



Staff Report

PLANNING DIVISION
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Krissy Gilmore, Senior Planner, 385-214-9714, kristina.gilmore@slcgov.com
Date: October 27, 2021
Re: PLNPCM2021-00806 – 925 S 1200 W Alley Vacation

ALLEY VACATION

PROPERTY ADDRESS: The alley abuts two (2) individual properties as follows:

1. 925 W 1200 W (Petitioner's Property)
2. 9 Line Trail (Owned by Salt Lake City)

MASTER PLAN: Westside Master Plan (2014)

ZONING DISTRICT: R-1/5,000 – Single Family Residential

REQUEST: Jordan and Elizabeth Frandsen, property owners at 925 S 1200 W, are asking to vacate an approximately 150-foot-long section of platted alley adjacent to their property. The alley is part of two alleys forming a “T” shape, one leg of which runs east/west between 1200 West and Emery Street, and one leg runs north/south from 900 South to the 9 Line Trail. The proposal is to vacate an east/west alley segment and incorporate the vacant land into the neighboring property. The total area of the proposed vacation is approximately 2,100 square feet. The remaining east/west portion of the alleyway was previously vacated in 1981. The north/south portion of the “T” shape is not included in this petition and would remain open.

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. [Analysis of Standards](#)
- E. [Public Process and Comments](#)
- F. [Department Review Comments](#)

PROJECT DESCRIPTION:

The proposed alley is highlighted on the aerial photo below. The alley runs east to west approximately 151 feet in length and is 14 to 16 feet wide. The alley that is the subject of the proposed vacation is a remaining alley segment as the sections to the east and west were previously vacated. The applicant's reason for the request is based on the alley being unofficially closed during the 9 Line Trail beautification process with the removal of access. The alley is essentially unused as a public right of way and impassible to travel because there is no curb cut allowing vehicle access. 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.



Image showing proposed section of alley proposed to be vacated

KEY CONSIDERATIONS:

The key considerations listed below have been identified through the analysis of the project.

Consideration 1: Property Owner Consent

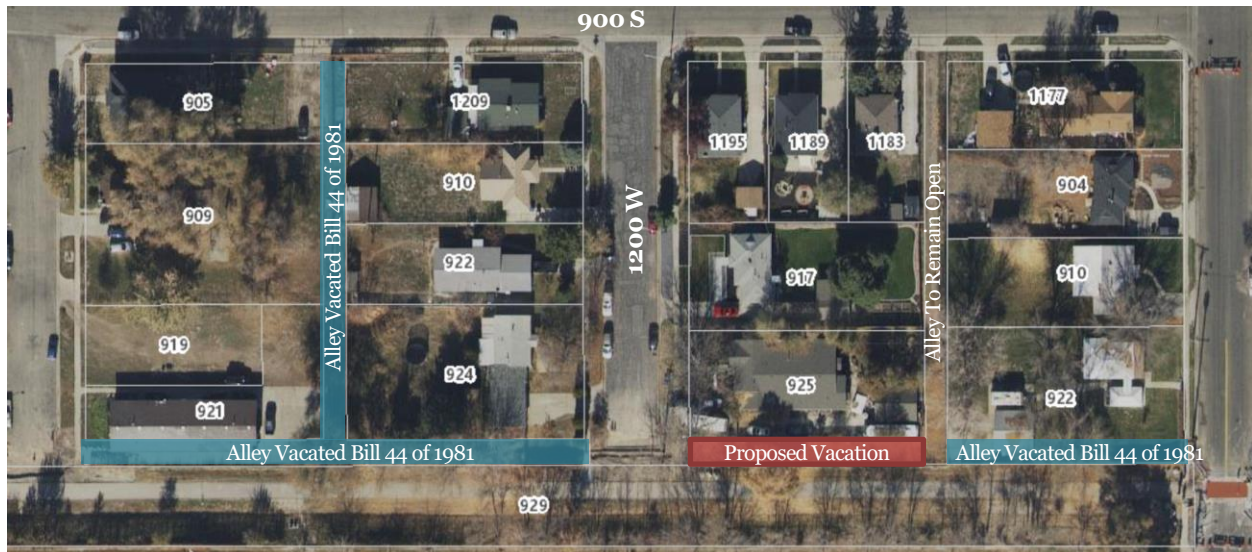
Section 14.52.030 A.1 specifies “The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property.” The property owners abutting the alley are the applicant to the north and Salt Lake City Corporation to the south. The property owner to the east signed the petition, though they do not directly touch the requested portion to be vacated. It was determined that it was unnecessary for Salt Lake City Corporation to sign the petition as an abutting property owner because the city’s intent will be made clear by how the City Council rules on the matter. Therefore, the standard has been met. As of the day of publishing this report, staff has not received any public comments opposing the vacation.

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

Consideration 3: History and Disposition if Vacated

The alley is recorded on the Burlington 2nd Addition Subdivision plat and the City lists it as a public alleyway and recognizes it as City property. The Burlington 2nd Addition Subdivision was recorded as a plat in 1909. The history is somewhat unclear, but it does appear that the alley was used at some point in time and then closed informally until the adjacent segments of the alleyway were closed. Ordinance 44 of 1981 vacated and closed the adjacent segments of the alley through deeding the property to adjacent owners and consolidating the land adjoining the lot. The north/south portion of the “T” shape is proposed to remain open and does appear to be used by the abutting property owners, though they cannot exit the alley onto 1200 W and must use 900 S.

If the platted alley were to be vacated, the property would be disposed of pursuant to the provisions of Chapter 14.52.040. According to the Salt Lake City Attorney’s Office, alleys that are dedicated as part of a subdivision must be conveyed to owners within that subdivision if they are vacated. Case law in the Utah courts have supported this position. This alley is on the perimeter of the Burlington 2nd Addition Subdivision, which would cause the entire width of the portion of alley to be vacated to merge into the applicants’ property.



Consideration 2: Policy Considerations

The request satisfies policy consideration A) Lack of Use and C) Urban Design outlined in section 14.52.020. This is outlined in Attachment D: Analysis of Standards. The applicant reports that the creation of the 9 Line Trail and corresponding public improvements removed the 1200 W access to the alleyway, effectively creating a lack of use and lack of positive urban design. If the property isn't accessible to be used as an alley, it will continue to deteriorate and remain unmaintained. Staff is of the opinion that adding it to the neighboring property as an extension of their yard is better for the overall urban design of the city.

An issue that often comes up with Alley Vacation proposals is future beneficial uses for the public. This could include trails for active transportation, access to garages or accessory dwelling units (ADU), or public services and utilities. Establishing public use, such as pedestrian or vehicle access through the subject alley, would likely require a significant amount of City resources to remove sidewalks, curbing, and to reinstall access to the alley. Given that the other east/west alley segments were already vacated, it is unlikely that there is the potential for viable future public use. Additionally, the adjacent 9 Line Trail satisfies connections running east to west as is already a popular active transportation route providing connection to the surrounding streets and beyond.

Given the termination where the previous segments were vacated and the removal of access created by the 9 Line Trail construction, there is no viable future use for the proposed portion of the alley to be vacated.

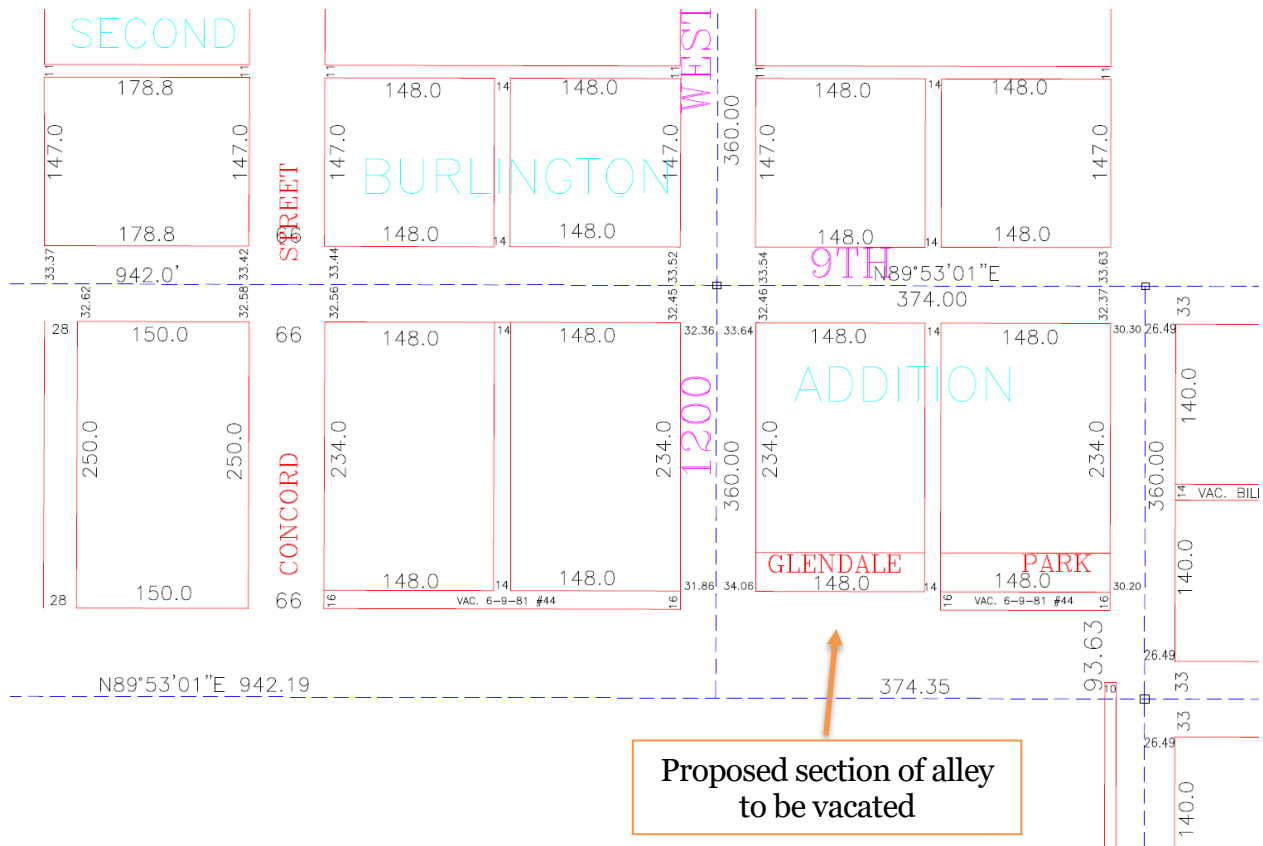
DISCUSSION:

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. 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 & ATLAS PLAT



ATTACHMENT B: PHOTOS



Alley looking east from 1200 W



Alley looking east from 1200 W showing 9 Line Trail access



Photo from 9 Line Trail showing alley to the left



Photo of alley looking north west



**Photo of north/south segment of the alley
(not included in vacation request)**

ATTACHMENT C: PROJECT NARRATIVE & PETITION

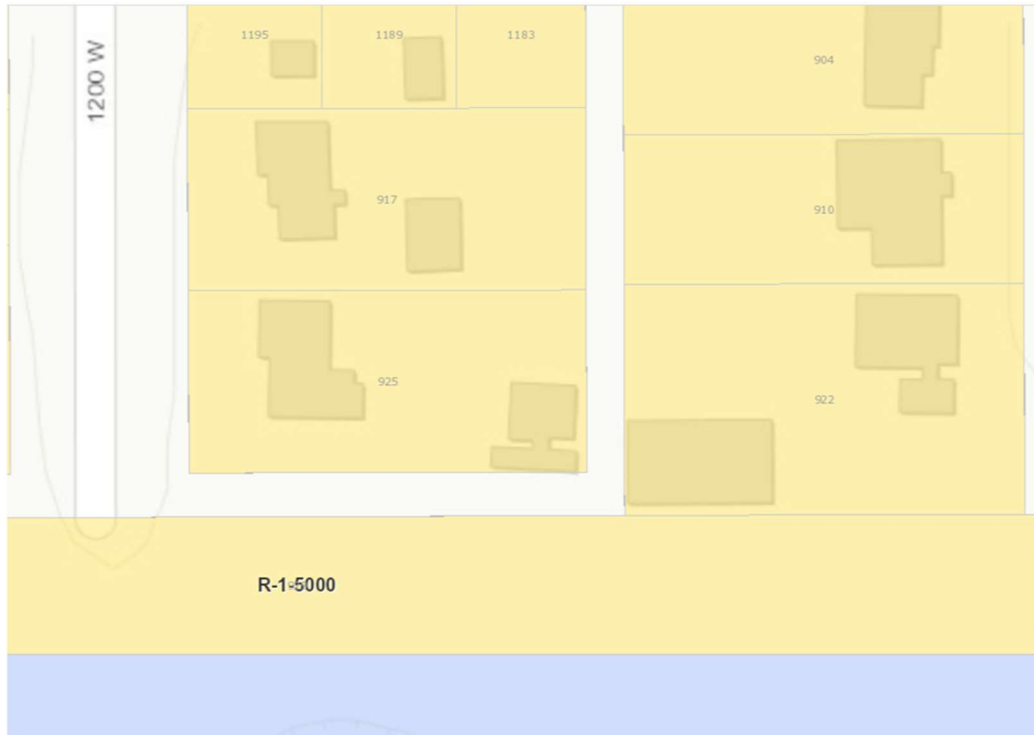
On the following pages are the project narrative and the petition signed by the property owners that about the platted alley.

August 2, 2021

To Whom It May Concern:

My name is Jordan Frandsen. My wife, Elizabeth, and I recently purchased a home at **925 S 1200 W**, here in Salt Lake City. The property sits at a dead end, abutting the Nine-Line walking path. There is an alley behind the property, parallel to 1200 W, which is accessible from 900 S. Within the last two years, the city blocked access to the alley from 1200 W. It is listed as an active public right-of-way, but there is no way to access it from the street anymore. **We would like to request closure of this alley to the public and officially annex it to our property because it can no longer function as an alley due to the city's beautification process.** When we moved in, garbage had been accumulating there, as well as signs of use by unsheltered individuals. If we are able to annex it, we plan to use it as a family garden and would like to run sprinkler lines to this area, as well as put up a gate at either end. I have already been working to maintain the area, clearing garbage, weeds and overburdened trees that grew along my driveway and the alley.

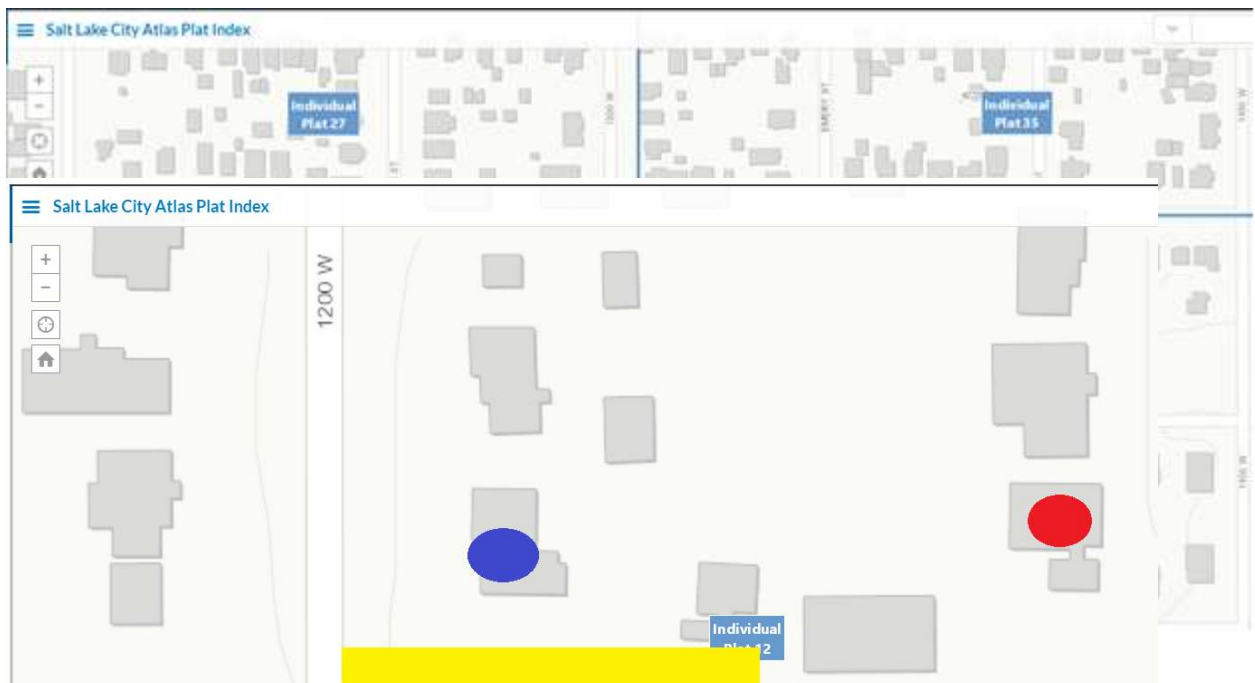
Here is a snap shot of the current zoning map, which has not been updated since the construction of the curbing and sidewalks to the Nine Line:



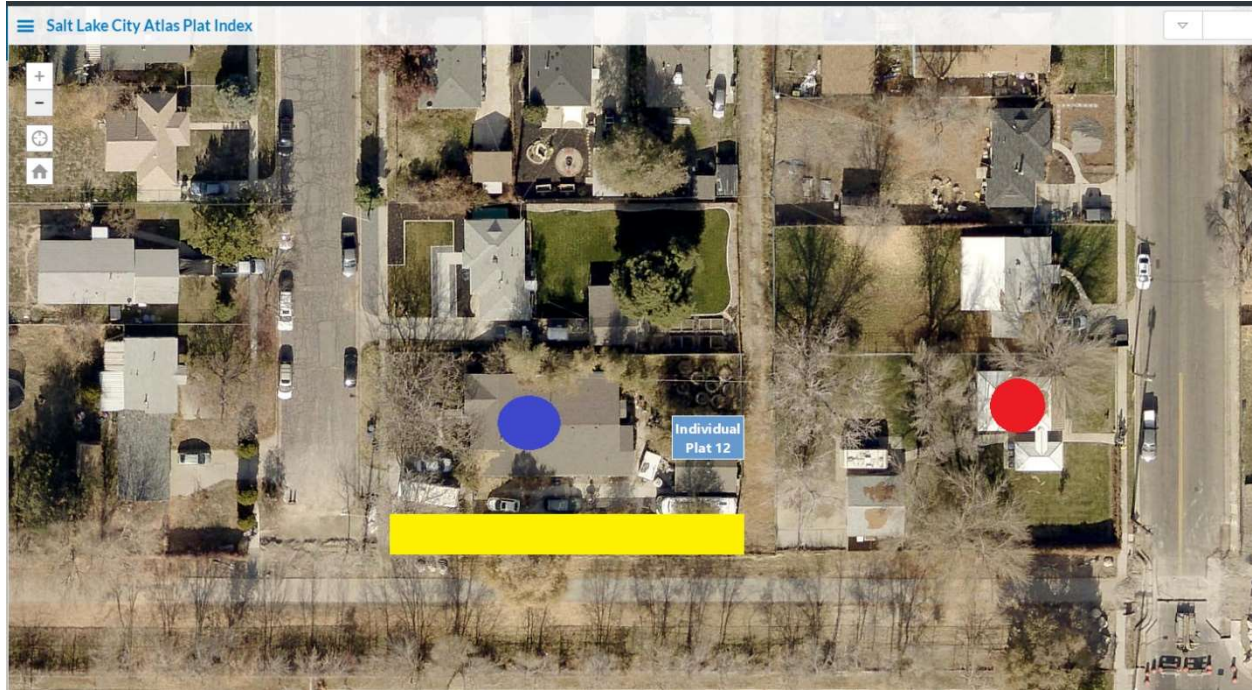
Here is a picture of the current access from 1200 W, with the curbing restricting vehicle access to this property:



Location/Description of Alley: South of applicant property, the alley is a dead-end with no access from 1200 W. The city closed access during the beautification process of streets abutting the Nine Line walking trail. The only access is from the alley from 900 S. No other neighbors use or access the alley. Blue dot is the applicant property. Red dot indicates neighbors that have signed the application. Yellow highlights the location of the alley. **Alley dimensions are 14.5ft-16ft wide (depending on where**



measurement is taken) by 151 feet long. Maps taken from <https://maps.slcgov.com/mws/atlasplats-lg.htm>



Thank you for taking the time to review this application. My family and I look forward to beautifying this space once the alley is formally closed.

Jordan Frandsen

ATTACHMENT D: 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 is essentially unused as a public right of way and impassible to travel because there is no curb cut allowing vehicle access. Additionally, all other east/west sections were previously vacated, effectively removing the potential for a beneficial public connection and use. The historical use of the alley is also unclear as discussed in this report. The applicants’ narrative found in [Attachment C](#) outlines the reason for the request.

C –The continuation of the alley does not serve as a positive **urban design** element due to the lack of access and little potential for meaningful access in the future. If the property isn’t accessible to be used as an alley, it will continue to deteriorate and remain unmaintained. Staff is of the opinion that adding it to the neighboring property where it can be an extension of the yard is better for the urban design of the city.

Finding:

As the requested portion of the alley no longer functions as a public alley, 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
<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>Complies</p>	<p>Staff requested input from pertinent City Departments and Divisions. Comments were received Public Utilities, Zoning, Transportation and Engineering. Staff also notified the Public Lands Division, who manages and oversees the 9 Line Trail. They did not indicate a concern with the proposed vacation. The Engineering Division objected to the alley vacation, though they did not indicate why they objected to the proposed alley vacation. After further scrutiny and review, Planning staff has found that all other standards are being met and continue to recommend approval.</p> <p>Individual department comments are included in Attachment F.</p>
<p>2. The petition meets at least one of the policy considerations stated above;</p>	<p>Complies</p>	<p>The proposed alley closure satisfies the Lack of Use and Urban Design policy considerations 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.</p>
<p>3. The petition must not deny sole access or required off-street parking to any adjacent property;</p>	<p>Complies</p>	<p>Vacating the alleyway will not eliminate access to the rear of this property as the north/south alley, which also provides access to the site, will remain.</p>
<p>4. The petition will not result in any property being landlocked;</p>	<p>Complies</p>	<p>No properties would be rendered landlocked by this proposal.</p>
<p>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</p>	<p>Complies</p>	<p>The Westside Master Plan addresses the importance of creating mid-block walkways on large city blocks. However, the subject alley does not facilitate the future creation of a mid-block walkway as connecting segments were previously vacated, and the 9 Line Trail</p>

which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;		is directly adjacent the property providing trail access east to west.
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;	Complies	No abutting property owners have opposed the alley vacation. No applications for a permit have been made.
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies	The applicant is requesting closure of a segment of the alley. The continuation of the alleyway to the east and west was previously vacated in 1981. While the north/south segment of the “T” would remain, since there is no continuation to the alley east to west, for all intents and purposes this remaining segment would act as an “entire alley” so this factor has been met.
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	The alley is not necessary to access the rear of the existing residences.

ATTACHMENT E: 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 Poplar Grove Community Council on August 23, 2021 in order to solicit comments.
- No public comments have been submitted by the Poplar Grove Community Council 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 23, 2021 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 October 6, 2021.

Public Hearing Notice:

- Public hearing notice mailed: October 15, 2021
- Public hearing notice signs posted on property: October 15, 2021
- Public notice posted on City & State websites & Planning Division list serve: October 15, 2021

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

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

Engineering

Engineering does not support the closure of a public right of way.

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

Salt Lake Police has no issues with the proposed vacation.

Transportation

No concerns with the proposed vacation.

Public Lands Division

No concerns indicated