

PLANNING COMMISSION STAFF REPORT
Legislative Item



Planning Division
Department of Community
and Economic Development

Pierpont Avenue Partial Street Closure
Street Closure PLNPCM2011-00438
1010, 1020 and 1046 Pierpont Avenue
March 14, 2011

Applicant: Rodney Newby

Staff: Maryann Pickering,
(801) 535-7660,
maryann.pickering@slcgov.com

Tax ID: 15-02-179-010-0000

Current Zone: R-1/5000
(Single Family Residential)

Master Plan Designation:
Low Density Residential

Council District: District 2 –
Kyle LaMalfa

Community Council: Poplar
Grove – Andrew Johnston,
Chair

Lot Size: Approximately
12,632 square feet

Current Use: Vacant

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

Attachments:

- A. Aerial/Site Plan
- B. Department Comments
- C. Additional Applicant Information
- D. Excerpt of 'Salt Lake City Urban Design Element'

Request

Rodney Newby is requesting approval to close a portion of Pierpont Avenue adjacent to the properties located at approximately 1010, 1020 and 1046 Pierpont Avenue for relocation of the existing sidewalk in front of the subject properties. This request will not close any portion of Pierpont Avenue; it will only relocate the detached sidewalk in front of the subject properties and attach it to the existing curb along Pierpont Avenue. No portion of the street between the curb and gutter will be affected or closed. The applicant is requesting to relocate the sidewalk in order to make the three lots a little larger in order to develop a residence on two of the three lots. The Planning Commission is required to transmit a recommendation to the City Council for Street Closure Requests.

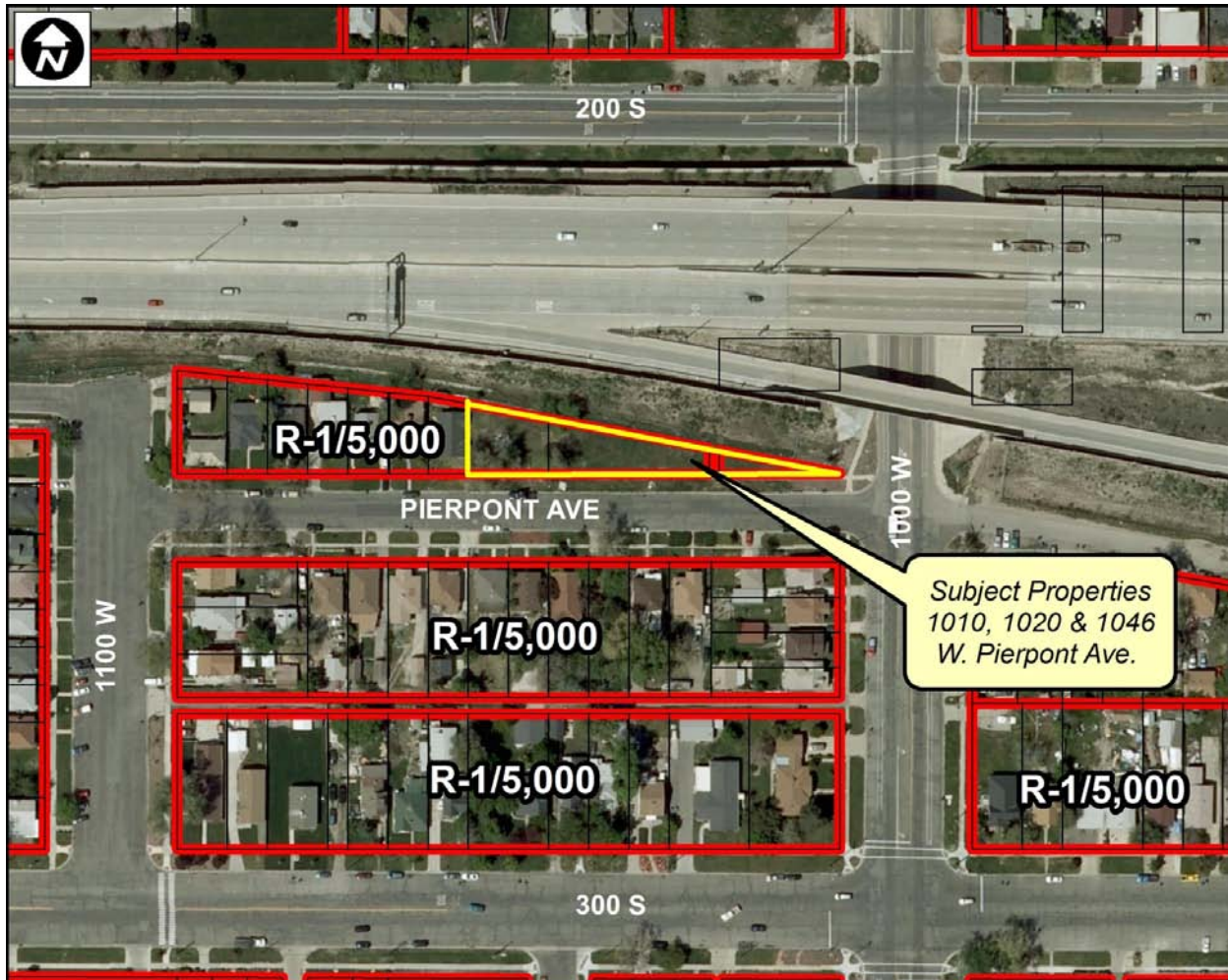
Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally does not meet the applicable standards and therefore, recommends the Planning Commission transmit a negative recommendation to the City Council relating to this request.

Recommended Motion:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to close a portion of Pierpont Avenue, located at approximately 1010, 1020 and 1046 West Pierpont Avenue.

VICINITY MAP



Background

Project Description

The applicant is requesting to relocate the sidewalk for the three properties located at approximately 1010, 1020 and 1046 West Pierpont Avenue. All three of the subject parcels are owned by the applicant. The subject parcels are Utah Department of Transportation (UDOT) remnant parcels from the construction of a ramp for Interstate 80. The lots have their odd shape due to the geometrics of the ramp constructed directly north of these parcels.

Due to the odd shape of the parcels, the applicant is proposing to relocate the sidewalk and attach it to the back of the existing curb in order to make each of the lots a little bit larger for future development. Should this request be approved, the applicant will still need to potentially obtain several different variances in order to construct two single family residences. The lot that is located furthest west is proposed to have one single family residence and the lot in the middle is proposed to also have one single family residence. The third lot which located the furthest east is

separated from the other two lots by a public right-of-way which is not proposed to be vacated at this time. Therefore, it cannot be combined with the lot in the middle until that right-of-way is vacated or abandoned by the City.

This request is being made through a street closure application. There are no plans to close or alter the street in front of these parcels in any way. It needs to be emphasized again that this request is only to relocate the sidewalk from its current location and move to further south to be attached at the existing curb and close a portion of the street right-of-way. The street closure application is being used as it is the closest type of application for this type of relocation request.

Public Notice, Meetings and Comments

The following is a list of public meetings that have been held related to the proposed project:

- Community Council held on February 22. There was discussion of the item at the meeting, but no written comments were provided to staff.

Notice of the public hearing for the proposal includes:

- Public hearing notice posted in newspaper on March 2, 2012.
- Public hearing notice mailed on March 8, 2012.
- Public hearing notice posted on property on March 7, 2012.
- Public hearing notice posted on City and State websites on March 1, 2012.
- Public hearing notice emailed to the Planning Division listserv on March 1, 2012.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment B. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Analysis and Findings

Street Closure

In 1999, the City Council adopted a street closure policy that includes the following provisions:

- 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: Closing the park strip right-of-way portion of Pierpont Avenue and relocating the sidewalk to attach it to the curb will not deny access to any other properties in the area. This application will only relocate the sidewalk, it will not eliminate it. The sidewalk will still be in place and comments from other City Departments / Divisions have included conditions of approval should it be approved.

Finding: The proposal supports this policy; closing the subject right-of-way portion of the street will not deny access to the adjacent properties.

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 properties abutting the subject right-of-way portion of Pierpont Avenue are zoned R-1/5,000 (Single Family Residence). The applicant will be required to work with the City's Property Management Division to purchase or lease the subject property.

Finding: The proposal supports this policy; the street will be transferred at fair market value agreed upon by all affected parties.

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 subject right-of-way portion is part of a park strip associated with a public street. If this request was approved, that park strip would be eliminated and its removal does not conform to the adopted Salt Lake City Urban Design Element (Attachment D) policy direction on streets as elements of open space. Within this document, there are several references to parking strips and front yards being a major open space feature and major component of the city's development character. A description of the parking strips from the Urban Design Element includes:

“Traditionally, parking strips have functioned as buffers between pedestrians and automobiles. Along with front yards they have provided areas for landscaping. In both residential and commercial areas, the parking strip has also played a major role in developing continuity between various buildings along a street. Parking strips strengthen neighborhood identity.”

Further along in this section of the Urban Design Element, seven policy concepts are included, two of which state:

“Decline to vacate streets, alleys and other public rights-of-way unless it is demonstrated that the vacation will result in a public benefit.”

“Continue to use landscaped parking strips and front yards as the major landscaped, open space element of the street in residential and Commercial Fringe areas.”

Finding: Staff finds that the partial street closure does not comply with the adopted Salt Lake City Urban Design Element. By closing a portion of the street and relocating the sidewalk, the parking strip would be eliminated in front of these three properties and the continuity and identify of the neighborhood would be lost. In addition, the policy states that these types of requests should be declined unless there is a demonstrated public

benefit. If this request was approved, there would be no public benefit obtained and in fact, some public benefit would be lost the parking strip would be eliminated.

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

Analysis: The alternative to closing a small portion of the street is to leave it as is, with a parking strip separating the sidewalk from the street. The public right-of-way is currently constructed to meet minimum City standards and the City has no known plans to modify the street from its current configuration. Leaving the right-of-way in this configuration does not have any negative impact on the right-of-way and provides space for pedestrians and automobiles. The parking strip separates the pedestrian from the vehicle travel lanes and is generally safer for pedestrians than placing the sidewalk adjacent to the curb.

Finding: The alternative to this request is to the leave the street as is in its current configuration. Based on the public policy reasons, there is more value to leaving the street as-is and not supporting this request.

Potential Motions

Not Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to close a portion of Pierpont Avenue, located at approximately 1010, 1020 and 1046 West Pierpont Avenue subject to the conditions below:

1. The proposed method of disposition of the street property shall be consistent with the method for disposition expressed in Chapter 2.58 – City Owned Real Property.
2. The area that is proposed to be vacated be shall retained as a “public water easement to Salt Lake City” to be able to access and maintain the existing water main.
3. The sidewalk shall be a minimum of five feet wide where is abuts the back of the existing curb and gutter in compliance with ADA regulations. There shall also be a one foot buffer from the back of walk to the new right-of-way line location.
4. The sidewalk and ADA ramp shall be upgraded at the 1000 West intersection and the new sidewalk needs to transition back into alignment with the existing sidewalk to the west at approximately 1050 West Pierpont Avenue.
5. Additional public utility easements may be required to address utilities such as street lights, fire hydrants, etc. behind the new sidewalk location.
6. A Permit to Work in the Public Way must be obtained prior to installing any public way improvements.

Attachment A

Aerial/Site Plan



Attachment B

Department Comments



Work Flow History Report

1020 W Pierpont Ave

PLNPCM2011-00438

Date	Task/Inspection	Status/Result	Action By	Comments
9/13/2011	Building Review	Complete	Pickering, Maryann	No comments received or input into Accela by the reviewer.
9/13/2011	Fire Code Review	Complete	Pickering, Maryann	No comments received on input into Accela by the reviewer.
9/13/2011	Police Review	Complete	Pickering, Maryann	No comments received or input into Accela by the reviewer.
9/13/2011	Public Utility Review	Complete	Pickering, Maryann	<p>The following email was received on September 13, 2011:</p> <p>I have reviewed this application on behalf of the Public Utilities department. We have no utility conflicts with the proposed sidewalk relocation and vacation of a portion of the right-of-way. However, it should be noted that a six-inch public water main is located about 5-ft deep underneath the north curb and gutter of Pierpont Avenue. While we do not object to the application, we ask that the land that is proposed to be vacated be retained as a "public water easement to Salt Lake City" to be able to access and maintain the existing water main.</p> <p>Please feel free to contact me if you have any questions.</p> <p>Thanks, Justin</p>
9/13/2011	Zoning Review	Complete	Pickering, Maryann	No comments received or input into Accela by the reviewer.
9/15/2011	Engineering Review	Complete	Weiler, Scott	Engineering has no objections. If this is approved, the sidewalk must be 5' wide where it abuts the back of curb. A Permit to Work in the Public Way must be obtained prior to installing any public way improvements.
9/15/2011	Transportation Review	Complete	Walsh, Barry	<p>September 15, 2011</p> <p>Maryann Pickering, Planning</p> <p>Re: Petition PLNPCM2011-00438 To vacate street right of way along the north side of Pierpont Ave at 1010 W, 1020 W and 1046 West.</p> <p>The division of transportation review comments and recommendations are for approval as follows:</p> <p>Per the proposed right of way vacation (? 10-12') along the north side of Pierpont Avenue, an 88' ROW local residential class roadway. Will require the removal and relocation of the public pedestrian sidewalk. We require that the new sidewalk be a minimum of five feet wide located at the back of the existing curb & gutter in compliance with ADA regulations, with a one foot buffer from the back of walk to the new</p>

				<p>right of way line location. Per the revision the sidewalk and ADA ramp needs to be up graded at the 1000 West intersection and the new sidewalk needs to transition back into alignment with the existing sidewalk to the west at 1050 West. Public utility easements may be required to address utilities such as street lights, fire hydrants, etc. behind the new sidewalk location.</p> <p>Sincerely,</p> <p>Barry Walsh</p> <p>Cc Kevin Young, P.E. Scott Weiler, P.E. Peggy Garcia, Public Utilities Ted Itchon, Fire Michael Barry, P.E. Larry Butcher, Permits John Spencer, Property Management File</p>
11/8/2011	Sustainability Review	Complete	Pickering, Maryann	

Attachment C

Additional Applicant Input



Street Closure

OFFICE USE ONLY
 Petition No.: PLN PCM 2011-00438
 Date Received: 8/9/2011
 Reviewed By: Thomas Irvin

SALT LAKE CITY PLANNING

Address of Subject Property: 1020, 1020 & 1046 Pierpont Ave.
 Project Name: _____
 Name of Applicant: Rod Newby Phone: 801-889-5951
 Address of Applicant: 1032 Kearns Ave SLC UT 84116
 E-mail Address of Applicant: rodnewby@hotmail.com Cell/Fax: _____
 Applicant's Interest in Subject Property: owner
 Name of Property Owner: Rod & Cynthia Newby Phone: 801-889-5951
 E-mail Address of Property Owner: rodnewby@hotmail.com Cell/Fax: _____
 County Tax ("Sidwell #"): 15-02-179-010-0000 Zoning: R-1-5000
 Existing Property Use: Vacant Proposed Property Use: _____

Please include with the application:

1. A letter explaining why you are requesting this street closure. Please include a statement explaining why the street closure is consistent with proposed public policy. If applicant is not a property owner adjacent to the street, please include the applicant's interest in the request.
2. The cost of first class postage for each address within 450 ft. is due at time of application. Please do not provide postage stamps. → 54
3. The name, address and signatures of all abutting property owners who support the petition. You may use the sample petition accompanying this application or provide your own. Please note that the property owners must sign, not the occupants who rent.
4. A property ownership map (known as a Sidwell map) showing the area of the proposed street closure. On the map please:
 - a. Highlight the subject section of street.
 - b. Indicate with a list of the property owners and write their names on the Sidwell map identifying the property they own.
5. Filing fee of \$332.22 due at time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Buzz Center (535-7700) prior to submitting the petition.

County tax parcel ("Sidwell") maps are available at:
 Salt Lake County Recorder
 2001 South State Street, Room N1600
 Salt Lake City, UT 84190-1051
 Telephone: (801) 468-3391

Submit your completed application to:
 Salt Lake City Buzz Center
 PO Box 145471
 451 South State Street Rm 215
 Salt Lake City, UT 84114

Signature of Property Owner or Representative: R Newby Date: 08/09/2011

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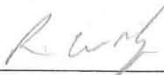




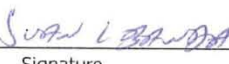
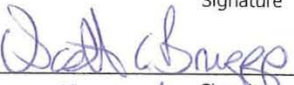
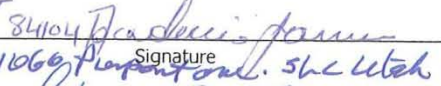



Petition to Close a Street

Petitioner: Redney Newby

Address: 1032 Learned Ave SLC UT 84116

Date: _____

As an owner of property fronting the street, I support the proposed closure. I understand that I will be required to pay fair market value for my portion of the street, or allow another abutting property owner to purchase my portion.

Redney Newby, 1020 Pierpont Ave		08/05/2011
Print Name and Address	Signature	Date
Redney Newby 1046 Pierpont Ave		08/05/2011
Print Name and Address	Signature	Date
Reece Seire 1045 W. Pierpont Ave		8-5-11
Print Name and Address	Signature	Date
Rosa Rodriguez 1019 W. Pierpont Ave SLC		8-5-11
Print Name and Address	Signature	Date
George Stewart 2418 South 10th West		8-5-2011
Print Name and Address	Signature	Date
Juan L BANDA 1041 W Pierpont Ave 1057		8-5-2011
Print Name and Address	Signature	Date
Dr Scott Burgess 1023 10th W. Pierpont Ave		8-5-2011
Print Name and Address	Signature	Date
Gaudencia James SLC UT 84104 1050+1066 Pierpont Ave		8/6/11
Print Name and Address	Signature	Date
Edward W. Evans 1039		8/6/11
Print Name and Address	Signature	Date
Jose Sanchez 1033		8/6/11
Print Name and Address	Signature	Date
Julia Arellano		8/6/11
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date
Print Name and Address	Signature	Date

8/5/11

Salt Lake City Planning,

I, Rodney Newby, am the applicant and owner of the properties 1020 and 1046 Pierpont Ave. These are two lots left over from the D.O.T construction of I-80. These are two odd shaped or irregular lots.

I would like to build a house on each lot. In my discussions with the city, they also would like to see houses built there. However, due to building codes these are considered unbuildable lots even with variances.

So, I have asked engineering, department of transportation, and public utilities about moving the sidewalk closer to the street and eliminating the park strip. This would add extra space to my lots and allow me the variances I would need to build. All three departments have looked at this situation and have said it would be in the city's best interest and they have agreed.

This is not about closing a street or any public walkway. It is about moving a sidewalk. This will improve the city by removing an eyesore, making 2 vacant lots usable to build upon, therefore improving the street and the neighborhood.

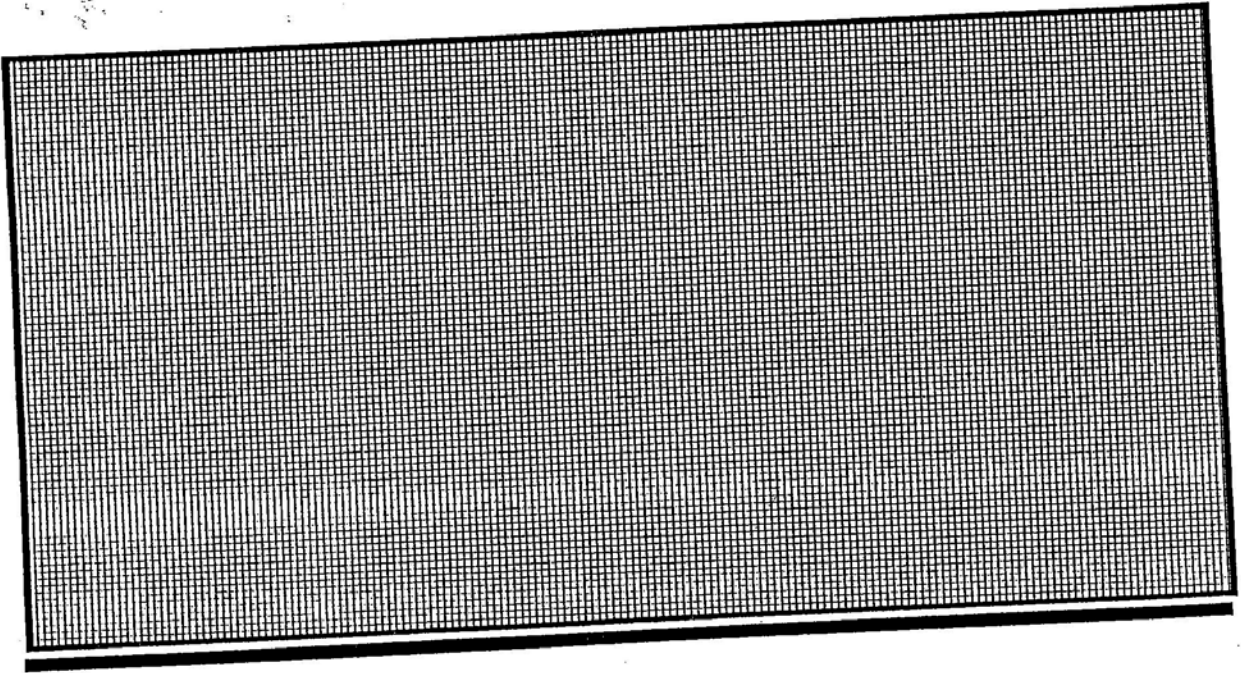
I appreciate your time and effort regarding this situation. Please call with any questions.

Sincerely,

Rodney Newby

801-889-5951

Attachment D
Excerpt of 'Salt Lake City Urban Design Element'



Salt Lake City
urban
design element

URBAN DESIGN ELEMENT
OF THE SALT LAKE CITY MASTER PLAN

Prepared by the Salt Lake City Planning Commission

1990

Harvey F. Boyd, Staff

ACKNOWLEDGMENTS

MAYOR
Palmer A. DePaulis

CITY COUNCIL
Florence Bittner
Wayne Horrocks
Sydney Fannesbeck
Alan Hardman
Tom Godfrey, Chair
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Henry Whiteside

URBAN DESIGN COALITION
URBAN FORESTRY BOARD
SALT LAKE AREA COMMUNITY COUNCILS
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Sandra Marler, Secretary, Editor
Gary Heintz, Landscape Architect, Planner I,
Doug Dansie, Planner II, Sign Consultant
G. Allen Fawcett Contract Planner II
Efosa Osazuwa, Planning Aide
Sandra Marler, Secretary

STREET AS ELEMENTS OF OPEN SPACE

Streets, parking strips and front yards constitute a major open space features and are a major component of the city's development character. The city's street system is based on a 660 foot uniform grid. Shorter blocks are created by intermediate streets and alleys while super blocks such as the one containing the Salt Palace complex are achieved by removing a street. Removing a street in this manner often creates an opportunity to provide a visual focal point (similar to a Baroque street plan). In certain areas, such as the Avenues, additional variety has been achieved by reducing the size of the grid to adjust to topography.

Common unifying features underlie the variety of Salt Lake City streets. These features include parking strips, sidewalks, front yards, street equipment and landscaping. Salt Lake City residential streets are characterized by large tree-lined or landscaped parking strips and sidewalks adjacent to wide front yards. Streets in commercial areas are similar except that sidewalk paving often extends to the curb with vegetation provided in planters and tree wells.

The street rights-of-way in many areas of the city are 132 feet in width. While this width is a boon to vehicular traffic, it sometimes creates a problem for pedestrian movement and interaction. It also tends to diminish a neighborhood's sense of cohesiveness. These problems could be alleviated by reducing some street widths. Reduced street widths could, in turn, create different kinds of open space, such as bike lanes, parking, recreation space or even infill housing.

Traditionally, parking strips have functioned as buffers between pedestrians and automobiles. Along with front yards they have provided areas for landscaping. In both residential and commercial areas, the parking strip has also played a major role in developing continuity between various buildings along a street. Parking strips strengthen neighborhood identity.

Some have suggested that the character of parking strips and front yards be redefined. Suggested alternative uses include advertising, retail activities and alternative kinds of land-

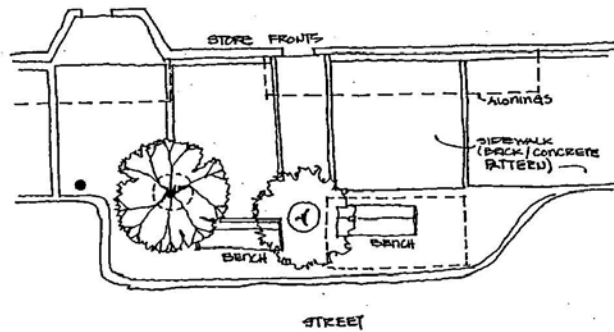
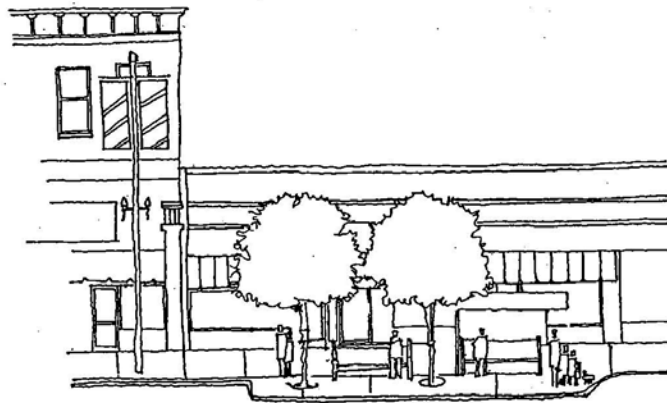


Figure 25

scaping. Such non-traditional uses for this land would have an adverse effect on the character of the street. (figure 25)

POLICY CONCEPTS

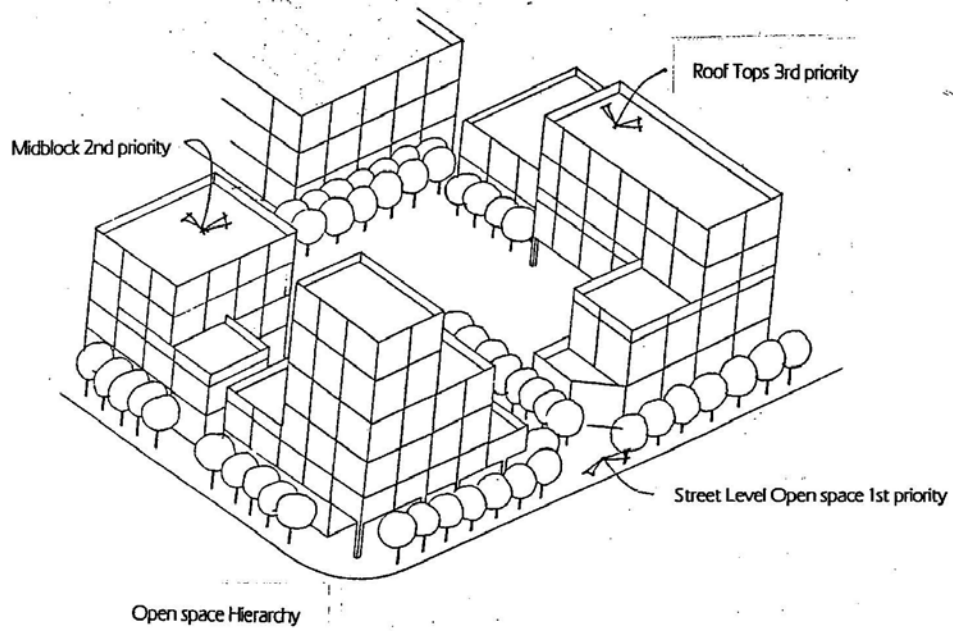
- o Require all new developments (public and private) to contribute to the City's open space needs.
- o Decline to vacate streets, alleys and other public rights-of-way unless it is demonstrated that the vacation will result in a public benefit.
- o Use street spaces, patterns and rhythms to unify the image of the district.
- o Treat key thoroughfares as "boulevards" with consistent streetscape themes that address lighting, landscaping, street equipment and furniture, etc. (figure 26)

-
- o Continue to use landscaped parking strips and front yards as the major landscaped, open space element of the street in residential and Commercial Fringe areas.
 - o Stress the importance of street tree conservation and replanting in street right-of-way construction. It should have the same level of importance as curb, gutter and sidewalk reconstruction.
 - o Emphasize street-level activity as the first priority when developing pedestrian-oriented open space and circulation networks. Inner block open space would be the second priority with below and above grade open space areas (rooftops, pedestrian bridges, sun plazas, etc.) as third priorities. (figure 27)



figure 26

- o Establish future open space/recreation areas and begin acquiring
-

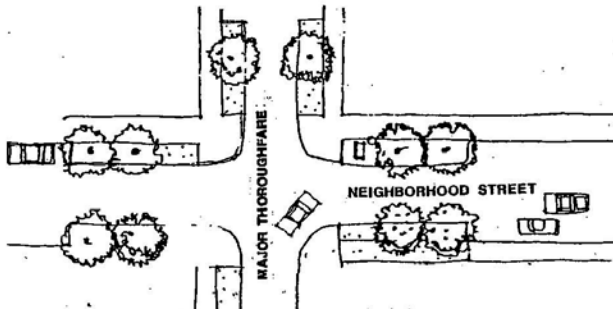
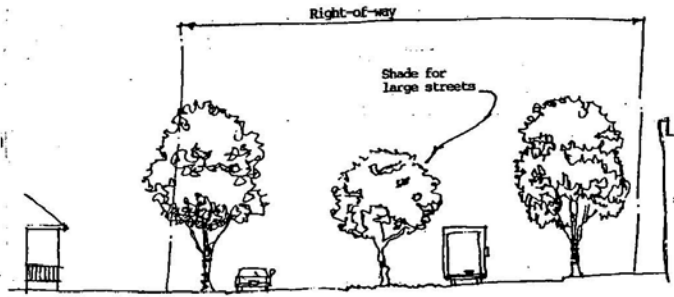


An open space hierarchy should be established to emphasize ground level urban spaces over other kinds of urban spaces.

Figure 27



Neighborhood continuity...created by a continuous front yard and landscaped parking strip.



WIDENING PLANTING AREAS AT INTERSECTIONS

This schematic illustrates a possible method for reducing the street right-of-way at the intersection. This approach reduces the street width at the intersection only, which minimizes the amount of increased parking strips and maintenance problems. This approach also helps to make the larger 132 foot street right-of-way more residential in scale and would give automobile drivers an "alert" that they are entering into a neighborhood.



Utilizing pedestrian "launching pads" to reduce the width of street right-of-ways...enhancing the residential character and safety of the street.

Figure 28

lands for their development. The conservation of Miller Park, Red Butte Creek at Sugar House, the extension of City Creek Canyon to State Street, and preservation of the Northwest Quadrant marshlands should be major goals in safeguarding the City's urban form.

Strategies: Parking Strips

Many sidewalks, parking strips, and other open space elements have become unsightly and hazardous. Maintenance in many areas of the city, particularly the Commercial Fringe and Perimeter areas is becoming a greater concern as land uses intensify. Simply replacing deteriorated sidewalks and spreading a little grass seed in parking strips is not enough. Replacement and upgrading programs should be tied to improving the character of the area. Strategies recommended are as follows:

- Relandscape parking strips which have been hard surfaced or landscaped with inappropriate materials. Require that all illegal parking strip treatment be brought into compliance within a two year period. Enact a more active program of street tree replanting.
- Reestablish a water bill abatement program to offset the cost of maintaining larger-than-average parking strips and to encourage property owners to maintain parking strips.
- Continue to disallow advertising (except for political signs) and uses other than landscaping in the parking strip.
- Remove illegal parking areas, signs etc.

