
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: August 20, 2004

SUBJECT: Petition No. 400-04-35, a request by Armand Johansen of McClelland Street Associates to close an alley located at approximately 2135 South between 1000 East and McClelland Street.

AFFECTED COUNCIL DISTRICTS: District 7

STAFF REPORT BY: Marge Harvey

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Lex Traughber, Principal Planner, Planning Division

NOTICE REQUIREMENTS: Once a week for four consecutive weeks prior to the public hearing.

POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt an ordinance closing an alley located at approximately 2135 South between 1000 East and McClelland Street.**
2. ["I move that the Council"] **Not adopt an ordinance closing an alley located at approximately 1000 East and McClelland Street.**

NEW INFORMATION:

During the Council briefing on August 10, a question was raised as to whether or not there is a compelling reason to close the alley. Council and Planning staff have identified the following reasons for considering closing the alley:

- a. The alley property and Mr. Johansen's properties will be incorporated as one lot that would allow the proposed buildings and parking to be included as one connected development.
- b. Incorporating the alley property into the proposed development would provide an opportunity to enhance the interior traffic circulation pattern, parking layout and interior parking lot landscaping and allow more efficient maintenance of all the properties.

- c. Please refer to the Master Plan and Policy Consideration section of the staff report on page 3, item #2 for the Planning staff's findings that demonstrate compliance with the Council's alley policy.
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The following information was provided previously for the Council Work Session on August 10, 2004. It is provided again for your reference.

KEY ELEMENTS:

1. The petitioner, Armand Johansen of McClelland Street Associates, is requesting that the City close the alley located at approximately 2135 South between 1000 East and McClelland Street (1045 East). The subject alley runs adjacent and to the south of the commercial buildings on 2100 South and adjacent and to the north of the parking area that has been primarily associated with Granite Furniture. The alley is entirely encompassed by the petitioner's development on the block, the new buildings fronting 2100 South and the associated parking located to the south. The alley provides access to the parking for the petitioner's projects and would not be physically closed. (Please see the attached map for details.)
2. All properties abutting this alley are zoned C-SHBD and are currently used commercially; it appears that this has been the case historically.
3. Consistent with City policy, if the alley closure request is approved, the alley property would be sold to the petitioner at fair market value. An appraisal has set the value of the property at \$39,600. Property Management has accepted this amount as fair market value.
4. The City police department, fire department and all other appropriate City departments and divisions have reviewed the request and have no objections to the proposed disposition of the property.
5. The petitioner received conditional use approval for a planned development and off-site parking for a commercial/retail development located on the southwest corner of 2100 South and McClelland Street in 2003, petition 410-659. In addition to recommending to the Council approval for the alley closure request, the Planning Commission granted conditional use approval for a planned development and off-site parking for the site located on the southeast corner of 2100 South and 1000 East (petition 510-659).
6. The applicant has obtained signatures of more than 80% of the adjacent property owners granting consent for the alley to be closed. There are no existing garages accessed from the subject alley. If any adjacent property owners were planning to build a garage, Planning Staff assumes this issue would have come forward at the time the signatures were collected.
7. The Sugar House Community Council Board of Trustees voted to recommend approval of the alley closure by a vote of 13 in favor, 3 opposed and 2 abstentions. The Trustees for the Community Council recommended that the fair market value of the property (\$39,600) be placed in the Salt Lake City open space trust fund.

8. When the Planning Commission approved Phase 1 of the McClelland Corner Building project, a condition was placed on the approval stating “the applicant will apply for closure of the alley and subsequent purchase” . The reason for this condition was that the applicant indicated there may be outdoor seating on the south side of the building, depending on the tenant, which may encroach into the alley. As it turned out, no outdoor seating has been built but the applicant is honoring that condition and has submitted the request to close the alley.
9. An ordinance has been prepared for Council consideration to close and abandon the alley conditional upon the following:
 - a. Payment to the City of the fair market value of the property.
 - b. The new catch basin and storm drain facility recently installed on the subject property shall be and must remain privately owned, operated and maintained by the property owner.
 - c. The owners of the adjacent properties shall provide alternate public access to the abutting properties.
 - d. Prior to the sale of the property, the applicant shall amend the Fairmont Springs Subdivision Plat, and obtain subdivision approval to reconfigure and incorporate the alley property into the adjacent parcels owned by the applicant.
10. On February 24, the Planning Commission voted to forward a favorable recommendation to the City Council to close and declare the subject alley property no longer needed or available for use as a public alley subject to the conditions previously noted.

MASTER PLAN & POLICY CONSIDERATIONS:

1. The Council’s recently adopted alley vacation/closure policy requires petitioners to demonstrate 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, safe 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; or
 - 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 neighborhood play area or garden.
2. The Planning staff report notes the following:
 - a. The requested alley closure satisfies policy consideration ‘A’ as the alley is not used for the original purpose intended. It is essentially a part of a parking lot serving adjacent commercial development. .
 - b. The requested alley closure satisfies policy consideration ‘C’ as the alley does not serve as a positive urban design element. The only real function of the alley is to

provide access to parking and allow for vehicular circulation. Planning staff contents that the alley is an element of a commercial development as opposed to a contributing or positive factor to overall urban design.

3. There are two master plan documents that area applicable to this area. The land use policy document that guides development in this area is the Sugar House Community Master Plan adopted November of 2001. The plan indicates that the City Council's alley closure policy adopted in 2002 should be used to evaluate each new request and does not address any specific policy issues that are applicable to this request. The Plan addresses trails, but does not specifically address the use of alleys for possible trails.
4. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The subject alley property has not been designated for a future trail in the Open Space Master Plan and does not lead to any particular "place" that would make it useful for a trail corridor or connection.

CHRONOLOGY:

- December 12, 2003 Petition 400 -04-35 delivered to the Planning Division.
- December 16, 2003 Trustees of the Sugar House Community Council voted to approve the proposed alley vacation.
- December 29, 2003 Letters were sent to surrounding property owners informing them of the petition and requesting comments.
- February 10, 2004 Notice mailed to all property owners within 450 feet of the subject alley for the February 25, 2004 Planning Commission public hearing.
- February 25, 2004 The Planning Commission held a public hearing and passed a favorable recommendation to the City Council to close the subject alley.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, Chief Dinse, Chief Querry, LeRoy Hooton, Rick Graham, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Linda Cordova, Janice Lew, Annette Daley, Janice Jardine, Lehua Weaver

File location: Community Development, Planning Division, Alley Closure, McClelland Street Associates, 2135 South between 1000 East and McClelland Street.