



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Chris Earl, Associate Planner
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Date: January 16, 2020

Re: PLNPCM2019-01036 – Rosewood Park Street Closure
PLNSUB2019-01037 – Rosewood Park Alley Vacation

Street Closure and Alley Vacation

PROPERTY ADDRESS: Approximately 1400 N 1200 W
MASTER PLAN: Northwest Master Plan; Rose Park Small Area Plan
ZONING DISTRICT: OS Open Space
OVERLAY DISTRICT: AFPP Airport Flight Path Protection Overlay District Zone H

REQUEST: A request by Olga Crump of the Real Estate Services Department of Salt Lake City for alley vacations and street closures within Rosewood Park in order to consolidate the property to simplify the permitting process for future improvement projects. These streets and alleys were platted as part of the Kinney and Gourlay's Improved Subdivision, recorded in 1887, but were never constructed.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the street closure request. The City Council will make the final decision regarding the requests.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the request to close the streets and vacate the alleys within Rosewood Park with the following conditions:

- The closed streets and vacated alleys, as well as remaining parcels, will be consolidated into one parcel.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Property Photographs](#)
- C. [Kinney and Gourlay's Subdivision Plat](#)
- D. [Application Materials](#)
- E. [Analysis of Standards – Street Closure](#)
- F. [Analysis of Standards – Alley Vacation](#)
- G. [Public Process and Comments](#)
- H. [Department Review Comments](#)

PROJECT DESCRIPTION: Rosewood Park, developed in 1977, is located at approximately 1400 N and 1200 W in the Rose Park area of Salt Lake City. The park is located between 1200 W and I-15 and encompasses approximately 28 acres which is mostly grass (primarily used as soccer fields) but has amenities such as baseball and softball fields, a playground, tennis courts, a dog park and a skate park.

The proposed street closure and alley vacation involves six unimproved streets and 5 unimproved alleys within Rosewood Park dedicated in the Kinney and Gourlay's Improved Subdivision. The subdivision was platted in 1887 but never developed as intended.



* Existing parcels within Rosewood Park

No modifications will be made to Rosewood Park as part of these applications. Rosewood Park was constructed in a part of the Kinney and Gourlay's subdivision that was originally platted for residential lots with alleys and streets servicing those parcels. Although these alleys and streets do not physically exist, they still exist legally on paper. The area where Rosewood Park is located is broken up into numerous tiny parcels due to the existence of these streets and alleys. The alley vacation and street closure applications are requesting to remove these alleys and streets from the plat in order to consolidate the parcels and form one parcel to make it easier to obtain building permits for future improvement projects.

When construction occurs on any property within Salt Lake City, a building permit is required. Building permits are issued based on the parcel in which the construction will occur. If construction will occur on multiple parcels, a building permit would be required for each parcel and zoning regulations would apply to each individually.

It was a common practice for the City to construct parks or other public facilities over multiple parcels and right-of-ways when the City owned all of the land within the development. Because a separate permit must be pulled for each parcel, this would often create problems when trying to meet zoning requirements such as setbacks or lot coverage for each of the separate parcels within the development. Building within public right-of-ways can also present challenges since permissions could be required from Salt Lake City Engineering or Real Estate Services Department in order to build within these right-of-ways. With the large number of parcels that exist within Rosewood Park, an improvement project could require multiple permits. Tracking multiple building permits through the permitting

process as well as the inspections process is a daunting task. One that would be streamlined if only one permit were required.

If Rosewood Park were to be consolidated into one singular parcel, it would greatly increase the ease and efficiency of obtaining and tracking building permits as well as meeting the standards for zoning requirements.

KEY CONSIDERATIONS:

Consideration 1: City Goals and Policies

Although none of the City master plans that provide guidance for these properties specifically address street closures, the Northwest, Rose Park Small Area, Salt Lake City Transportation Master Plans and Plan Salt Lake help to determine if the request is in line with city goals and is in the city's best interest.

The Northwest Master Plan, adopted in 1992, recognizes the importance of recreation to the residents of Salt Lake City. It was indicated that with increased population, there is a need for new recreational facilities as well as improvements to existing facilities. The current Northwest Master Plan intends to continue the efforts to meet recreational needs outlined in the 1977 Salt Lake City Parks and Recreation Plan and the 1980 Northwest Master Plan.

The citywide master plan, Plan Salt Lake, adopted in 2015, contains sections that align with the Northwest Master Plan vision. One of the guiding principles of that plan is to protect and enhance existing parks, recreational facilities and trails allowing for modifications to enhance usability and promote activity.

The City's Major Street Plan, approved in 2018, which is part of the City's Transportation Master Plan, shows that the platted streets and alleys within Rosewood Park do not exist nor are they proposed for the future. This suggests that these alleys and streets are not crucial to current or future transportation goals.

These adopted plans emphasize the importance of recreational facilities and the ability to maintain and improve the facilities to match City growth. This proposal will make the permitting process easier for future improvements and will allow for a more efficient and flexible manner in which the City can improve Rosewood Park.

Consideration 2: Lack of Connectivity

The streets and alleys dedicated in the Kinney and Gourlay's Subdivision were planned to service the parcels that were platted within the subdivision. However, Rosewood Park has been built in place of a number of these parcels. Because of the existence of the park, the parcels will no longer be developed as intended and the need for the streets and alleys no longer exist. The parcels that neighbor the park to the south are now part of a number of amendments of the Rose Park Plat. Development in the area did not follow the street pattern the plat created, leaving the dedicated streets and alleys disconnected from a road network system. Rosewood Park currently has its own connections to the road network system that do not coincide with any platted street or alley within the park, and thus, the platted streets and alleys are not needed.

The parcels to the north of Rosewood Park are currently undeveloped. When development does occur on these properties, it will be limited due to the parcels being zoned OS Open Space, but they will have access to the road network system via 1200 W.

The alleys and streets within Rosewood Park are disconnected from any type of future development to the east due to the I-15 freeway that abuts along the eastern edge of these properties, further decreasing their need.

DISCUSSION:

The Kinney and Gourlay's Subdivision was recorded in 1887 before the existence of the current adopted master plans that effect future growth of the area. Since the recording of the plat, there has been a stronger emphasis for recreational facilities for the growing number of residents. Rosewood Park was built over these streets, alleys and parcels which was common in the past making their existence unnecessary and a hindrance to the future improvements of the park. With Rosewood Park in place along with the current Open Space zoning, there is an unlikeliness that the park will be redeveloped and puts in question the likelihood of these streets and alleys ever being developed as intended.

The public benefit of maintaining these dedicated streets and alleys in its current situation is close to none because they only exist on paper and therefore, do not serve a transportation or public purpose. That is especially relevant when considering that with the current development, these "paper streets" have become obstacles to future improvement to Rosewood Park. Eliminating these dedicated streets and alleys could help in fulfilling the goals of applicable master plans.

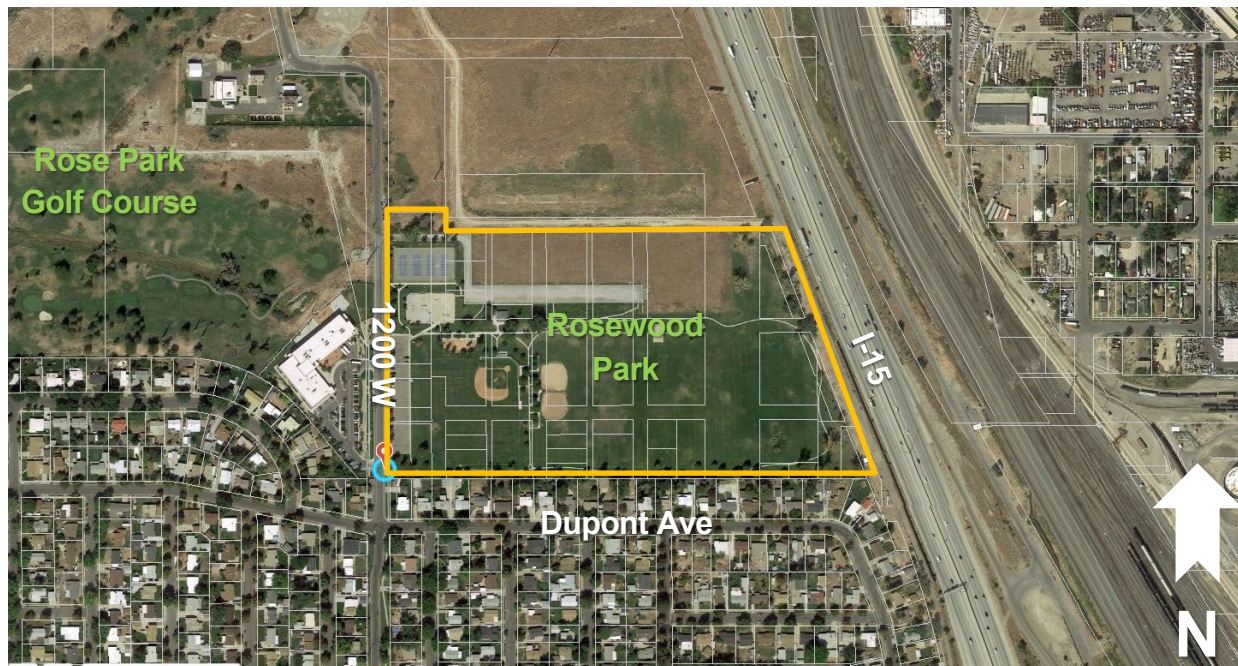
NEXT STEPS:

After the Planning Commission reviews the request, their recommendation will be forwarded to the City Council for consideration. The City Council will make the final decision with respect to these requests.

ATTACHMENT A: VICINITY MAP



- Streets proposed to be vacated
- Alleys proposed to be vacated



ATTACHMENT B: PROPERTY PHOTOGRAPHS



Photos of the grassy areas of Rosewood Park
including baseball/softball fields and soccer fields



Playground



Skate Park



Tennis Courts



Dog Park



Houses on Dupont Ave and their rear yards that abut Rosewood Park



1200 W looking north adjacent to Rosewood Park



Rosewood Park access to 1200 W

Kinney & Gourlay's

IMPROVED CITY PLAT

SALT LAKE CITY UTAH

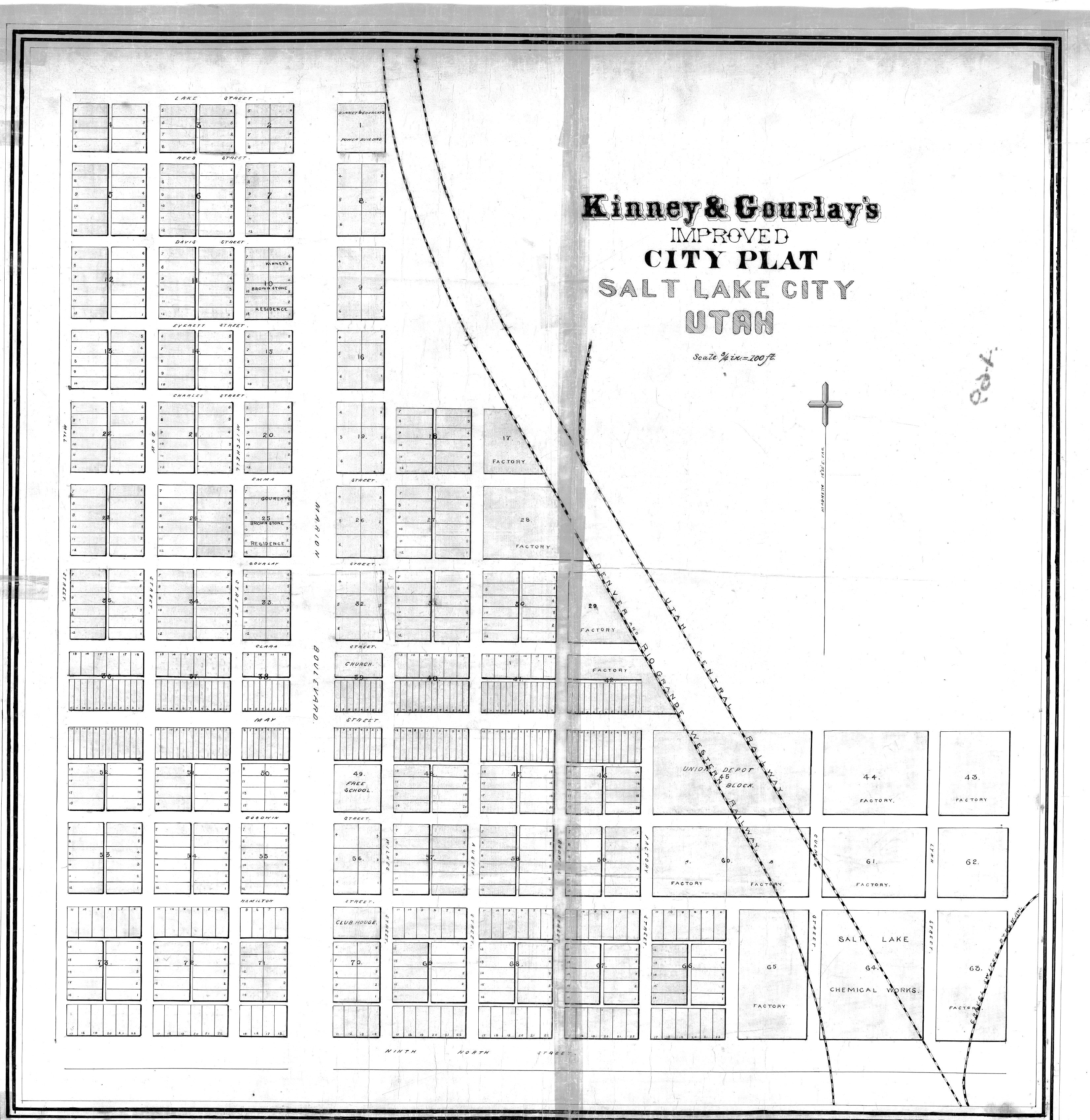
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P8-A

Oct.

Lieut. J. M. at Wm.
Jay McLean
A-89

ATTACHMENT D: APPLICATION MATERIALS



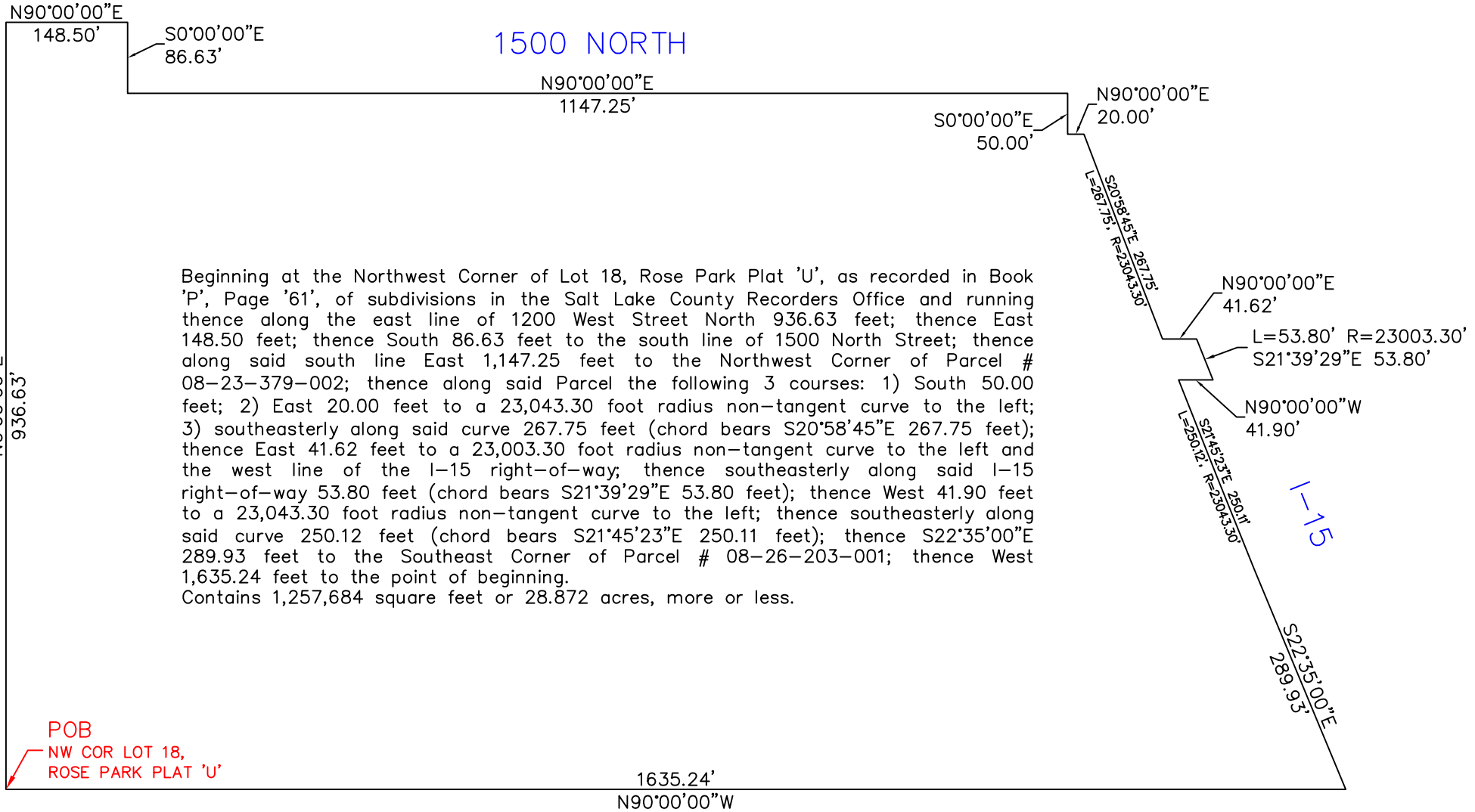


ROSEWOOD PARK LOT CONSOLIDATION DESCRIPTION



1200 WEST

1500 NORTH



ROSEWOOD PARK STREETS AND ALLEYS CLOSURE DESCRIPTION

1500 NORTH

N90°00'00"E
1188.25'

S21°11'30"E
25.00'

Beginning at the Southeast Corner of Block 15, Kinney & Gourlay's Improved City Plat, as recorded in Book 'A', Page '89', of Subdivisions in the Salt Lake County Recorders Office and running thence along the north line of 1400 North Street West 957.25 feet more or less to the west line of Mill Street; thence along said west line North 600.00 feet to the south line of 1500 North Street; thence along said south line East 1188.25 feet more or less to the west line of I-15 right-of-way and the Northeast Corner of Parcel # 08-23-379-002; thence along said west line the following 3 courses: 1) S21°11'30"E 25.00 feet to a 23,003.30 foot radius curve to the left; 2) along said curve 584.62 feet (chord bears S21°34'48"E 584.60 feet); 3) S22°35'00"E 117.04 feet to the Northeast Corner of Parcel # 08-26-203-002; thence West 60.00 feet to the Northwest Corner of Block 18, said Kinney & Gourlay's Improved City Plat; thence South 175.00 feet to the Southwest Corner of Parcel # 08-26-203-001 and the Southwest Corner of Lot 10, Block 18, said Kinney & Gourlay's Improved City Plat; thence West 440.00 feet to the Southeast Corner of Parcel # 08-26-126-012 and the Southeast Corner of Lot 3, Block 20, said Kinney & Gourlay's Improved City Plat; thence North 250.00 feet to the point of beginning.

N0°00'00"E
600.00'
MILL STREET

957.25'
N90°00'00"W
1400 NORTH

POB
SE COR BLOCK 15
KINNEY & GOURLAY
IMPROVED CITY PLAT

S22°35'00"E
117.04'
N90°00'00"W
60.00'

N0°00'00"E
250.00'

440.00'
N90°00'00"W

175.00'
S0°00'00"E

S21°34'48"E
584.60'
I-15
R=23,003.30'
L=584.62'

ATTACHMENT E: ANALYSIS OF STANDARDS – STREET CLOSURE

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

Factor	Analysis	Finding
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.	The platted streets which were never constructed do not provide access to adjacent private property and do not serve a broader connectivity function. Due to the design of the park and the surrounding development, the streets as depicted in the Kinney and Gourlay's Subdivision Plat would not provide connection to any established development or right-of-way.	Complies
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.	This application was initiated in order to consolidate Rosewood Park into one parcel for ease of permitting for future improvement projects to the park. No property will be sold and will remain under City ownership.	Complies
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.	Adopted master plans take into consideration the need for recreation facilities and the ability to provide improvements to existing facilities. As discussed in the Key Considerations of this staff report, the streets in the Kinney and Gourlay's Subdivision exist as a platted streets, but not as a physical streets. The platted streets, alleys and parcels make the permitting process difficult due to the need to pull permits for each individual parcel when improvement is required. The permitting process can be simplified by consolidating the parcel into one parcel. The parcel cannot be consolidated until the streets have been closed. A simplified permitting process will allow for a more streamlined and cost-effective approach to improvement projects; which will help achieve the goals set forth by the adopted master plans.	Complies
4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the	The alternative to this request is to maintain the property as it currently exists. However, this makes improvement projects more difficult	Complies

closure of the street.	and there is no public benefit since these dedicated streets do not physically exist and do not serve a transportation or public purpose. Eliminating these streets would allow for easier improvement to occur once the property is consolidated and help achieve city goals.	
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ATTACHMENT F: ANALYSIS OF STANDARDS – ALLEY VACATION

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 applicant cites policy considerations A – Lack of Use, C – Urban Design and D – Community Purpose in their narrative. The applicant states that the streets and alleys exist on the Kinney and Gourlay's Subdivision Plat but were never constructed and do not physically exist. In addition, the argument is made that the existence of the streets and alleys, along with the many parcels that exist along with the streets and alleys, create complications for project permitting that are costly and time consuming to navigate. The streets and alleys are not needed for the design of the park and hinder improvements efforts.

Finding: The proposed alley vacation complies with policy consideration A – Lack of Use and C – Urban Design, as discussed in this staff report.

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:

Factor	Rationale	Finding
<p>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;</p>	<p>No objections were received from City Department review.</p>	<p>Complies</p>
<p>2. The petition meets at least one of the policy considerations stated above;</p>	<p>Consideration A: Lack of Use</p> <p>The platted streets and alleys within Rosewood Park are disconnected from any established road network system, do not provide access to adjacent private property and would not serve a broader connectivity function. The City's Transportation Master Plan does not show proposals for these roads or alleys and the deletion of these will have no adverse effects to any future development in the area.</p> <p>Consideration C: Urban Design</p> <p>Keeping the platted streets and alleys would be a hindrance to urban design. Because of the development that has occurred around Rosewood Park, the undeveloped streets and alleys have been left disconnected, and would make it difficult to develop the parcels as they currently exist. These constraints most likely would not create a cohesive design with the current surrounding development.</p> <p>Consideration D: Community Purpose</p> <p>The petitions align with adopted master plans regarding improvement to public recreation facilities by helping improvement efforts within Rosewood Park by simplifying the permitting process through the removal of streets and alleys which will allow for lot consolidation. With Rosewood Park being one singular parcel, permits will be simpler to obtain making for more cost effective and time efficient improvements to the park.</p>	<p>Complies</p>

3. The petition must not deny sole access or required off-street parking to any adjacent property;	The petition will not have an impact with accessing any surrounding property or development of the subject area.	Complies
4. The petition will not result in any property being landlocked;	Landlocked parcels will be created by the removal of the streets and alleys within Rosewood Park. Because of this, a lot consolidation will be required. Once the consolidation is complete, the one remaining parcel will have street frontage along 1200 W.	Complies
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;	No pedestrian paths, trails or walkways or any other alternative transportation use will be affected by the disposition of the alley property.	Complies
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;	No opposing property owners have been identified. No permits have been proposed or issued for garages that require access from the subject property.	Complies
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	<p>The entirety of all streets and alleys will be disposed and no partial segments shall remain.</p> <p>Ordinance 54 of 1955 vacated the west line of Mill Street to the west line of Marion Street from the north line of 1100 N to the north line of 1300 N, leaving segments of alleys and streets remaining. These petitions would complete the closure and vacation process and remove all remaining</p>	Complies

	streets and alleys,	
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	There are no residences within the subject area.	Complies

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

The following is a list of public meetings that have been held, and other public input opportunities, related to this project:

Public Notices:

- Notice of the project and request for comments were sent to the Chairs of the Rose Park and Capitol Hill Community Councils on December 2, 2019 in order to solicit comments. No comments were received.
- Open House notice was mailed on November 21, 2019.
- Open House was held at the Salt Lake City Main Library on December 12, 2019. Staff discussed the project with multiple attendants and received one written comment. The comment received was generally in favor of the project.

Public Hearing Notice:

- Public hearing notice mailed on January 10, 2020.
- Public hearing notice posted on City and State websites on January 10, 2020.
- Sign posted on the property on January 12, 2020.

Public Comments:

- At the time of the publication of this staff report, one public comment was received and is attached to this report. Any comments received after the publication of this staff report will be forwarded to the Commission.

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

Transportation, Building, Zoning, Fire and Police found no issues with the request.

Public Utilities, Engineering and Sustainability provided no comments.