



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Chris Lee, 801-535-7706 or [chris.lee@slcgov.com](mailto:chris.lee@slcgov.com)

Date: April 12, 2017

Re: PLNPCM2017-00087 and PLNPCM2017-00088: 408 W Dalton - Alley Vacations & Street Closure

## Alley Vacations and Street Closure

**PROPERTY ADDRESS: Approximately 408 W Dalton Avenue**  
**MASTER PLAN: Central Community Master Plan**  
**ZONING DISTRICT: General Commercial (CG)**

**REQUEST:** This is a request by Justin Kimball, authorized agent of the owner (1030 Salt Lake City, LLC), to vacate two alleys and close a street section at approximately 408 W Dalton Avenue directly to the east and south of an I-15 off-ramp at approximately 1050 S. The subject alleys and street segment are not utilized for transportation purposes and are surrounded by parcels which are owned by the applicant. The proposed alley vacations and street closure are being sought to facilitate the consolidation of several of the parcels owned by the applicant for a potential residential or commercial development.

**RECOMMENDATION:** Based on the information in this staff report and the policy considerations for street closures and alley vacations, Planning Staff recommends that the Planning Commission forward a positive recommendation to City Council regarding the proposal to close the street segment as well as the proposal to vacate two alleys with the following condition:

1. All abutting parcels must be consolidated in such a way that none are left land locked due to the alley vacations and street closure. No building permits can be issued until the parcels are consolidated.

### ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Site/Ownership Map](#)
- C. [Property Photographs](#)
- D. [Additional Applicant Information](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)

**PROJECT DESCRIPTION:**

The subject properties consist of unimproved portions of a street (Dalton Avenue) and two alleys that are located directly east and south of an I-15 ramp at approximately 420 W 1040 S. As illustrated in [Attachment B](#), all of the parcels that are adjacent to the street and the alleys are owned by the applicant and are either undeveloped land or utilized as storage/warehouse space. It appears that neither the street section nor the alleys have ever been paved or improved in any manner and do not serve as transportation corridors. The applicant is seeking the street closure and alley vacations to be able to consolidate the parcels that they own to allow for some type of future development on the site.

The street measures approximately 240 feet by 32 feet and runs from east to west to the point that it is blocked by the I-15 ramp. Similarly the smaller alley runs from east to west where it is also blocked by the ramp. It measures 35 feet by 13 feet. The other alley runs south to north until blocked by the ramp and is approximately 13 feet by 170 feet. The subject properties have no foreseeable transportation value.

The proposal is to change the status of the street section from a public street to a surplus parcel of land owned by the city. If the closure were approved by the City Council, the applicant would like to then purchase it for fair market value. The applicant has reached



Alley Vacations  Road Closure

out to the Real Property Manager to make his intentions clear. Similarly, the applicant seeks to vacate the alleys which would then cede that property to abutting parcels by dividing the alley evenly down the middle and then incorporating that land into the abutting parcels.

All properties adjacent to the subject street and alleys are zoned CG (General Commercial). According to Section 21A.22.030A of the Salt Lake City Zoning Ordinance, all streets and alleys are included in the adjacent zoning district. In situations where the street or alley serves as a boundary between two zoning districts, the centerline of the street is the zoning boundary. Seeing as the subject properties are adjacent to only the CG zoning district, they will maintain that zoning designation if approval is given for the street closure and alley vacations.

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Potentially Landlocked Parcels
2. Ownership and Conveyance of the Subject Street and Alleys

**Issue 1: Potentially Landlocked Parcels**

As illustrated by the photograph on the previous page, access to the parcels in this area is provided via 400 W and Aspen Avenue (1040 S). Closing the street and vacating the alleys would mean that five parcels could effectively become landlocked ([Attachment A](#)) in spite of them not being utilized for access purposes at this time. Given that all adjacent parcels are owned the applicant and it is his plan to eliminate the smaller parcels altogether through a lot consolidation, leaving them landlocked should not be an issue as long as consolidation is accomplished. Consequently, if these petitions are approved they should contain conditions of approval that require consolidation of all affected parcels to ensure that they are served by a public street. However, the applicant cannot consolidate until he owns the subject properties so the condition should state that no building permits can be issued until consolidation has been completed.

**Issue 2: Ownership and Conveyance of the Subject Street and Alleys**

The process for removing the status of the public right of way for the street section is called a street closure. Closure and conveyance of the alleys to the abutting owners is an alley vacation. Both processes require review by the Planning Commission and approval by the Salt Lake City Council. If the petitions are approved by the City Council, the properties will no longer be recognized as a public street and alleys. The City will retain ownership of the street property and would be able to choose how to dispose of it. It can potentially be sold to the applicant for fair market value but approval of this application does not guarantee that outcome. If the alley vacations are approved, those properties would be split evenly down the middle of the alleys and divided among abutting parcels.

**DISCUSSION:**

As explained in a more detailed manner in [Attachment E](#) of this report, Staff believes that both of these proposals should be approved due to the potential development that could be accomplished by eliminating these unimproved and unused corridors that would fulfill goals and objectives of both the Central Community Master Plan and Plan Salt Lake. Additionally, in spite of reaching out to two community councils and holding an open house, no public feedback has been received. This is likely due to the fact that neither the street nor the alleys are used for transportation purposes and are completely surrounded by other parcels owned by the applicant. As illustrated by the photos in Attachment C, a visitor to the site would never know that a street and two alleys are contained within those vacant parcels.

The applicant is aware that if the street closure is approved, it does not guarantee his ability to own that land. It would be classified as a surplus parcel and if the Property Management division deems it appropriate, it could potentially be sold to him for fair market value. The zoning ordinance requires all lots to front on a public street, therefore these proposals should only be approved with a condition of approval stating requiring lot consolidation prior to issuing any building permits.

**NEXT STEPS:**

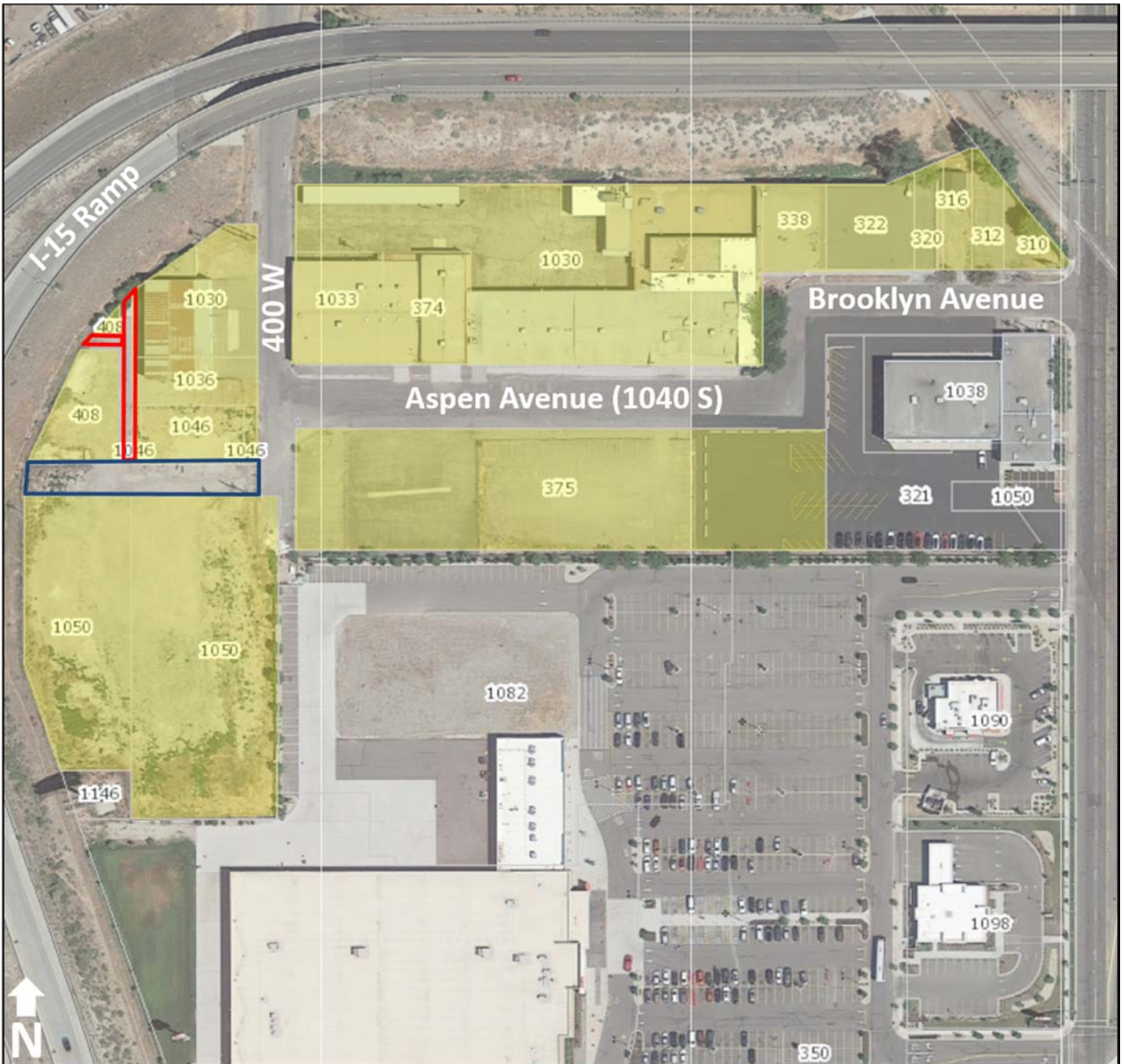
With a recommendation of approval or denial of the street closure and the alley vacations from the Planning Commission, the proposal will be sent to the City Council for a final decision by that body.

# ATTACHMENT A: VICINITY MAP



 Alley Vacations  Road Closure

# ATTACHMENT B: SITE/OWNERSHIP MAP



Shaded parcels are owned by the Applicant

## **ATTACHMENT C: PROPERTY PHOTOGRAPHS**



**Looking East down Aspen Avenue**



**Looking North down 400 W**



**Looking South with Target in the Background**



**Looking Northwest at the approximate location of the Alleys in the Background**



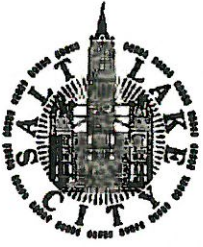
**Gate at the approximate location of the Street with Alleys in Background**



**Looking West at the approximate location of the Street**



**ATTACHMENT D: ADDITIONAL APPLICANT INFORMATION**



# Street Closure

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Received By: <i>L. Parisi</i>	Date Received: <i>2/8/2017</i>	Project #: <i>PLNPEM2017-00088</i>
Project Name: <i>Dalton Ave. Closure</i>		

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Name/Location of the Street: **Dalton Avenue (1050 South) between 425 West and 400 West (estimated). Street to the North of parcels 15-12-330-001 and 15-12-330-002 and South of parcels 15-12-328-001, 15-12-328-007, 15-12-328-009 and 15-12-328-010.**

Name of Applicant: <b>Justin Kimball OBO 1030 Salt Lake City, LLC</b>	Phone: [REDACTED]
Address of Applicant: <b>1000 South Main Street, Suite 104, SLC UT 84101</b>	
E-mail of Applicant: [REDACTED]	Cell/Fax: [REDACTED]
Applicant's Interest in Subject Property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other:	
Name of Property Owner abutting the street (if different from applicant): <b>Same - 1030 Salt Lake City, LLC</b>	
E-mail of Property Owner:	Phone:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

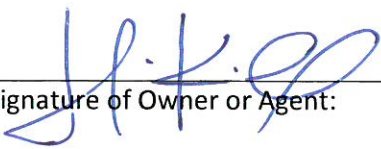
Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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### REQUIRED FEE

- Filing fee of \$371.
- Plus additional fee for required public notices.

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 

Date: 1/24/17

**SUBMITTAL REQUIREMENTS**

Staff Review

**Please include with the application:** (please attach additional sheet)

1. A letter explaining why you are requesting this Street Closure.
2. A Sidwell map showing the area of the proposed Street Closure. On the map please:
  - a. Highlight the area of the proposed Street Closure.
  - b. Indicate the property owners abutting the proposed Street Closure.
  - c. Submit one paper copy and a digital (PDF) copy of the map.
3. A written description with the width and length measurements of the proposed Street Closure.
  - A final legal description prepared by a licensed engineer will be required later.
4. The name, address and signatures of all abutting property owners who support the petition.
  - You may use the form attached to this application or provide your own form with signatures.
  - Signatures should be from the property owners and not from the property renters.

Please be aware that once the City closes the street it will then sell the property at fair market value to the abutting property owners.

# Kimball Investment Company

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1030 Salt Lake City, LLC  
1000 South Main Street  
Suite 104  
Salt Lake City, Utah 84101

January 24, 2017

To Whom It May Concern:

We are applying to close the street abutting parcels: 15-12-328-001, 15-12-328-007, 15-12-328-009, 15-12-328-010, 15-12-330-001 and 15-12-330-002. We are the owners of all these parcels that surround this street (Dalton Ave); there are no other property owners that this closure would affect. This street is currently fenced off; it has not been used for several years. We have received proposals to build apartments, storage units, a sports complex, and office space on this property but to do so we would need this section of Dalton Avenue closed.

Thank you for your consideration,

  
Justin Kimball  
Authorized agent for 1030 Salt Lake City, LLC

## Agent Authorization

I (we), 1030 Salt Lake City, LLC the owner(s) of the real property located at

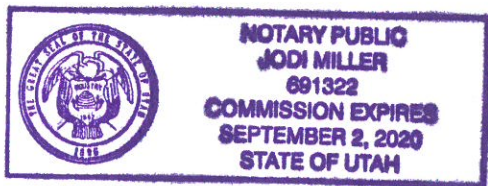
1030 S 400 W, 1035 S 400 W, 1046 S 400 W, 408 W Dalton Ave, 409 W Dalton Ave, 405 W Dalton Ave and 375 W Aspen Ave in Salt Lake City, Utah, do hereby appoint

Justin Kimball, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Justin Kimball, to appear on my (our) behalf before any City board or commission considering this application.

Justin Kimball  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the 24 day of January, 20 17, personally appeared before me Jodi Miller the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.



Jodi Miller  
Notary Public  
Residing in Salt Lake  
My commission expires: September 2, 2020

PETITION TO CLOSE A STREET

Name of Applicant:

Justin Kimball OBO 1030 Salt Lake City, LLC

Address of Applicant:

1000 South Main Street, Suite 104, SLC UT 84101

Date:

January 24, 2017

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name Address Signature Date

Victor Kimball 1030 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 1035 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 1046 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 408 W Dalton Ave [Signature] 1/27/2017

Print Name Address Signature Date

Victor Kimball 409 W Dalton Ave [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 405 W Dalton Ave [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 375 W Aspen Ave [Signature] 1/24/2017

Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

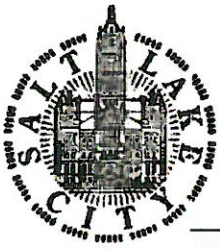
Print Name Address Signature Date

### Dalton Avenue Closure Description

That portion of Dalton Avenue (Also known as Fitzgerald Street per the 1891 dedication plat) being a thirty three foot (33') public right of way, which lies west of 400 West Street and east of the east right-of-way and no access line of Interstate I-15 (UDOT Project Number 1 01-7(3)), as created by Dolan's Subdivision, being a Part of Block 24, Five Acre Plat A, Big Field Survey, recorded in the office of the Salt Lake County Recorder as Entry No. 40995, in Book C of Plats, at Page 120 of official records, being more particularly described as follows:

Beginning at the Southeast corner of Lot 9, Dolan's Subdivision and running thence South 33.00 feet; thence West 240.10 feet more or less to the east right of way line of Interstate 15, thence North 5°46'29" East along said line 33.17 feet; thence East 236.76 feet more or less to the point of beginning.

Contains 7,872 sq. ft. or 0.180 acres.



# Alley Vacation or Closure

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Received By: <i>L. Parisi</i>	Date Received: <i>2/8/2017</i>	Project #: <i>PLNPCM2017-00087</i>
Project Name:		

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley: **There are 2 alley's to vacate: Both border 408 West Dalton Ave**  
**1 - Alley between parcel 15-12-328-001 (runs east to west) 2 - Alley to the east of parcel 15-12-328-001 (runs north to south)**

Name of Applicant: <b>Justin Kimball OBO 1030 Salt Lake City, LLC</b>	Phone: [REDACTED]
Address of Applicant: <b>1000 South Main Street Suite 104, SLC UT 84101</b>	
E-mail of Applicant: [REDACTED]	Cell/Fax: [REDACTED]
Applicant's Interest in Subject Property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other:	
Name of Property Owner abutting the alley (if different from applicant): <b>Same - 1030 Salt Lake City, LLC</b>	
E-mail of Property Owner:	Phone:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

<b>Mailing Address:</b> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<b>In Person:</b> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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### REQUIRED FEE

- Filing fee of \$248.
- Plus additional fee for required public notices

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: <i>[Signature]</i>	Date: <i>1/24/2017</i>
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## SUBMITTAL REQUIREMENTS

Staff Review

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Please include with the application:** (please attach additional sheet)

1. A letter explaining why you are requesting this alley vacation or closure.
2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:
  - a. Highlight the area of the proposed alley vacation or closure.
  - b. Indicate with colored dot the property owners who support the petition.
  - c. Submit one paper copy and a digital (PDF) copy of the map.
3. A written description with measurements of the proposed alley vacation or closure.
  - A final legal description prepared by a licensed engineer will be required later.
4. The name, address and signatures of all abutting property owners who support the petition.
  - Petition must include the signatures of no less than 80% of the abutting property owners.
  - Signatures should be from the property owners and not from the property renters.
  - You may use the form attached to this application or provide your own form with signatures.

### WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

### WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
3. Granting the petition will not result in any property being landlocked;
4. Granting the petition will not result in a use of the alley property 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;
5. 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;
6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

# Kimball Investment Company

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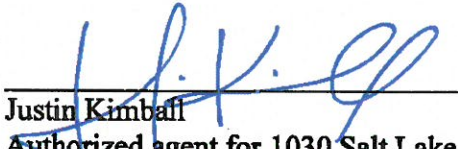
1030 Salt Lake City, LLC  
1000 South Main Street  
Suite 104  
Salt Lake City, Utah 84101

January 24, 2017

To Whom It May Concern:

We are applying to vacate the alleyways abutting parcels: 15-12-328-001, 15-12-328-006, 15-12-328-004, and 15-12-328-007. We are the owners of all these parcels that surround these alleyways; there are no other property owners that this vacation would affect. These are the last two alleyways that remain within our boundaries; all others have been previously vacated. We have received proposals to build apartments, storage units, a sports complex, and office space on this property but to do so we would need these alleyways vacated.

Thank you for your consideration,

  
Justin Kimball  
Authorized agent for 1030 Salt Lake City, LLC

## Agent Authorization

I (we), 1030 Salt Lake City, LLC the owner(s) of the real property located at

1030 S 400 W, 1035 S 400 W, 1046 S 400 W, 408 W Dalton Ave, 409 W Dalton Ave, 405 W Dalton Ave and 375 W Aspen Ave in Salt Lake City, Utah, do hereby appoint

Justin Kimball, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Justin Kimball, to appear on my (our) behalf before any City board or commission considering this application.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the 24 day of January, 20 17, personally appeared before me Jodi Miller the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.



Jodi Miller  
Notary Public  
Residing in Salt Lake  
My commission expires: September 2, 2020

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:

Justin Kimball OBO 1030 Salt Lake City, LLC

Address of Applicant:

1000 South Main Street, Suite 104, SLC UT 84101

Date:

January 24, 2017

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name Address Signature Date

Victor Kimball 1030 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 1035 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 1046 S 400 W [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 408 W Dalton Ave [Signature] 1/27/2017

Print Name Address Signature Date

Victor Kimball 409 W Dalton Ave [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 405 W Dalton Ave [Signature] 1/24/2017

Print Name Address Signature Date

Victor Kimball 375 W Aspen Ave [Signature] 1/24/2017

Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

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Print Name Address Signature Date

## **Dolan's Subdivision**

### **12.9' & 12.6' Combined Alley Vacation Description**

That portion of the 12.9 foot (north/south) alley way which lies South of the south right of way and no access line of Interstate 15 (UDOT Project No. 1 01-7(3)), and that portion of the 12.6 foot (east/west) alley way which lies east of said right of way as created by Dolan's Subdivision, being a part of Block 24, Five Acre Plat A, Big Field Survey, recorded in the office of the Salt Lake County Recorder as Entry No. 40995, in Book C of Plats, at Page 120 of official records, being more particularly described as follows:

Beginning at the southwest corner of Lot 3, Dolan's Subdivision and running thence south along the west lines of Lots 3 through 9 conclusive, of said subdivision 159.8 feet to the southwest corner of Lot 9; thence West 12.9' to the west line of said alley way and the southeast corner of Lot 10; thence North along said west line 116.0 feet to the northeast corner of said Lot 10; thence West along the north line of said Lot 10 and Lot 11 40.0 feet more or less to the easterly right of way and no access line of said Interstate 15; thence northeasterly along said line 17.0 feet to the south line of Lot 47 said subdivision; thence east along the south line of said Lot 47 and Lot 48, 28.6 feet to the southeast corner of said Lot 48; thence north along the east line of Lot 48, 31.7 feet more or less to the south right of way, no access line of said Interstate 15, thence northeasterly along said line 19.3 feet more or less to the west line of said Lot 3; thence South along said west line 14.8 feet to the point of beginning.

Contains 2,593 sq. ft. or 0.0595 acres.

# **ATTACHMENT E: ANALYSIS OF STANDARDS**

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## **Street Closures**

In 1999, the City Council developed policy statements in an effort to guide decisions related to street closures. The policy statements are as follows:

- 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:** The street does not provide access to adjacent private property and does not serve a broader connectivity function. All parcels adjacent to the street are owned by the applicant and he is a ready buyer of that land if the closure is approved by the City Council.

**Finding:** The proposed street closure would not deny access to the properties adjacent to the closure.

- 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:** As mentioned above, the applicant owns all of the parcels adjacent to the street and initiated this petition to obtain the street and ultimately consolidate them for development purposes. The applicant is willing to pay fair market value for the land.

**Finding:** In accordance with this policy, the applicant intends to pay fair market value for the land if the street is closed.

- 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 properties are located in an area next to the highway bounded by many other parcels owned by the applicant. The majority of said parcels are vacant and undeveloped. Those that do have buildings are used mostly for warehouses and storage. This is an initial step to consolidate and redevelop the properties owned by the applicant. No specific use has been determined as of yet but the application letters state that the applicant has:

*...received proposals to build apartments, storage units, a sports complex, and office space on this property...*

The Plan Salt Lake Master Plan contains an overall vision for the entirety of Salt Lake City. It contains several sections that align with the vision to close and vacate these non-functioning transportation ways for future development:

### **Chapter 1: Neighborhoods**

**Guiding Principle:** Neighborhoods that provide a safe environment, opportunity for social interaction, and the services needed for the well-being of the community therein.

**Initiative 1:** Maintain neighborhood stability and character.

**Initiative 2:** Support neighborhoods and districts in carrying out the City's collective vision.

**Initiative 8:** Encourage and support local businesses and neighborhood business districts.

## **Chapter 2: Growth**

Guiding Principle: Growing responsibly, while providing people with choices about where they live, how they live, and how they get around.

Initiative 1: Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.

Initiative 3: Promote in-fill and redevelopment of underutilized land.

## **Chapter 12: Economy**

Guiding Principle: A balanced economy that produces quality jobs and fosters an innovative environment for commerce, entrepreneurial local business, and industry to thrive.

Initiative 1: Maintain and grow Salt Lake City as the economic center of the region.

Initiative 3: Support the growth of small businesses, entrepreneurship and neighborhood business nodes.

Initiative 9: Support the growth of industrial areas of the City.

The city-wide plan which focuses on transportation is the Salt Lake City Transportation Master Plan. It does not address the closure of streets or vacation of alleys. Nor are any of the subject parcels listed as being of importance to the overall transportation network.

The Central Community Master Plan is the specific guiding document for this area of the city. The Future Land Use Map within that master plan indicates that the subject properties are within a Regional Commercial/Industrial use area. That section of the master plan states that:

*Regional commercial/industrial areas for uses such as car dealers, wholesale membership stores, and light manufacturing should be located near high traffic volume streets and freeway access. Business-to-business services such as warehousing and distribution also create a need for regional traffic access. Heavy industrial land uses will be encouraged to relocate to appropriately zoned areas in the City.*

The neighborhood where the subject properties are located is referred to as the People's Freeway Neighborhood Planning Area. Within that area one of the issues highlighted is to:

*Address ways of transitioning the northern portion of the neighborhood from the historic character of low-density residential development to one of transit-oriented development.*

While not specifically located in a residential area, the subject properties are just over two blocks away from the trax line on 200 W with a stop a couple of blocks beyond that. Most all types of development in this area will contribute to that vision.

Closing the subject street and vacating the alleys will provide the first step required to see this area redeveloped as envisioned in both of the master plans mentioned above. Allowing the current owner to consolidate the various parcels into one buildable lot will pave the way for a comprehensive development plan that will eliminate the vacant space that exists currently and bring significant improvements to the surrounding neighborhood.

**Finding**: The relevant City master plans have established policies that are compatible with the proposed right-of-way closure.

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

**Analysis**: If the subject street segment is not closed, it would remain an unimproved "street"

and function as undeveloped open space. However, keeping the property in the Salt Lake City street inventory prohibits the property from being put to productive use as proposed by the applicant.

**Finding:** The alternative to this request is to maintain the property as it currently exists. Staff finds that closing the street outweighs the alternative because it would aid in implementation of key elements of the Central Community Master Plan and Plan Salt Lake.

## **Alley Vacations**

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 alleys are proposed to be vacated due to lack of use (A) and urban design (C) considerations. Although platted, the subject alleys do not physically exist and have never been utilized as such. They are not maintained and are indistinguishable from the parcels of vacant land that surround them. The alleys do not contribute to positive urban design elements such as mobility, connectivity, or open space.

**Finding:** The proposed alley vacations comply with Policy considerations A and C.

## **Analysis Factors**

**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.

**Finding:** No objections were raised in regard to the alley vacations.

- 2. The petition meets at least one of the policy considerations stated above;**



**Discussion:** The proposed alley vacations satisfy the Lack of Use and 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:** The alleys are not used for off street parking. They do provide sole access to one parcel, however.

**Finding:** This factor can only be met by issuing a condition of approval that all abutting properties must be consolidated in such a way that sole access is not denied and no parcel is landlocked.

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

**Discussion:** If the alleys were vacated at least one parcel would be landlocked.

**Finding:** This factor can only be met by issuing a condition of approval that all abutting properties must be consolidated in such a way that sole access is not denied and no parcel is landlocked.

**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 vacations would allow for future development that would actually further the objectives of both the Central Community Master Plan and Plan Salt Lake.

**Finding:** The proposed alley vacations 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 properties are owned by the applicant who does not intend to build a garage. Any future building permits would only be obtained after consolidating the parcels owned by him.

**Finding:** The proposed alley vacations 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:** Entire alleys in this area would be vacated. Other segments have been previously vacated so the alley does not connect into other properties.

**Finding:** This factor has been met.

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

**Discussion:** There are no actual residences or accessory uses on site. A condition of approval requiring lot consolidations would eliminate any potential issues.

**Finding:** This factor can be met by requiring a condition of approval that all abutting properties must be consolidated in such a way that sole access is not denied and no parcel is landlocked.

## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

- Notice of application was sent to both the Ball Park and Glendale Community Councils on February 15, 2017. Neither Community Council requested that the applicant or Planning Staff attend one of their meetings nor did they offer any feedback on the applications.
- Notice of public open house meeting was mailed on March 7, 2017 to property owners within 300 feet of the subject properties.
  - No calls, emails, or other communications were received.
- Public open house meeting was held on March 16, 2016.
  - One community member signed but did not submit written comments.
  - No concerns were expressed by anyone regarding the proposed street closure and alley vacations.
- Public hearing notice mailed on March 30, 2017.
- Public notice posted on the City and State websites and sent via the Planning Division list serve on March 30, 2017.
- Public hearing notice posted on the property on April 3, 2017.

# **ATTACHMENT G: DEPARTMENT REVIEW COMMENTS**

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## **Building:**

No comments received.

## **Engineering:**

No objections and no specific comments besides that the City Surveyor redlined a couple of mistakes in the submitted legal descriptions of the subject street and alleys. They have been corrected and resubmitted by the applicant and are found in [Attachment D](#).

## **Fire:**

*Fire would not have any objections to the proposed: "Vacating alleys around 408 W. Dalton Avenue" especially since the current layout and past use does not meet current code requirements (e.g. the single non rated structure that spans 1030 and 1036 South 400 West on parcels 328-006 and 328-004). The current layout does not have any approved fire access from the public way for parcels 328-001, 328-007, 328-009. Construction upon any of the above parcels would require fire department access within 150 feet of two sides and fire department access cannot cross property lines from the public way on separate parcels regardless of who owns each parcel in accordance with the current adopted International Fire Code.*

*Fire would not have any objections to the proposed: "Closing a portion of Dalton Avenue south of 408 W. Dalton Avenue" especially since the current layout and past use does not meet current code requirements (e.g. the lane extends greater than 150 feet and there is no approved fire truck turn around). The current layout does not have any approved fire access from the public way for parcels 328-001, 328-007, 328-009 and 330-001. Construction upon any of the above parcels would require fire department access within 150 feet of two sides and fire department access cannot cross property lines from the public way on separate parcels regardless of who owns each parcel in accordance with the current adopted International Fire Code.*

## **Police:**

No comments received.

## **Public Utilities:**

No comments received.

## **Sustainability:**

No comments received.

## **Transportation:**

No comments received.

## **Zoning:**

*No zoning related issues associated with this request.*