



# Staff Report

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner, 385-226-3860, [david.gellner@slcgov.com](mailto:david.gellner@slcgov.com)

Date: May 26, 2021

Re: PLNPCM2020-00564 – Columbus Street Alley Vacation North of Victory Road

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## ALLEY VACATION

**PROPERTY ADDRESSES:** The alley abuts five (5) individual properties as follows:

1. 583 N. Columbus Street (Co-petitioner's Property)
2. 585 N. Columbus Street (Co-petitioner's Property)
3. 589 N. Columbus Street
4. 595 N. Columbus Street
5. 590 N. Victory Road

**MASTER PLAN:** Capitol Hill Master Plan (2001)

**ZONING DISTRICT:** R-2 – Single & Two-Family Residential and OS – Open Space

**REQUEST:** Nicholas Kanaan, a property owner at 585 N. Columbus Street and James Carr, a property owner at 583 N. Columbus Street are co-petitioners asking to vacate an approximately 150-foot long section of platted alley adjacent to their respective properties. The recorded but completely undeveloped alley segment runs north-south of Victory Road and abuts a total of five (5) properties owned by four (4) different property owners. The platted alley north of this appears to have been previously vacated. The proposal is to vacate this remaining alley segment and incorporate the vacant land into the neighboring properties. The total area of the proposed vacation is approximately 2750 square feet.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the alley vacation request. The City Council will make the final decision on this application.

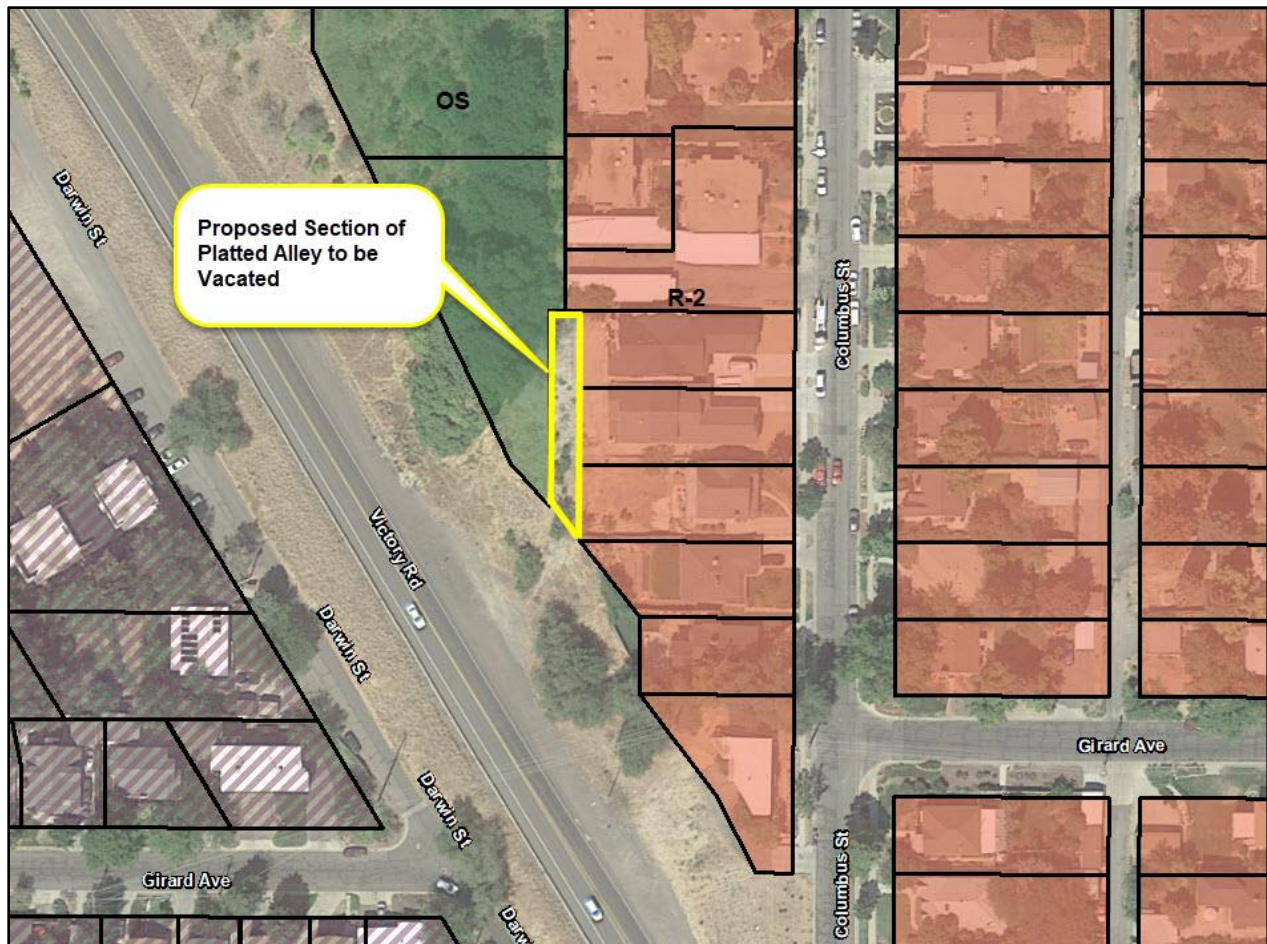
**RECOMMENDATIONS:** Based on the findings and analysis in this staff report, Planning Staff recommends that the Planning Commission transmit a positive recommendation to the City Council for the proposed alley vacation.

## ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Photos](#)
- C. [Project Narrative & Petition](#)
- D. [Existing Conditions & Zoning](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)

## PROJECT DESCRIPTION:

The platted alley is highlighted on the aerial photo below. The alley starts north of the UDOT right-of-way on Victory Road and runs approximately 150 feet to the north. The alley that is the subject of the proposed vacation is just an alley segment as the sections to the north were previously vacated. The applicant's reason for the request is based on the alley being platted but never having been developed. The area is filled with tall weeds and the alley could likely never be developed based on the steep topography. The applicant asserts that there are no potential future uses for the alley and no reason to keep it in place. The applicants' narrative and petition bearing the signature of abutting property owners is included in [Attachment C](#) of this report.



## KEY CONSIDERATIONS:

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

### **Consideration 1: Property Owner Consent**

Section 14.52.030 A.1 specifies “The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property.” There are a total of five (5) different properties that abut the alley with four (4) different owners. All of the property owners signed the petition. As 100% of the abutting property owners have signed the petition and support the vacation this ordinance requirement has been met.

This item is also addressed in [Attachment C: Project Narrative & Petition](#) and in [Attachment E: Analysis of Standards](#).

### **Consideration 2: Creation/History of the Alley and Disposition if Vacated**

According to the City’s Surveyor, this alleyway was not dedicated as public right-of-way through the subdivision process, which is how alleys are typically created. It was instead dedicated as public right-of-way through the original platting of the City. This is shown on Plat J from the original plat books from the late 1800’s, early 1900’s as well as Atlas Plat 36. Within Block 15 the alleyway is shown. On the Atlas Plat, there is a dashed line that is called out as being a “Slope Easement” and is also the east line of the UDOT right-of-way for Victory Road. The alleyway does not continue to the south to intersect with Victory Road and essentially terminates at the edge of the UDOT right-of-way. The City’s property only goes to the edge of the UDOT right-of-way and so any vacation must terminate where the City’s interest ends and cannot encroach into the UDOT property.

The applicant has submitted a legal description of the property that the City Surveyor has deemed to be correct and accurately reflective of the City’s property in this manner. That legal description is included in [Attachment C](#) of this report.

If the platted alley were to be vacated, the property would be disposed of pursuant to the provisions of Chapter 14.52.040. The alley is located within an area of Mixed Zoning with low density residential zoning on one side and Open Space zoning on the other. The method of disposition is described as such:

*C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)*

By this methodology, 1/2 the alley would go to the property owners to the east while the other half would be abandoned and potentially sold for fair market value. Ultimately the method disposition will be approved by City Council.

### **Consideration 3: Existence of the Alley**

The alley is platted but has never been established and does not physically exist. The analysis in Consideration 2 above points to the alley having only ever existed on paper and the method of its creation differs from how alleys are typically created. While the history is not clear, it is possible that

there may not have been an intent to actually establish an alley in this location. Given the angle of slope coming off of Victory Road, a UDOT road, it is also likely that if an alley was planned, it was never built due to the physical constraints of the property grade.

#### **Consideration 4: Future Public Uses for the Alley**

One issue that comes up with proposals to vacate alleys are questions about the alley serving other potentially beneficial uses in the area. In some cases, this could include trails in order to help facilitate alternative transportation and as a positive urban design element.

This particular alley is only a segment that is platted across steep terrain. North of this segment, the alley appears to have bent previously vacated although the City Surveyor was not able to determine when that occurred. Given the termination a few properties to the north where the previous segment was vacated, there is no viable future use for the alley. The alley abuts residential homes to the east and property zoned Open Space to the west. No City department have identified any potential public uses or needs for the alley and they have not raised any objections to the alley being vacated.

#### **DISCUSSION:**

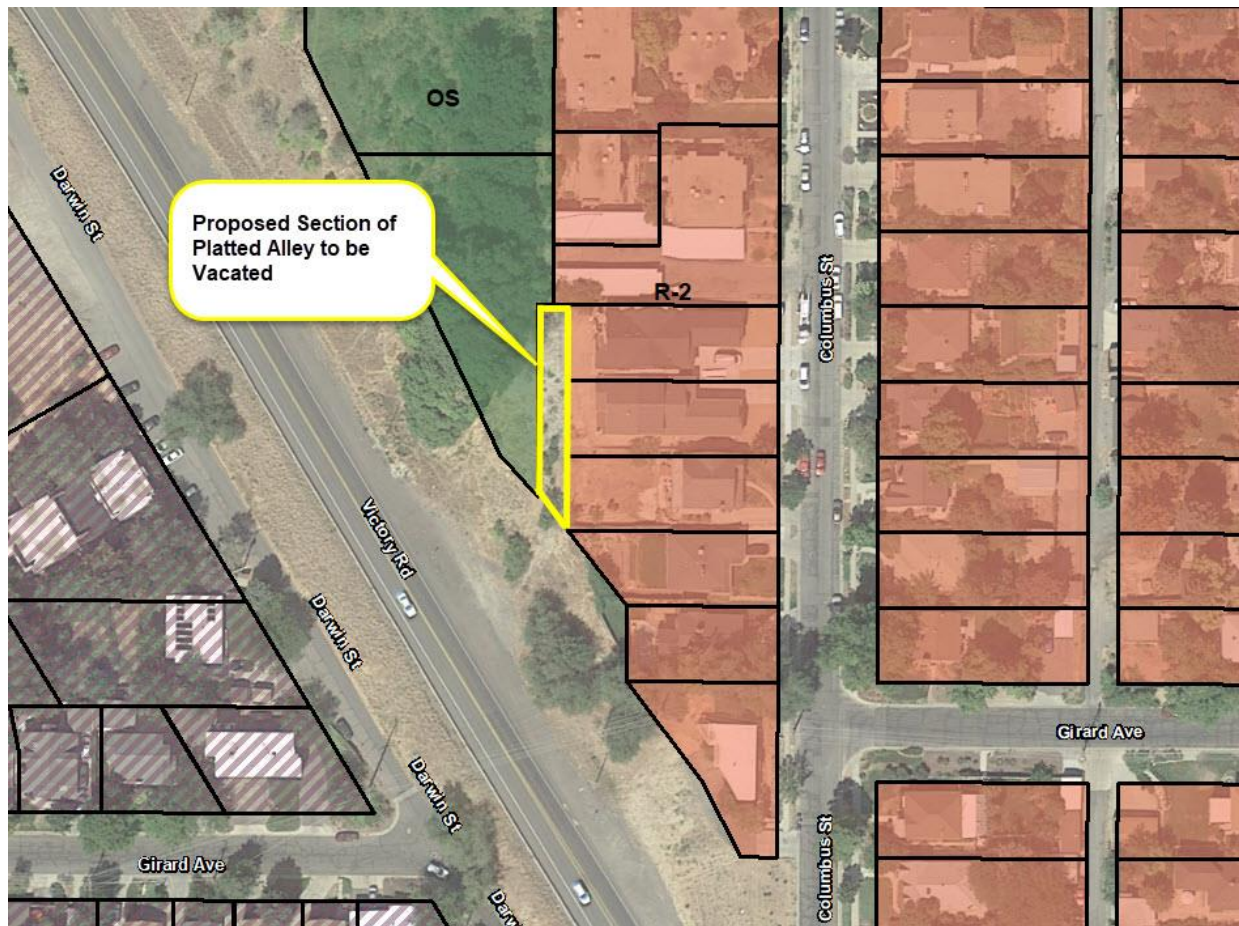
The petition has been reviewed against the City's policy considerations for alley closures located in Chapter 14.52.020 as well as the analysis factors found in 14.52.030.B. The closure of the alley meets all of the analysis factors for an alley vacation. The alley has never been physically established and both the steep topography and the previous vacation of the alley to the north makes this segment unviable to be established for future uses. City policies and the relevant Master Plan do not include any policies that would oppose the closure of this alley. As such, staff is recommending that the Planning Commission transmit a Positive recommendation to the City Council for the alley vacation.

#### **NEXT STEPS:**

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 City Council has final decision authority with respect to alley vacations and closures.



## ATTACHMENT A: VICINITY MAP



## **ATTACHMENT B: PHOTOS**



**Intersection of the platted alley with Victory Road and the UDOT right-of-way**



**Approximate location of alley running north up a hill by UDOT ROW**

## **ATTACHMENT C: PROJECT NARRATIVE & PETITION**

On the following pages are the project narrative and the petition signed by all four of the property owners that abut the platted alley.



### Signature Page

The previous Alley Vacation / Closure Request document was reviewed and approved by all parties who own land adjacent to the proposed alley vacation / closure request.

The alley is located on a steep sloping hill side that is currently fallow with weeds and grasses overgrowing it and unused. Due to the steep topography, this alley is completely unusable and cannot be accessed by a vehicle safely. The alley has never been in use, and does not have potential for future use. There are no city structures or improvements on the alley, and as such it seems there is no utility to keeping this small plot of land as an alley any longer.

The alley is located off of Victory Road between Ensign St. and Columbus St. and has width of 20', length on West of 127.5', length on East of 150', and a total area of 2612.5 square feet. (please see attached SIDWELL and PLAT maps.

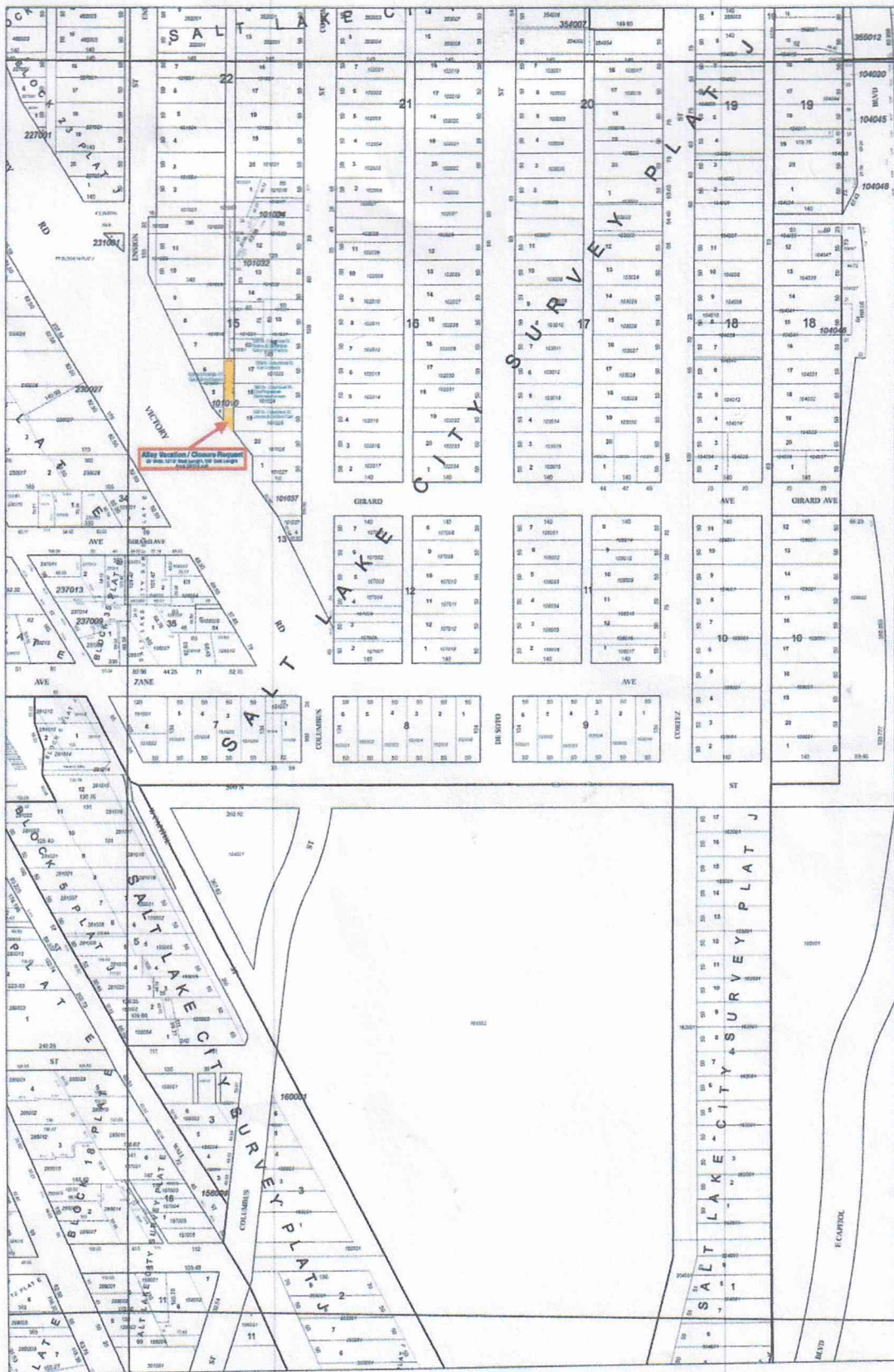
**Gary**      **Goold**      *[Signature]*      7-6-2020      **605 N. Ensign St.**      **101010**  
First Name      Last Name      Signature      Date      Address      Parcel

**Keri**      **Holland**      *[Signature]*      6/1/2020      **589 N. Columbus**      **101023**  
First Name      Last Name      Signature      Date      Address      Parcel

**Nicholas**      **Kanaan**      *[Signature]*      5/24/20      **585 N. Columbus**      **101024**  
First Name      Last Name      Signature      Date      Address      Parcel

**James**      **Carr**      *[Signature]*      7/6/24      **583 N. Columbus**      **101025**  
First Name      Last Name      Signature      Date      Address      Parcel





This map is not intended to represent actual physical properties. In order to establish exact physical boundaries a survey of the property may be necessary.



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W 1/2 NW 1/4 Sec 31 TIN RIE  
SALT LAKE COUNTY, UTAH  
12/21/2018

Scale 1"=100'  
Foot  
09-31-11

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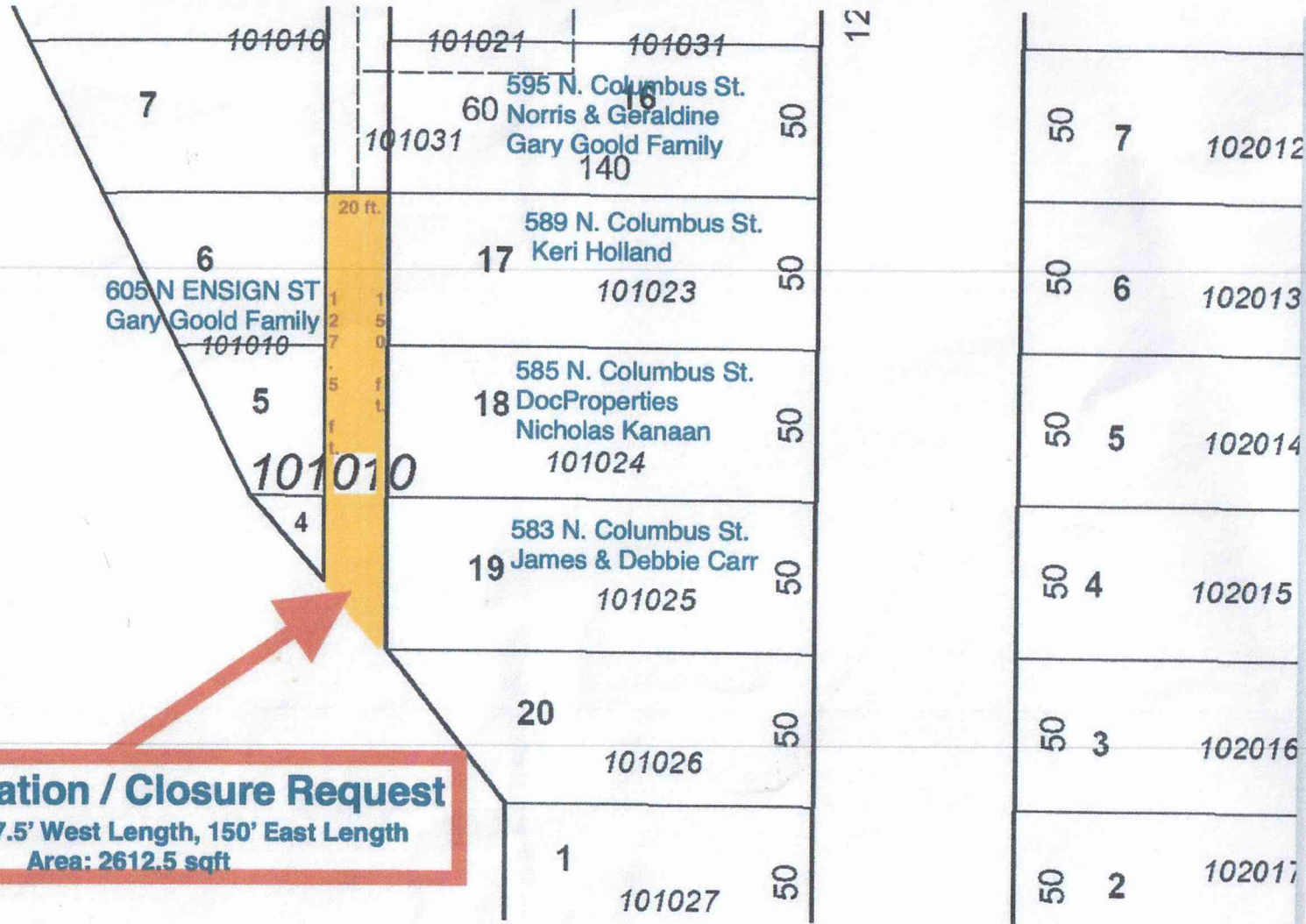




VICTORY

**Alley Vacation / Closure Request**

20' Wide, 127.5' West Length, 150' East Length  
Area: 2612.5 sqft





Legal Description of the Alley as Supplied by the Applicant
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A portion of a 20.00 foot wide alleyway located within Block 15, Plat "J", Salt Lake City Survey, Salt Lake Base & Meridian; Being described as follows:

Beginning at the northwest corner of lot 17, Block 15, Plat "J" Salt Lake City Survey; and running thence South 00°00'47" East 150.00 feet, more or less along the east line of an existing alleyway to a point on the Northerly right of way line of Victory Road; thence North 38°37'47" West 32.05 feet along said right of way line to a point on the west line of an existing alleyway; thence North 00°00'47" West 124.96 feet along said west line of alleyway; thence North 89°59'13" East 20.00 feet to the point of beginning.

The above described parcel contains 2,750 square feet or 0.06 acre, more or less.

## **ATTACHMENT D: EXISTING CONDITIONS & ZONING**

### **ADJACENT LAND USE**

The property lies within an area zoned a mix of residential and open space. Properties that are adjacent to the alley to the east are zoned R-2 – Single and Two-Family Residential. To the immediate west of the alley the property is zoned OS – Open Space and is undeveloped. The OS zoned parcel to the west is owned by an individual and not the City or other public entity.

None of the property owners have indicated a need to access their rear yard via the alley as the alley does not exist and all of the abutting property owners have signed onto the petition to vacate the platted alley.

## **ATTACHMENT E: ANALYSIS OF STANDARDS**

**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:**

**Policy Consideration A – Lack of Use** is the main driving factor for the alley vacation request. The alley only exists on paper and has never been developed. This is partly the result of the steep topography between Victory Road and the start of the platted alley. The original creation of the alley is also unclear as discussed in this report. The applicants' narrative found in [Attachment C](#) outlines the reason for the request.

### **Finding:**

As the alley does not physically exist and likely could not be built based on the steep topography, staff asserts that this policy consideration has been sufficiently met in order to process the petition.



***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:*

Factor	Finding	Rationale
<b>1.</b> 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;	Complies	Staff requested input from pertinent City Departments and Divisions. Comments were also solicited from UDOT. Comments were received Public Utilities, Zoning, Transportation and Engineering. No City Departments raised an objection to the alley vacation. Individual department comments are included in <a href="#">Attachment G</a> .
<b>2.</b> The petition meets at least one of the policy considerations stated above;	Complies	The proposed alley closure satisfies the Lack of Use policy consideration of 14.52.020 for the petition to be processed. See the discussion and findings in the previous section of this report for more details.
<b>3.</b> The petition must not deny sole access or required off-street parking to any adjacent property;	Complies	The alley has never been developed and likely could not be developed given the steep topography. As such, vacation of the alley would not impact parking or access to any property.
<b>4.</b> The petition will not result in any property being landlocked;	Complies	No properties would be rendered landlocked by this proposal.
<b>5.</b> 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;	Complies	<p>The petitioner is requesting the vacation of a platted but never built segment of alley in order to incorporate the property into the rear yards of the existing residences. There is no use for the alley and it likely could never be built due to site constraints.</p> <p>City documents and policies do not speak to the future use or closure of alleys in this area of the City. Closing of the alley will not result in uses that are contrary to any City policy.</p>

<p><b>6.</b> 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;</p>	<p>Complies</p>	<p>No abutting property owners have opposed the alley vacation. No applications for a permit have been made.</p>
<p><b>7.</b> The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and</p>	<p>Complies</p>	<p>The applicant is requesting closure of a remaining segment of alley. The continuation of the alleyway to the north was previously vacated, although when that occurred is not clear. Since there is no continuation to the alley, for all intents and purposes this remaining segment would act as an “entire alley” so this factor has been met.</p>
<p><b>8.</b> The alley is not necessary for actual or potential rear access to residences or for accessory uses.</p>	<p>Complies</p>	<p>The alley has never existed and is not necessary to access the rear of the existing residences.</p>

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

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

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

- Notice of the project and request for comments sent to the Chair of the Capitol Hill Neighborhood Council on August 10, 2020 in order to solicit comments.
- No public comments have been submitted by the Capitol Hill NC as of the date of this report.
- Staff sent an early notification announcement of the project to all residents and property owners located within 300 feet of the project site on August 11, 2020 providing notice about the project and information on how to give public input on the project. No public comments have been submitted to date.
- The 45-day recognized organization comment period expired on September 28, 2020.

#### **Public Hearing Notice:**

- Public hearing notice mailed: May 13, 2021
- Public hearing notice signs posted on property: May 13, 2021
- Public notice posted on City & State websites & Planning Division list serve: May 13, 2021



## **ATTACHMENT G: DEPARTMENT REVIEW COMMENTS**

The proposed alley closure request was sent out for internal review. The following comments were received:

### **Engineering**

No concerns from Engineering.

### **Public Utilities**

Public Utilities has no issues with the proposed alley vacation.

### **Building and Zoning**

There are no zoning or building code related issues associated with the proposed alley closure.

### **Salt Lake City Police**

No comments provided.

### **Sustainability**

No comments provided.

### **Utah Department of Transportation (UDOT)**

Information was sent to UDOT as the alleyway terminates at the edge of their right-of-way. No comments were provided by UDOT. However, the City Surveyor has confirmed that the provided legal description terminates at the UDOT right-of-way.