
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: January 21, 2003

SUBJECT: Petition No. 400-02-26 –request by Kirk Schneider, President of Nate Wade Subaru, to close a portion of the alley between Kelsey Avenue (1161 South) and 1300 South and between Main and Major Streets.

STAFF REPORT BY: Marge Harvey, Constituent Liaison/Policy and Research Analyst

Document Type	Budget-Related Facts	Policy-Related Facts	Miscellaneous Facts
Ordinance	The City has received \$36,806 in compensation for the property.	Chapter 14.52 of the Salt Lake City Code regulates the disposition of city-owned alleys. Noticed public hearings are held before the Planning Commission and City Council to consider the potential adverse impact of an alley closure. Owners of abutting property zoned multi-family (3 or more units) or other non-residential uses are required to pay fair market value, or other acceptable compensation for the property.	The Administration has clearly stated the positive aspects of the proposal.

KEY ELEMENTS

1. The proposed alley closure would facilitate redevelopment of the existing car dealership.
2. The Planning Commission recommends that the City Council consider closing the alley subject to the following conditions:
 - a) Sale and payment to the City of fair market value for the alley property. Title to the property shall remain with the City until payment is received.
 - b) Future development of the property is subject to compliance with all relevant City standards and ordinances.
 - c) Private right-of-way agreements for the full width of the alley are required for properties that abut the alley (not owned by the petitioner) if the proposed property acquisitions presently contemplated are not realized.
3. The ordinance includes a provision instructing the City Recorder not to publish or record the ordinance until the conditions have been met and certified by the City Property Manager.
4. The petitioner states that the alley has been a gathering place for illegal activity and no longer

functions as a positive urban design element. (Please refer to the Planning staff report, Exhibit 4 for specific crime statistics.)

5. The public benefit of the alley has already been compromised by the partial closure of the southern portion of the alley in 1997, Petition No. 400-96-94, that limits public access through the block.
6. Mr. Schneider is in the process of acquiring all abutting property to the alley.
7. On November 7, 2002, the Property Manager received a payment from Mr. Schneider for \$36, 806 for the prior alley closure and the portion of the alley in the current petition. Fair market value for the property was determined by the City Property Manager.
8. The alley is surrounded by commercial uses and primarily used for interior circulation by the petitioner's abutting automobile business. The property is located in a Commercial Corridor "CC" zoning district.
9. The appropriate City divisions have reviewed this request and have no objections to the proposed alley closure and disposition of the property.
10. The applicant will be required to maintain all existing right-of-ways and easements of all public utilities now located on, under or over the alley property.
11. No objections to the petition were expressed by abutting property owners. All abutting property owners have signed the petition.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Council's recently adopted alley vacation/closure policy requires petitioners to demonstrate at least one of the following policy considerations:
 1. 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;
 2. Public Safety. The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
 3. Urban Design. The continuation of the alley does not serve as a positive urban design element; or
 4. 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.
- B. The Planning staff report notes the following:
 1. 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 are not limited to, mid-block walkways, pedestrian paths, trails, and alternate transportation uses.

2. The 1974 Central City Master Plan identified this area within the limited commercial category intended to discourage intensive uses such as car sales through zoning, but the Central City Master Plan has just been received by the Administration and will be processed in the coming weeks. In the past, the Administration has noted that with the adoption of the 1995 Zoning rewrite, the existing Master Plans were amended in order to provide consistency between the master plans and the zoning.
3. The Planning staff report refers to the draft Central City Master Plan and the proposed Salt Lake City Bicycle and Pedestrian Master Plan. Typically the City Council does not consider master plans before they have been through the public process and formally adopted.
4. The property is located outside of the Transvalley and Glendale/Liberty connection corridors as depicted in the City's Open Space Plan.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- August 30, 2002 Letter sent to property owners within block informing them of the request and requesting comments.
- September 4, 2002 Request to close alley presented to the People's Freeway Community Council. They voted unanimously to support the alley closure
- October 17, 2002 Planning Commission hearing

cc: Rocky Fluhart, David Nimkin, Ed Rutan, Lynn Pace, Chief Dinse, Chief Querry, LeRoy Hooton, Jeff Niermeyer, Rick Graham, Max Peterson, Linda Cordova, Alison Weyher, David Dobbins, Tim Harpst, Louis Zunguze, Brent Wilde, Doug Wheelwright, Janice Lew, Gwen Springmeyer, Sylvia Jones