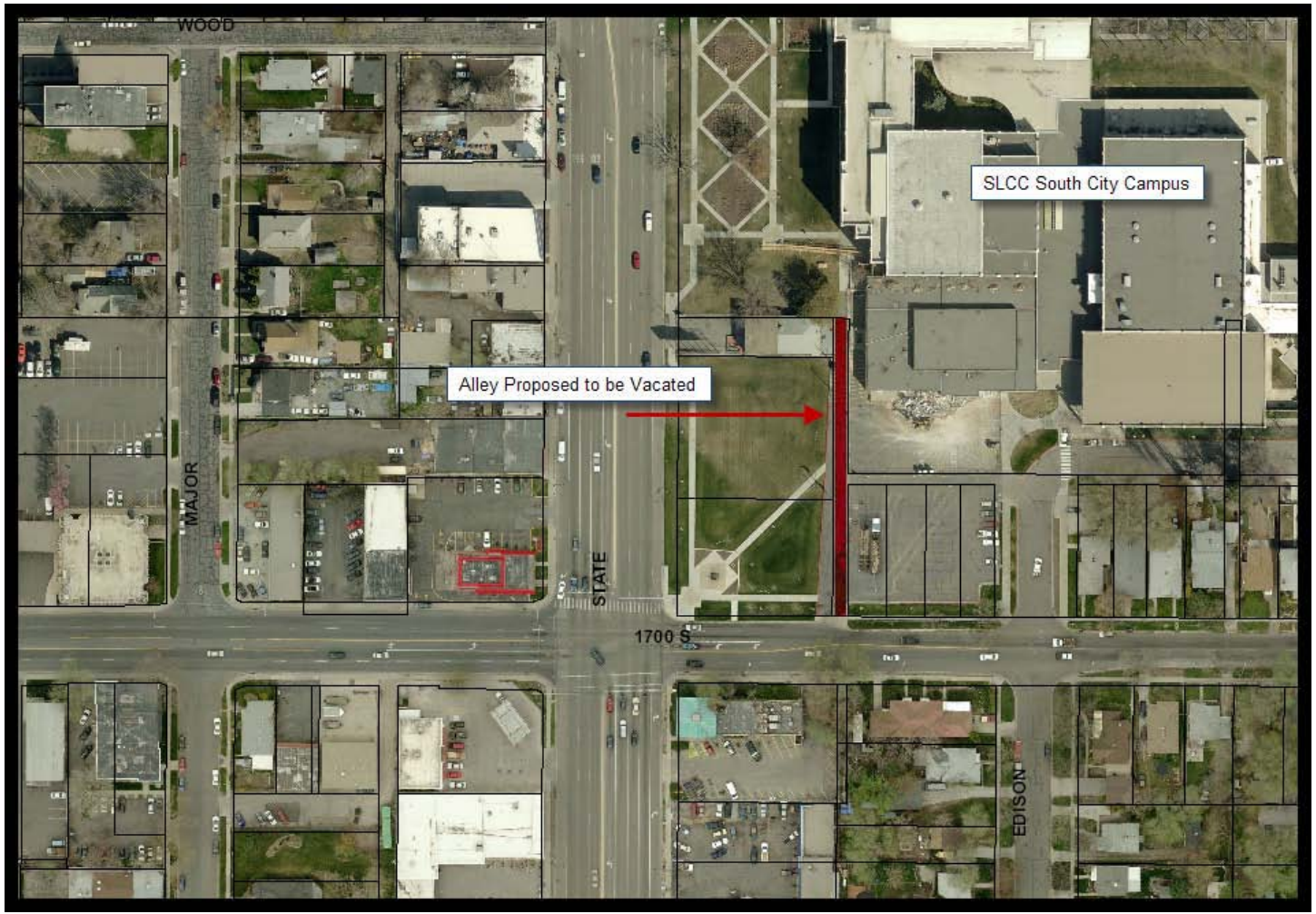
STAFF RECOMMENDATION

Based on the findings of fact listed in the staff report, staff finds that the proposal meets the criteria for alley vacations. Therefore, staff recommends the Planning Commission approve the case PLNSUB2011-00004 as proposed with the following conditions:

Conditions of Approval

1. Compliance with all departmental comments.

Vicinity Map



BACKGROUND

The applicant, Salt Lake Community College, is requesting the vacation of a north to south alley to allow for the integration of the alley into the existing college parking lot located at approximately 150 East 1700 South at their South City Campus. The properties abutting the alley are zoned I (Institutional) to the north and the north east, R-1-5000 (Single Family Residential) to the east and C-C (Corridor Commercial) to the west along State Street. The R-1-5000 parcel is currently a vacant lot and part of the overall college parking lot. The alley to be vacated is approximately 288 feet in length, 4,320 square feet in size and runs north to south beginning at 1700 South.

Proposal

The applicant is proposing to vacate the City owned alley to provide for a more comprehensive parking lot that serves the Salt Lake Community College Downtown campus and accommodate a new building under construction nicknamed the “Center for New Media”. The subject right-of-way runs north to south beginning at

1700 South and ending at approximately 1615 South. The applicant is the property owner of all parcels adjacent to the alleyway. Consistent with City Council "Close and Sell" policy, the surplus property which abuts the low density residential properties shall be vacated and the remainder shall be closed, abandoned and sold for fair market value.

Comments

The project site is located within the Liberty Wells Community Council and it is located 230 feet from the Ball Park Community Council. Both Community Councils were contacted and staff and the applicant attended their respective meetings.

Ball Park Community Council Chair Elke was notified about the proposed alley vacation and the item was placed on the agenda for 3 February 2011. The project was discussed with those in attendance. There were no concerns or questions regarding the vacation of this alleyway.

Staff also contacted DeWitt Smith, Chair of the Liberty Wells Community Council and asked if the Community Council wanted to review this request. Mr. Smith requested that both staff and the applicant be present at their meeting held on 9 February 2011. The project was discussed in depth with the Community Council and the public that was in attendance. Though there were some comments and questions received pertaining to traffic and other problems at the South City Campus as a whole there were no negative comments or concerns received about the proposed alleyway vacation.

Department Comments

The proposal was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit C. There were no issues raised by the City that would prevent the proposal from proceeding. The applicant must comply with all City requirements as outlined in those comments.

Building Services (Alan Michelson)

Building Services had no zoning issues regarding this proposal.

Engineering Division (Randy Drummond)

Assuming there are no public utilities facilities within said alley, we have no concerns regarding this proposed vacation of this alley.

Fire Department

No comments were received from the Fire Division.

Police Department

There were no comments from the Police Division.

Public Utilities Department (Justin Stoker)

There are no public utilities in the area of the proposed vacation. There doesn't appear to be any conflicts or issues from the proposed vacation with regards to SLCPU.

Transportation Division (Barry Walsh)

The proposed alley vacation presents no impact on access to abutting properties (deed indicates only one abutting Owner "SLCC") or the public transportation corridors abutting the alley. Therefore we recommend approval as shown.

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: This north to south running alley connects with an adjacent east to west running alley as well as 1700 South. Salt Lake Community College has already requested that the east to west running alley way be vacated. The Planning Commission forwarded the petition with a favorable recommendation on 28 July 2010. The City Council made a motion on 1 February 2011 to accept public comment and to consider adopting an ordinance to vacate the alley on 1 March 2011. The college would

have requested the vacation of both alleys simultaneously but were only recently able to procure a property on State Street that was heavily utilizing the north to south running alleyway.

However, in terms of lack of use, there is no real purpose to the continuation of the alley because it abuts four vacant parcels and one parcel that is occupied by the southwest corner of the South City Campus. The parcel to the east constitutes a portion of the College's parking lot. Parcels to the west along State Street and 1700 South have been integrated into new and existing landscaped areas. The alley has not recently functioned as an alley in any obvious way, because there does not exist any distinction between it and the existing parking lot, therefore satisfying policy consideration A. Moreover, leaving a stand-alone alley without it being integrated to the overall College's parking lot does not improve the area nor does it serve as a positive urban design element, therefore satisfying policy consideration C.

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 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 from the Transportation Division, the Building Services, Engineering, Public Utilities and the Property Management Division. These comments are attached to this staff report as Exhibit B.

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 required access to their lot. The subject right of way abuts four vacant lots also owned by the same applicant and used as part of the College's parking lot and for landscaping along State Street. The former Baxter property located at 1615 South State Street was the only owner utilizing the alley but the property was purchased by Salt Lake Community College.

Finding: Closing the alley will not deny sole 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 overall College's parking lot 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 Central Community Master Plan. On page 7 of the Central Community Master Plan, under the heading Liberty neighborhood planning area it states as an issue to prohibit the expansion of the Community College onto surrounding residential properties. The plan has outlined the properties owned by Salt Lake Community College to the east of the alley to be developed as an Institutional use and those properties to the west along State Street as Community Commercial.

The disposition of this alley would preclude the use of the alley as a trail and would not be contrary to any other policies of the City or those policies found in the Central Community 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: All abutting vacant properties are owned by the Salt Lake Community College which has not filed for any building permit. The College's aim is to integrate the alley to the overall parking lot.

Finding: The applicant does not intend to build any structures on the subject alley other than add it to the overall parking lot thus it does meet 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 the entire alley be vacated.

Finding: This proposal will dispose the entirety of the alley, which is consistent with the City's preference for disposing the entire alley.

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 where a single family home exists nor for any accessory uses.

Finding: The alley is not necessary for actual or potential rear access to residences or for accessory uses since the properties are currently vacant and are part of the College's parking lot.

Section 14.52.040 Method of Disposition of the Salt Lake City Code: (C) Mixed Zoning

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.

Finding: The adjacent properties are zoned institutional uses (non residential properties), commercial uses, and for single family homes, however the properties are not being used as residences, but as part of the institution's parking lot. The original homes have all been demolished The applicant would receive the entirety of the alley by City Council policy subject to fair market value payment to the City.

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 two abutting property owners 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.

**Attachment A
Site Photographs**



This is a view from the northwest of the proposed alley to be vacated.

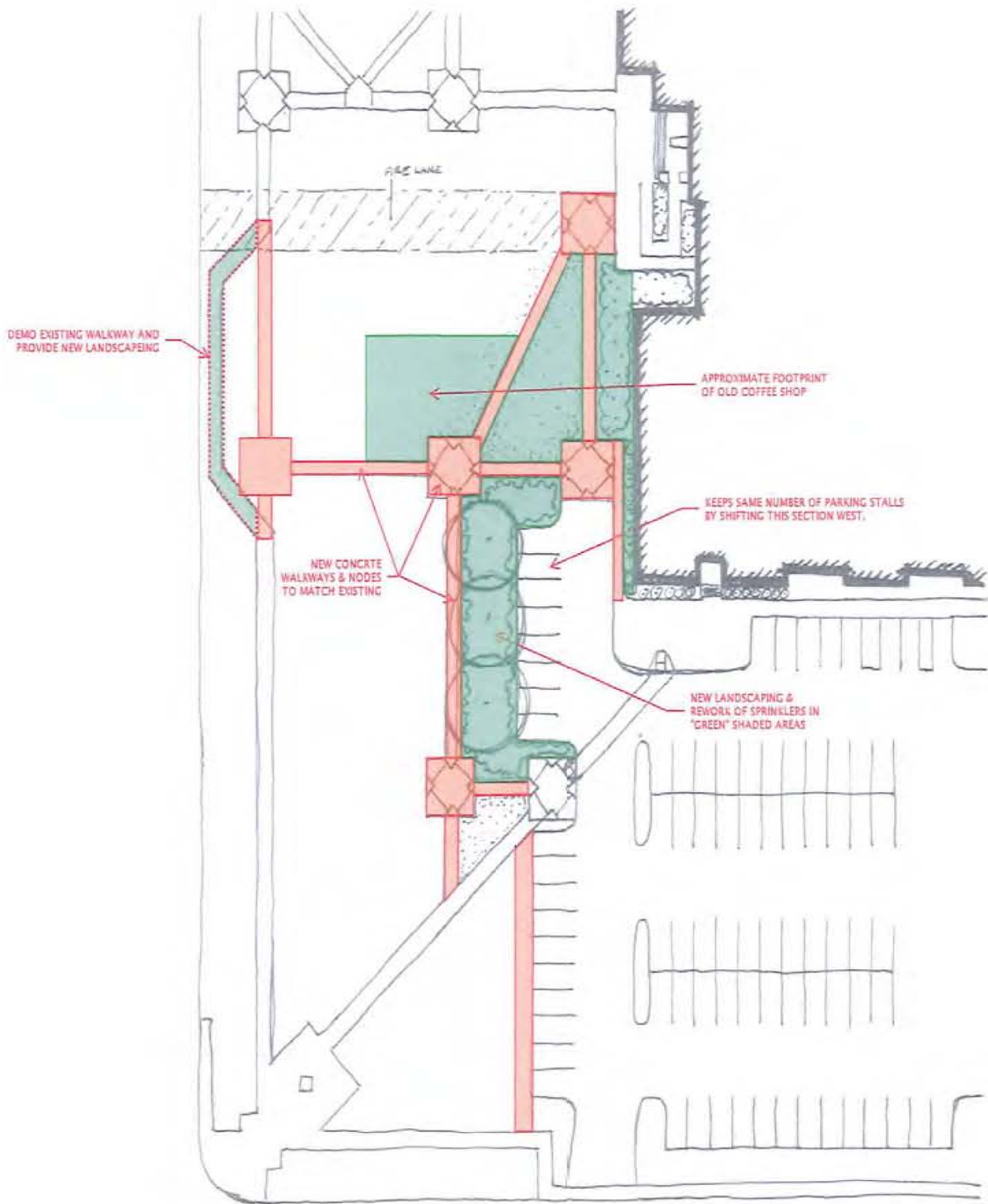


This is a south view of the alley proposed to be vacated. The alley cannot be distinguished from the surrounding parking lot.



This is a southwest view of the alley proposed to be vacated.

**Attachment B
Proposed Area Site Plan**



DEMO EXISTING WALKWAY AND PROVIDE NEW LANDSCAPING

FIRE LANE

APPROXIMATE FOOTPRINT OF OLD COFFEE SHOP

KEEPS SAME NUMBER OF PARKING STALLS BY SHIFTING THIS SECTION WEST.

NEW CONCRETE WALKWAYS & NODES TO MATCH EXISTING

NEW LANDSCAPING & REWORK OF SPRINKLERS IN "GREEN" SHADED AREAS

CONCEPT 1
 SLCC CFNM
 SOUTH PARKING LOT

4' 8' 0' 10' 20'
 GSBS ARCHITECTS

Attachment C
Departmental/Division Comments

Police Review

No comments submitted.

Public Utilities—Justin Stoker (801)483-6786

There are no public utilities in the area of the proposed vacation. There doesn't appear to be any conflicts or issues from the proposed vacation with regards to SLCPU.

Zoning Review—Alan Michelson (801)535-7142

No zoning issues.

Transportation Review—Barry Walsh (801)535-6630

The proposed alley vacation presents no impact on access to abutting properties (deed indicates only one abutting Owner "SLCC") or the public transportation corridors abutting the alley. Therefore we recommend approval as shown.

Engineering Review- Randy Drummond (801)535-6204

Assuming there are no public utilities facilities within said alley, we have no concerns regarding this proposed vacation of this alley.

Fire Review

No comments submitted.

