

**PLANNING COMMISSION STAFF REPORT**  
**Legislative Item**



Planning Division  
Department of Community  
and Economic Development

**GLENDALE LIBRARY**  
**Partial Alley Closure PLNPCM2013-00172**  
**1365 S Concord Street**  
**June 12, 2013**

**Applicant:** Duran Lucas,  
Property Management

**Staff:** Daniel Echeverria,  
(801) 535-7165,  
daniel.echeverria@slcgov.com

**Tax ID:** Various

**Current Zone:** R-1/7,000  
(Single Family Residential  
District)

**Master Plan Designation:**  
Low Density Residential

**Council District:** District 2 –  
Kyle LaMalfa

**Community Council:**  
Glendale

**Alley Area:** Approximately  
4,823 square feet to be closed

**Current Use:** Public alley  
adjacent to Glendale Library lot

**Applicable Land Use**

**Regulations:**

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

**Attachments:**

- A. Alleyway Photos
- B. Property Owner Petition
- C. Department/Division Comments
- D. Additional Applicant Information

**Request**

Duran Lucas of Salt Lake City Corporation is requesting a Partial Alley Closure along the east edge of the Glendale Library property at 1365 S Concord Street, in order to accommodate landscaping related to the Glendale Library. The Planning Commission is required to transmit a recommendation to the City Council for Alley Closure Requests.

**Recommendation**

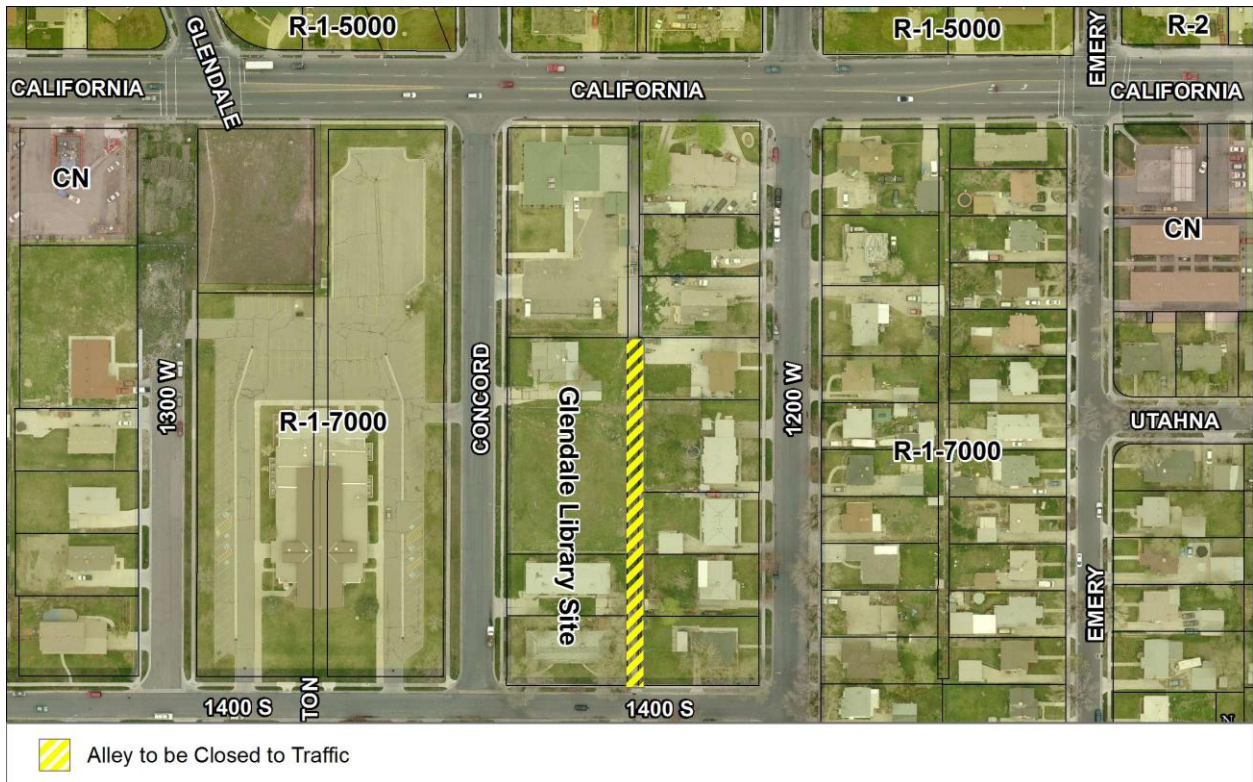
Planning Staff finds that the proposal meets the criteria for alley closure, and therefore recommends that the Planning Commission forward a favorable recommendation to the City Council to approve application PLNPCM2013-00172 to close to vehicle traffic a portion of the public alley located along the east edge of the Glendale Library property at approximately 1365 S Concord Street 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.

**Recommended Motion**

**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 to vehicle traffic a portion of the alley located along the east edge of the Glendale Library property at approximately 1365 S Concord Street.

## VICINITY MAP



### **Background** **Project Description**

This is a request by the City Administration to close to vehicle traffic the southernmost 370 feet of the alley located along the eastern edge of the Glendale Library property at 1365 S Concord Street. This is a request for a partial closure and not a full closure, as the property is proposed to remain public. The closure to vehicle traffic would allow the City to landscape the alley.

A full alley closure or vacation would result in dividing this alley in half and giving each half of the alley to the residential property that it abuts. Property owners would then be responsible for upkeep and fencing of the property. The City would like to avoid the potential for the land to remain undeveloped and unfenced by requesting a partial alley closure only. The City would then have the ability to landscape the full width of the alley in a manner that is compatible with the Glendale Library site. Additionally, the City owns a water main located within the alley and a partial closure will ensure continued access to this water main without private property and fencing complications.

There are a total of 5 residential properties that abut the alley on the east side. The applicant, Salt Lake City Property Management, contacted all of the individuals who were abutting the alley that is proposed to be partially vacated. All of these property owners, except for one who did not respond, agreed to have the alley closed behind their properties. The property owners are also aware that the alley is proposed to be landscaped as part of the Glendale Library and that they will not receive any portion of the closed alley into their property, as would happen in a full alley closure.

## ***Public Notice, Meetings and Comments***

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

- The Glendale Community Council was notified of the alley closure and given 45 days to reply, but did not respond with any concerns or comments.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on May 30, 2013.
- Public hearing notice posted on property on May 30, 2013.
- Public hearing notice posted on City and State websites on May 30, 2013
- Public hearing notice emailed to the Planning Division listserv on May 30, 2013.

## **City Department Comments**

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

## ***Analysis and Findings***

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 is proposed to be partially vacated in order to serve a community purpose. Partial closure of the alley will restrict the alley in favor of integrating the alley with the Glendale Library, a community use. Further, the continuation of full vehicle access to the alley would not serve as a positive urban design element, as its present condition would detract from the otherwise landscaped Glendale Library property. Though rear yard vehicle access can be a positive urban design element in neighborhoods, the alley is currently not being used for rear yard vehicle access and none of the residential properties along the alley are currently configured to facilitate that access.

Based on the condition of the alley on the ground, including the limited length and physical condition of the paved portion of the alleyway area, it is apparent that the alleyway has not been functioning as a right of way and has seen a lack of use for some time. The limited paved portion was previously used for vehicle access to a residential duplex that has been removed as part of the library development. The photos of the alley, which show its current condition, are located in attachment A. The development of the abutting property for the Glendale Library will not be conducive to the alleyway functioning as a public right of way as there is no functional need for the alley from the library or abutting residential properties.

**Finding:** The alley property would serve a community use if it was partially closed, and the continuation of the alley as it is currently configured does not serve as a positive urban design element for the neighborhood. Additionally, there has been a lack of use of this alleyway. The request satisfies at least one 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 partial alley closure satisfies the “Community Purpose”, “Urban Design” and “Lack of Use” policy considerations (see the discussion and findings on page 4).

**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. None of the properties that abut the alley take access from the alley.

**Finding:** Closing the alley to vehicle access 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:** All properties abutting the proposed alley closure have frontage on a public street and would not be landlocked by closing the alley.

**Finding:** The proposed alley will be 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 “Community Purpose” policy consideration for alley closure allows for the restriction of the use of the alley in favor of a community use, such as a neighborhood play area or garden. The alley is proposed to be landscaped and available as public space as part of the Glendale Library site. The proposal is not associated with any other policies involving walkways, pedestrian paths, trails, or 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:** None of the abutting property owners currently have a permit or are anticipating construction of a garage, and none provided objections to closing the alley.

**Finding:** The proposed alley closure 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 the portion of the alley affected by the Glendale Library development be closed. Since the City is requesting the partial street closure in conjunction with the development of the Glendale library site, the City Administration determined that it was appropriate to only close the portion of the alley that is to be affected by the library development rather than the whole alley. By closing the alley north of the library site, the City would inadvertently create a situation in which the property owners on the north end of the block would have to incur some costs for survey work and fencing relocation. Since these property owners did not request the alley closure it was determined that it would be unwarranted to place this burden on them.

**Finding:** This proposal does not meet 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 portion of the alley that is to be closed abuts properties that have full access to all portions of their property from the street they are located on.

**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.

**Potential Motions**

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis.

**Not Consistent with Staff Recommendation:** 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 the alley, located along the east edge of the Glendale Library property at approximately 1365 S Concord Street.

# **Attachment A**

## **Alleyway Photos**



**View of alley from south entrance (looking north from 1400 S)**



**View of alley from the end of paved portion to south entrance (looking south to 1400 S)**





**View of alley from the end of paved portion looking north (toward California)**



**View of alley from the end of the portion proposed to be closed (looking south to 1400 S)**

# **Attachment B**

## **Property Owner Petition**

MICHAEL AKERLOW  
DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

RALPH BECKER  
MAYOR

March 25, 2013

Salt Lake City Corporation  
Planning Director  
451 South State Street Room 215  
Po Box 145471  
Salt Lake City, UT 84114

Mr. Sommerkorn

Salt Lake City administration is requesting that the mid-block alley of block 1 South Salt Lake Subdivision be partially closed. This process is intended to be a partial alley closure which would effectively close the alley to vehicular traffic. Salt Lake City Corporation will continue to retain ownership of the property as the Public Utilities Department of the City has a storm water main within the alley. It is the City's intent to allow the City's library board to landscape and use the closed alley as part of the future Glendale Library. The platted alley has not been improved as a right-of-way and none of the abutting property owners have access gates to the alley from their rear yards. City staff have visited with the property owners abutting the alley regarding the proposed alley closure and have received no opposition to the proposed partial closure. Thank you for considering the proposed closure.

Thanks,



Duran Lucas  
Real Property Agent

**PETITION TO VACATE OR CLOSE AN ALLEY**  
(South Half of Alley within Block 1 of South Salt Lake Subdivision)

Name of Applicant: Salt Lake City Corporation

Address of Applicant: 451 South State Street room 406

Date: October 18, 2012

As an owner of property adjacent to the alley, I agree to the proposed closure.

Michelle Houser	138250 1200W	Michelle Houser	10-18-2012
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
Joyce Wickham	1394 So 1200	J Wickham	10-18-2012
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
Barry Mortenson	136650 1200W	Barry M	2-14-13
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
PHUONG NGUYEN	137650-1200W 1093 MODESTO AVE	Phuong	2-14-13
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
SALT LAKE Baptist Assoc	1235 W CALIFORNIA AVE 12401 S 450 E DRAPER UT	Executive Director	2-19-2013
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
DAVID TOLSTROP	1352 S. 1200 W.	David Tolstrup	2-21-2013
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
KYLE LAMAIFA	1365 S. CONCORD - 1375 S. CONCORD - 1224 W. 1400 S.	Kyle Lamaifa	3/11/2013
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>

**Attachment C**  
**Department/Division Comments**

## **Department Comments**

### **Public Utilities, Justin Stoker**

The alley is home to an existing 18-inch concrete public storm drain line that collects storm water from 1400 South and conveys it to a larger 48-inch conveyance facility (that currently runs through the north of the library property). While there are no water or culinary water facilities in the alley, there may be other utilities such as power, gas, and communications which may be present. As is typical with alley vacations, a public utilities easement will need to be retained with any vacation for ongoing ownership and maintenance of any utility lines in the alley. This can typically be done as part of the vacation documents. If you have any questions, please contact Karryn Greenleaf (801-483-6769) in the Public Utilities Department for assistance.

### **Engineering, Scott Weiler**

Engineering has no objection to the proposed alley closure.

### **Police, Sgt. Michelle Ross**

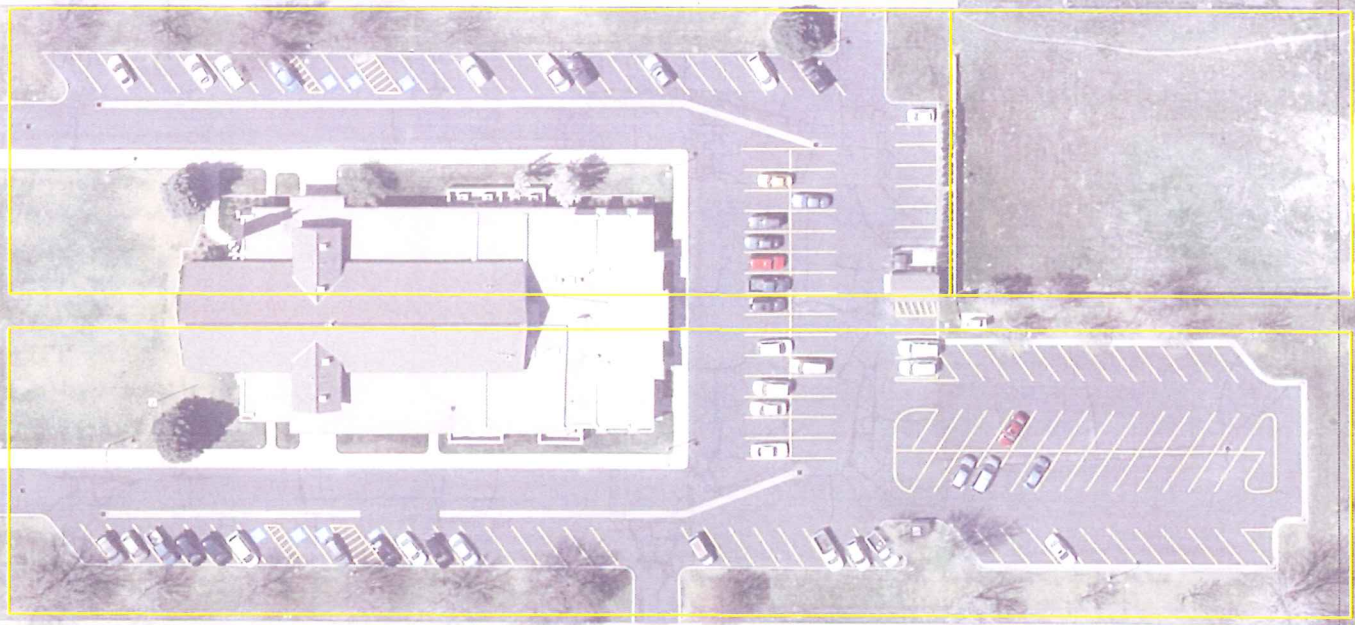
No police cases associated with the alley.

### **Transportation, Barry Walsh**

The division of transportation review comments and recommendation are as follows: The alley way provided access to the former 1395 South Duplex. The proposed Library development and the abutting properties no longer require vehicular access by way of this alley. In creating a dead driveway, the required removal is shown on drawing sheet AS101 with the existing dead drive approach being removed.

## **Attachment D**

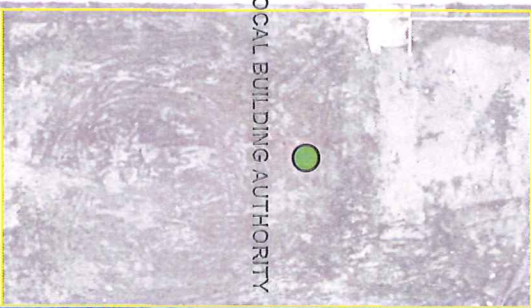
### **Additional Applicant Information**



CONCORD



SALT LAKE BAPTIST



LOCAL BUILDING AUTHORITY

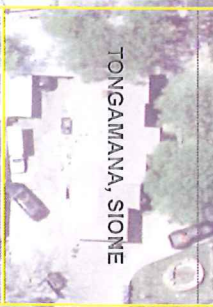


LOCAL BUILDING AUTHORITY

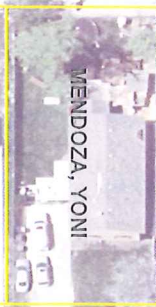


LOCAL BUILDING AUTHORITY

Proposed Partial Alley Closure



TONGAMANA, SIONE



MENDOZA, YONI



TOLSTRUP ENTERPRISES



MORTENSEN, BARRY



WEIS, MICHAEL R & LUCIA



NGUYEN, PHUONG



HOUSER, MICHELLE



WICKHAM, JOYCE

1200

4403





#### Description of alley closure

Beginning at a point on the Northeast corner of Lot 8 Block 1 South Salt Lake Subdivision, thence East 11.6 feet to the Northwest corner of lot 29; thence South along the East side of block 1 alley 371 feet to the North right-of-way line of 1400 South; thence West 11.6 feet; thence north along the west side of block 1 alley 371 feet to the point of beginning .