

PLANNING COMMISSION STAFF REPORT



Planning Division
Department of Community &
Economic Development

Volunteers of America, Utah
Alley Closure
252 W. Brooklyn Ave (1025 S.)
PLNPCM2011-00697
January 25, 2012

Applicant: Volunteers of America, Utah

Staff: Lex Traugher, (801) 535-6184,
lex.traugher@slcgov.com

Tax ID
15-12-402-003

Current Zone
CG (General Commercial District)

Current Master Plan Designation
Central Community Master Plan - Regional
Commercial/Industrial Land Use

Council District:
District 5 – Jill Remington Love

Community Council:
Ball Park - Elke Phillips, Chair

Current Use:
Vacant/Parking

Notification
Mailed: January 13, 2012
Sign posted: January 13, 2011, 2012
Agenda posted on the Planning Division
and Utah Public Meeting Notice websites
January 13, 2012

Applicable Land Use Regulations:

- Chapters 2.58 and 14.52 of the Salt Lake City Municipal Code
- Utah State Law, Section 10-9a-204 and 10-9a-609.5

Exhibits:

- A. Site Plan
- B. Photographs of Site
- C. Community Council Email
- D. City Comments

Request

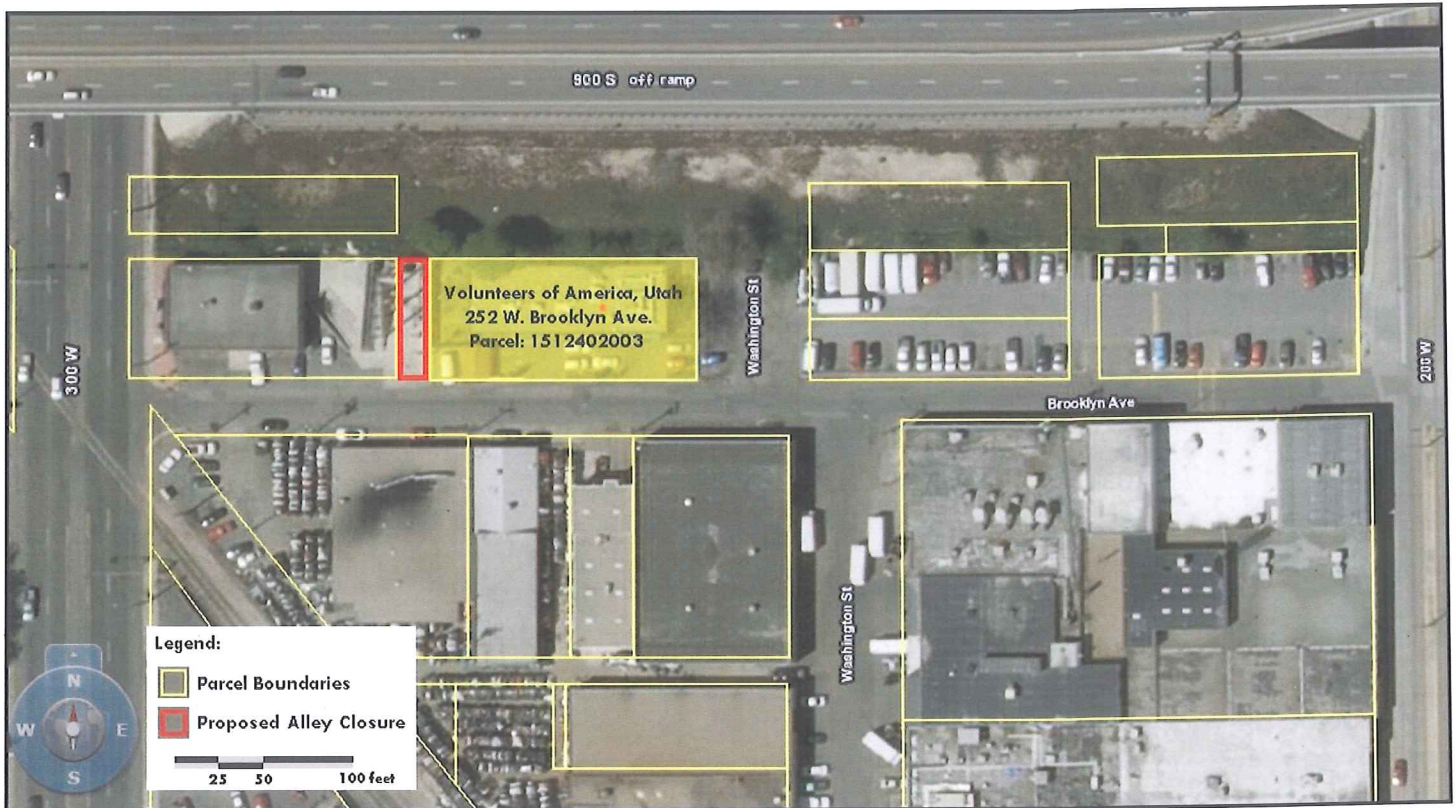
The applicant, Volunteers of America, Utah, is requesting approval to close a public alley located directly west of their existing property at 252 W. Brooklyn Avenue. The existing alley no longer serves as a functioning alley because the north is physically blocked by the 900 South off-ramp. The alley also does not provide any essential access to any other properties in the area.

Recommendation

Planning Staff finds that the proposal meets the criteria for alley closure, and therefore recommends that the Planning Commission forward a favorable recommendation to the City Council to approve application PLNPCM2011-00697 to close the public alley between Brooklyn Ave and the 900 South off ramp 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.

Vicinity Map



Background

Project Description

The applicant, Volunteers of America, Utah, is requesting the closure of the alley that runs adjacent and to the west of their property in order to facilitate a future expansion of their facility (see attached Site Plan – Exhibit A). The alley runs north to south and is accessed via Brooklyn Avenue, dead-ending into the 900 South off-ramp. Photos are attached for reference (Exhibit B).

Public Meetings and Comments

- No public comments were received prior to the finalization of this staff report.
- The project site is located within the Ball Park Community Council. The Community Council declined to hear the request in a formal meeting and had no additional comments (Exhibit C).

Department Comments

The comments received from pertinent City Departments/Divisions are included with this staff report (Exhibit D). There are no comments of particular concern.

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 no useful purpose. At present, it dead ends into the 900 South off-ramp and is essentially used for vehicle parking. The proposed closure therefore satisfies consideration A - *Lack of Use*.

It can reasonable be argued that the closure of this alley property would provide opportunity for more effective and efficient land use therefore serving as a more positive urban design element 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 Police, 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 two properties. The proposed alley closure would not interfere with access for the two properties that share the alley.

Finding: Closing the alley will not deny 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 become part of the applicant’s and the adjacent land owner’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;

Finding: The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City.

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: This criteria does not apply in this instance.

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 the entire portion of this alley be closed.

Finding: This proposal furthers the City preference for disposing of an entire alley.

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

Discussion: The subject alley dead ends into the 900 South off-ramp and is not configured to access the rear of the adjacent properties or accessory uses on the adjacent properties.

Finding: The portion of the alley that is being proposed for closure 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 commercially and if closed the subject property would be sold by the City to the adjacent land owners. The applicant has been working with Property Management to determine the value of the subject alley property.

**Exhibit A -
Site Plan**

**Exhibit B -
Photographs of Site**



Alley, (between the fence line and the billboard) facing directly North towards 900 South off ramp.



Volunteers of America building main entrance.

**Exhibit C -
Community Council Email**

COMMUNITY COUNCIL

CC Decline Email.txt

From: Elke Phillips [ElkeP@o2o2.com]
Sent: Thursday, December 08, 2011 3:48 PM
To: Traughber, Lex
Subject: Re: Projects for Ball Park Community Council Consideration

Categories: Other

Hi Mr. Traughber,
As the Chair of the BallPark Community Council, I have decided we do not need this matter presented at our monthly meeting.
Thank you this information.

Sent from my Samsung smartphone on AT&T

"Traughber, Lex" wrote:

Hi Elke,

I've tried to phone you several times regarding the matter below but have I've not been successful in catching up with you. Would you please call me at your earliest convenience.

Thank you!

Lex Traughber
Senior Planner
Salt Lake City Planning Division
451 S. State Street, Room 406
P.O. Box 145480
Salt Lake City, UT 84114-5480
Telephone: (801) 535-6184
Fax: (801) 535-6174

From: Traughber, Lex
Sent: Thursday, December 01, 2011 11:11 AM
To: Ball Park CC Chair
Cc: Irvine, Matthew; Norris, Nick; 'markm@voaut.org'
Subject: Projects for Ball Park Community Council Consideration

Dear Ms. Phillips:

The Salt Lake City Planning Division has received a couple of requests from Volunteers of America - UT, to close an alley and a street located adjacent to their property at 252 W. Brooklyn Avenue. These requests require Community Council review should you so choose. If it is the desire of the Community Council to review the requests, please schedule the projects on your next available agenda so that the applicant can prepare and present a brief presentation. If the Community Council decides not to hear the requests, please let me know as soon as possible so that I can in turn inform the applicant.

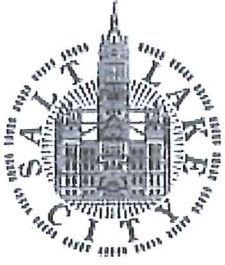
Attached are three documents, the first is a site plan showing the alley and the street to be closed. The second and third are letters to you describing the proposal as well as the criteria for review.

Thank you for your prompt attention to this matter. I look forward to hearing from you soon.

Sincerely,

Lex Traughber
Senior Planner

**Exhibit D -
City Comments**



Work Flow History Report

252 W BROOKLYN Ave

PLNPCM2011-00697

Date	Task/Inspection	Status/Result	Action By	Comments
11/28/2011	Staff Assignment	Assigned	Norris, Nick	Assigned to Lex Traughber
11/29/2011	Staff Assignment	Assigned	Traughber, Lex	
11/29/2011	Staff Assignment	In Progress	Traughber, Lex	
12/1/2011	Planning Dept Review	In Progress	Traughber, Lex	
12/1/2011	Staff Assignment	Routed	Traughber, Lex	
12/5/2011	Building Review	Complete	Butcher, Larry	No comment
12/5/2011	Public Utility Review	Complete	Stoker, Justin	We have no public utilities located in either of the two alleys that are proposed to be vacated. There is no plan to put new utilities in those spaces. There should be no problem with the vacation of the alleys. Verify with Karryn Greenleaf (483-6769) in Public Utilities regarding any other property issues regarding Public Utilities.
12/8/2011	Transporation Review	Complete	Walsh, Barry	The Transportation division review comments and recommendations are for approval of the proposed vacation. The proposed public right of way does not service the general public and does not function as an access corridor to more that one parcel with adjacent frontage and access serviced from Brooklyn Avenue. Brooklyn Avenue is a 35.5 foot wide right of way with no curb & gutter or sidewalks. It is a full width asphalt paved vehicular two way roadway. The CN zone requires a 15 foot front yard setback, therefore we require a 6 inch concrete curb per development of this property to define the public right of way and vehicular driveways to access the property.
12/12/2011	Police Review	Complete	Traughber, Lex	
12/14/2011	Engineering Review	Complete	Weiler, Scott	Engineering has no objection to closing this alley.
12/21/2011	Zoning Review	Complete	Larsen, Nannette	There are no issues with zoning.
1/10/2012	Fire Code Review	Complete	Traughber, Lex	The request was routed for Fire Code Review, however no comments were received in return.
1/10/2012	Planning Dept Review	Complete	Traughber, Lex	
1/10/2012	Staff Review and Report	Draft	Traughber, Lex	

PROPERTY MGMT

From: Spencer, John
Sent: Friday, December 02, 2011 1:52 PM
To: 'Brad Ashworth'
Cc: Roger Smith; Traugher, Lex
Subject: RE: 252 West Brooklyn Ave - Volunteers of America Detox Center

Categories: Other

Gentlemen,

Based on the drawings provided to Property Management, I had one of my agents come up with a valuation. Keep in mind the final figures have close estimates but have not taken into account any easements or other encumbrances.

Purchase of the alley 16.5 feet x 72.50 feet = 1,196.25 square feet @ \$8.11 (over the fence method) = \$9,701

Purchase of the segment of Washington Street 66 feet x 72.50 feet = 4,785 square feet @ \$8.11 (over the fence method) = \$38,806

Lease of the street \$3,492 annually

Again these are quick calculations for making a sound decision.

Thanks,

John

From: Brad Ashworth [mailto:BAshworth@slaarch.com]
Sent: Friday, December 02, 2011 9:06 AM
To: Spencer, John
Cc: Roger Smith
Subject: 252 West Brooklyn Ave - Volunteers of America Detox Center

John,
Attached are the architectural plans and survey for your use.

Please let us know if you need any additional information.

Thank you



Roger A. Smith, Principal Architect
 SLA Architects Interiors Planners
 824 South 400 West Suite B 103
 Salt Lake City, Utah 84101
 801.322.5550 ext. 0101
rsmith@slaarch.com

POLICE

From: Ross, Michelle
Sent: Tuesday, December 06, 2011 9:21 AM
To: Traughber, Lex
Subject: Re: PLNPCM2011-00697

Yes sir!

From: Traughber, Lex
Sent: Tuesday, December 06, 2011 09:20 AM
To: Ross, Michelle
Subject: RE: PLNPCM2011-00697

Michelle, thank you for your response. Just so I am clear, there are two closures, the alley and the street (Washington) located adjacent to the VOA property. Is the PD okay with both closures? Thx!

Lex Traughber
Senior Planner
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451 S. State Street, Room 406
P.O. Box 145480
Salt Lake City, UT 84114-5480
Telephone: (801) 535-6184
Fax: (801) 535-6174

From: Ross, Michelle
Sent: Monday, December 05, 2011 3:13 PM
To: Traughber, Lex
Subject: PLNPCM2011-00697

Lex,

The PD has no issues with this closure.

Thanks,
Sgt. Michelle Ross