SEP 9 2004

ALISON WEYHER
DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** August 30, 2004

FROM: Lee Martinez, Community Development Director

RE: **Petition No. 400-03-32**: A request by the City Administration to consider vacating the east segment of the east-west alley that connects to View Street, between the properties at 1974 and 1984 S. View Street.

STAFF CONTACT: Janice Lew, Planning Division 535-7625

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: In this case, the Planning Commission has recommended that the City retain its interest in the alley, but restrict vehicle access to the general public. The City could then provide, place and maintain physical barriers to prohibit vehicle access. Initial costs for the installation of a removable bollard and signage are approximately $1,000. The Public Services Department has agreed to cover the expense.

DISCUSSION: On October 8, 2003, the Planning Commission held a public hearing regarding a subdivision amendment for the Highland Park Plaza at 1955-1977 South 1300 East. During the public hearing process, neighboring property owners expressed a strong concern regarding increased usage of the alleyway system from the clinic. It was also identified that the Sugar House Master Plan policy regarding alleyways discourages the use of alleys for commercial access if the alley abuts residential property. In response to these issues, the Planning Commission passed a motion to request that the City initiate a petition to consider vacating the subject alley.

Analysis: 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 impact created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration.

The Administration initiated Petition 400-03-32 to consider vacating the east segment of the east-west alley that connects to View Street. The alley runs east and west connecting 1300 East Street to View Street between the properties at 1974 and 1984 S. View Street. The alleyway

system for the block also has a north-south running segment that connects the east-west alley to the 2100 South Street frontage road that connects to View Street and 2100 South Street. Based upon differing opinions presented during the review process with respect to vacating the alley (see page 6 of the staff report), Planning Division Staff recommended to the Planning Commission that the City retain its ownership interest in, but restrict public vehicle access to the alley. Following a public hearing held on July 28, 2004, the Planning Commission supported staff's recommendation. The Planning Staff recommends the City Council consider the following impacts of the proposed action:

1. The City provides, places and maintains physical barriers to prohibit vehicle access. Initial costs for the installation of a removable bollard and signage are approximately $1,000.
2. Vehicle access easements need to be provided for the abutting property owners.
3. Policy impact and precedent for other public alleys as it relates to the cost of improvements.

Public Process: The petition was presented to the applicable community council and considered by the Planning Commission during a public hearing. A summary of the public process is described below:

Community Council: Eric Strain, property owner of 1984 S. View Street presented the proposal to the Sugar House Community Council at their December, 2003 meeting. The Trustees voted in favor of closing the alley to vehicular access. The Council suggested that the City maintain the alley so that it is safe for bicyclists and pedestrians. However, access should not be precluded to the private garages that open onto the alley.

Planning Commission: On July 28, 2004, the Planning Commission held a public hearing to consider the petition. Based upon the analysis and findings identified in the staff report, and the Staff recommendation, the Planning Commission passed a motion to forward a recommendation to the City Council that the City retain its ownership interest in, but restrict public vehicle access to the subject alley. Furthermore, public access for other modes of travel should be retained with vehicle access easements provided to the owners of property abutting the alley.

Master Plan Considerations: There are two master plan documents that are applicable to this area. The land use policy document that guides development in this area is the Sugar House Master Plan adopted in November of 2001. The Master Plan Future Land Use Plan divides the block into residential, neighborhood business and mixed-use designations. The subject alley is located within an area designated for Low-Density Residential land use. This land use category is intended to support and enhance the dominant, single-family character of the existing low-density residential neighborhoods. The *Mobility, Access & the Pedestrian Experience* section of the plan identifies Sugar House as an area where people can circulate without dependence on the private automobile. The intent is to provide for multiple modes of transportation that are safe, convenient and comfortable. Additionally, the plan discourages the use of alleyways for commercial access if the alleyway abuts residential property. 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.

Summary: The City Council has final decision authority with respect to alley vacations and closures. The Planning Commission has recommended that the City retain its interest in the alley, but restrict vehicle access by the general public. This recommendation is based upon the following:

- The Planning Commission determined that the alley is necessary for continued pedestrian and bicycle circulation, due to the size of the block and the mixed use nature of the neighborhood.
- Traffic patterns in the area create a significant impact, with respect to public safety and conflict with the policy recommendations of the Sugar House Master Plan.
- Abutting property owners need to retain vehicle access to rear yard areas along the subject portion of the alley.
- The Planning Commission reasoned that a vacation of the subject alley is not possible, due to the need for continued pedestrian and bicycle access by the general public, and therefore the City should continue to own and maintain the alley property and improvements.
- Placing a removable bollard at the west end of the subject alley, and signage at the View Street entrance, will effectively prevent public vehicle use of the alley, while still meeting the needs of the public and abutting property owners.
- Making the bollard removable will allow emergency services access if the need arises in the area.
- The remaining open alleyway system to the west and south remains to provide alternative public vehicle access to the congested public street network in the area.

Therefore, an ordinance has been prepared by the City Attorney that would close the portion of the subject alley to public vehicle use only, retaining City ownership for other public and abutter access rights as they currently exist.

Relevant Ordinances(s):

1. Chapter 14.52 of the Salt Lake City Code outlines a procedure for the disposition of City owned alleys and establishes criteria for evaluating the public's interest in an alley.

2. Salt Lake City Code, Section 2.58 regulates the disposition of surplus City-owned property.

TABLE OF CONTENTS

1. CHRONOLOGY

PROJECT CHRONOLOGY

- January 28, 2004 — Petition delivered to the Planning Division.
- February 24, 2004 — Petition assigned to Janice Lew.
- February 24, 2004 — Sent memo requesting department comments.
- March 5, 2004 — Sent letter to property owners within the block informing them of the request and requesting comments.
- July 13, 2004 — Sent notice to the property owners within the block for the July 28, 2004 Panning Commission public hearing and posted property.
- July 27, 2004 — Received legal description from City Surveyor.
- July 28, 2004 — The Planning Commission held a public hearing and passed a motion to forward a recommendation that the City retain its ownership interest in, but restrict vehicle access to the subject alley.
- August 6, 2004 — Began preparing transmittal.
- August 13, 2004 — Transmittal submitted to supervisor for review.

2. PROPERTY DESCRIPTION

SALT LAKE CITY ORDINANCE
No. _____ of 2004

(Closing a portion of an alley located between
1300 East and View Street at approximately 1980 South)

AN ORDINANCE CLOSING THE EASTERN PORTION OF AN ALLEY LOCATED BETWEEN 1300 EAST AND VIEW STREET AT APPROXIMATELY 1980 SOUTH TO 4 WHEEL MOTORIZED VEHICLE TRAFFIC, PURSUANT TO PETITION NO. 400-03-32.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that the City's interest in the portion of the alley described below is not necessary for use by the public as an alleyway for 4 wheel motorized vehicles and that closure of this portion of the alley to 4 wheel motorized vehicle traffic will not be adverse to the general public's interest; and

WHEREAS, the title to the closed portion of the alley shall remain with the City following closure;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Alley Closure. The eastern portion of an alley located between 1300 East and View Street at approximately 1980 South, which is more particularly described on Exhibit A attached hereto, shall be, and the same hereby is, closed, and declared no longer to be needed or available for use by the public for 4 wheel motorized vehicle traffic.

SECTION 2. Reservations and Disclaimers. The above closure is expressly made subject to all existing rights of way and easements of all public utilities of any and every description now located on and under or over the confines of this property and also

subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the City's water and sewer facilities. Said closure is also subject to any existing rights of way or easements of private third parties.

SECTION 3. Conditions. This alley closure is conditioned upon the following:

a. Title to the closed portion of the alley shall remain with the City following closure.

b. The alley shall be closed to 4 wheel motorized vehicle traffic only, but shall remain open for public use by pedestrians, motorcycles, bicycles and skate boards.

c. Notwithstanding the closure of this portion of the alley, as described above, the abutting property owners, located at 1974 and 1984 South View Street shall retain a private access easement preserving the right to use 4 wheel motorized vehicles to enter and exit their respective properties from the alleyway property.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2004.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2004.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 8-26-04
By

G:\Ordinance 04\Closing a portion of an alley between 1300 E and View Street - Aug 26, 2004.doc

Legal Description

Petition 400-03-32
The east section of the east-west alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street

Commencing at a point located on the southeast corner of Lot 1, Block 2, View City Plat B Subdivision, a subdivision of Block 10, Plat C, 5 Acre Big Field Survey, located in the southwest quarter of Section 16, Township 1 South, Range 1 East, Salt Lake Base & Meridian; thence south 14.2 feet, thence west 169 feet; thence north 14.2 feet; thence east 169 feet to the point of beginning. Approximately 2,400 square feet.

Affected Sidwell Numbers:

16-16-352-027
16-16-352-016

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition # 400-03-32 initiated by the Salt Lake City Administration, requesting that the City consider vacating as a public right-of-way the east segment of the alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street. The property is located in a R-1-5000, Single Family Residential zoning district.

During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:
TIME:
PLACE: **ROOM # 315**
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, or would like to review the file, please call Janice Lew at 535-7625.

Assisted listening devices or interpreting services are available for all public meetings. Salt Lake City Corporation complies with the American Disabilities Act (ADA). For further information, contact the TDD number 535-6021.

4. MAILING LABELS

BJORGE, KJELL
Sidwell No. 1616353006
1388 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

BENNETT, RICHARD D &
Sidwell No. 1616352017
1990 S VIEW ST
SALT LAKE CITY UT 84105

BEIER, STEVEN G
Sidwell No. 1616354007
1934 S 1400 E
SALT LAKE CITY UT 84105

BEARNSON, MARGARET S &
Sidwell No. 1616353008
1363 E RAMONA AVE
SALT LAKE CITY UT 84105

BARTON, FRANK E
Sidwell No. 1616353004
1378 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

AOYAGI, ALEXANDER T
Sidwell No. 1616354010
1965 S VIEW ST
SALT LAKE CITY UT 84105

ANTHONY, KAREN V
Sidwell No. 1616354016
1997 S VIEW ST
SALT LAKE CITY UT 84105

AMERICAN ESTATE MANAGEMEN
Sidwell No. 1617481008
1967 S 300 W
SALT LAKE CITY UT 84115

ALLAN, RANDALL L &
Sidwell No. 1616354028
3050 S 2850 E
SALT LAKE CITY UT 84109

ABEGGLEN, DARIAN &
Sidwell No. 1616354020
1958 S 1400 E
SALT LAKE CITY UT 84105

CHIPMAN, LESTER D (TR)
Sidwell No. 1617481002
1312 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

CHEEVER, VAL J
Sidwell No. 1617480007
1955 S 1300 E # 7
SALT LAKE CITY UT 84105

CHAPPELL, NEIL V & DONNA
Sidwell No. 1616354019
PO BOX 624
CEDAR CITY UT 84721

CAWLEY, MIYUKI M
Sidwell No. 1616354015
1991 S VIEW ST
SALT LAKE CITY UT 84105

CAWLEY, MIYUKI M
Sidwell No. 1616354014
1991 S VIEW ST
SALT LAKE CITY UT 84105

CALL, D RANDALL
Sidwell No. 1616352011
1960 S VIEW ST
SALT LAKE CITY UT 84105

BURTON, STEPHEN M, TR
Sidwell No. 1617480008
1955 S 1300 E
SALT LAKE CITY UT 84105

BUCKWELL, CATHY
Sidwell No. 1616353011
118 BROKEN CIRCLE DR
EVANSTON WY 82930

BROMAN, L ERIC
Sidwell No. 1616352009
420 N 1200 W
SALT LAKE CITY UT 84116

BRADFORD, JARED C
Sidwell No. 1617481025
1977 S 1300 E
SALT LAKE CITY UT 84105

GARRETT, J RAY &
Sidwell No. 1616354033
1391 E 2100 S
SALT LAKE CITY UT 84105

FRANK, JOHN D &
Sidwell No. 1616354031
330 S 300 E
SALT LAKE CITY UT 84111

FRANK, JOHN D &
Sidwell No. 1616354026
330 S 300 E
SALT LAKE CITY UT 84111

FLO LLC
Sidwell No. 1616354035
1355 E 2100 S
SALT LAKE CITY UT 84105

FLO LLC
Sidwell No. 1616354034
1355 E 2100 S
SALT LAKE CITY UT 84105

FLO LLC
Sidwell No. 1616354017
1335 E 2100 S
SALT LAKE CITY UT 84105

EVANS, KELLEY H & PAULA J
Sidwell No. 1616354009
1959 S VIEW ST
SALT LAKE CITY UT 84105

E B JONES & SONS
Sidwell No. 1616352010
2064 E ASHTON CIR
SALT LAKE CITY UT 84109

DICKSON, DANA H
Sidwell No. 1617481013
3643 S CHOKE CHERRY DR
SALT LAKE CITY UT 84109

COLEMAN, VELIA J
Sidwell No. 1616352018
2000 S VIEW ST
SALT LAKE CITY UT 84105

HIGHLAND DENTAL LAB PROPE
Sidwell No. 1617480014
1955 S 1300 E
SALT LAKE CITY UT 84105

HIGHLAND DENTAL LAB PROPE
Sidwell No. 1617480012
1955 S 1300 E
SALT LAKE CITY UT 84105

HDC ENTERPRISES LLC
Sidwell No. 1617480002
1955 S 1300 E # 1
SALT LAKE CITY UT 84105

HARMAN MANAGEMENT CORP
Sidwell No. 1620228001
5544 S GREEN ST
MURRAY UT 84123

HARMAN MANAGEMENT CORP
Sidwell No. 1617481017
5544 S GREEN ST
MURRAY UT 84123

HANSON, J KRIS
Sidwell No. 1617480003
1955 S 1300 E
SALT LAKE CITY UT 84105

HALTERMAN, TERRANCE D &
Sidwell No. 1616354022
1970 S 1400 E
SALT LAKE CITY UT 84105

GUTIERREZ, WANDA M
Sidwell No. 1616354025
1992 S 1400 E
SALT LAKE CITY UT 84105

GRAEKA ENTERPRISES GEN PT
Sidwell No. 1617481014
6657 S OLD MILL CIR
SALT LAKE CITY UT 84121

GIEPERT, ELMORE E &
Sidwell No. 1617481001
1304 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

HUDMAN, BRUCE
Sidwell No. 1617481018
1909 S 1300 E
SALT LAKE CITY UT 84105

HUDMAN, BRUCE K
Sidwell No. 1617481004
1909 S 1300 E
SALT LAKE CITY UT 84105

HOWELL, RICHARD W &
Sidwell No. 1616354012
376 E 400 S # 304
SALT LAKE CITY UT 84111

HOLY SPIRIT ASSOCIATION F
Sidwell No. 1616354011
1969 S VIEW ST
SALT LAKE CITY UT 84105

HILL, THOMAS M & CAROL A;
Sidwell No. 1616353005
1382 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

HILL, PAUL A &
Sidwell No. 1616354005
1380 E RAMONA AVE
SALT LAKE CITY UT 84105

HIGHLAND PROFESSIONAL PLA
Sidwell No. 1617480013
1955 S 1300 E
SALT LAKE CITY UT 84105

HIGHLAND PARK PLAZA LLC
Sidwell No. 1617481026
1955 S 1300 E
SALT LAKE CITY UT 84105

HIGHLAND PARK PLAZA LLC
Sidwell No. 1617481024
1955 S 1300 E # 3
SALT LAKE CITY UT 84105

HIGHLAND PARK PLAZA CONDM
Sidwell No. 1617480001
1955 S 1300 E # L1
SALT LAKE CITY UT 84105

LAUGHLIN, RICHARD L &
Sidwell No. 1616353010
1371 E RAMONA AVE
SALT LAKE CITY UT 84105

LATTEIER, JOHN E &
Sidwell No. 1616352028
319 W CRISTOBAL
SAN CLEMENTE CA 92672

LATTEIER, JOHN E &
Sidwell No. 1616352013
319 W CRISTOBAL
SAN CLEMENTE CA 92672

KOLBENSCHLAG, GEORGE D &
Sidwell No. 1616353012
1381 E RAMONA AVE
SALT LAKE CITY UT 84105

KNIGHT, MELVIN K
Sidwell No. 1617480005
5327 S 2110 E
SALT LAKE CITY UT 84117

KNIGHT, MELVIN K
Sidwell No. 1617480004
1955 S 1300 E # 3
SALT LAKE CITY UT 84105

IVIE, WAYNE D. & SHIRLEY
Sidwell No. 1616354018
1946 S 1400 E
SALT LAKE CITY UT 84105

INTERNATIONAL INVESTMENT
Sidwell No. 1616352006
4505 S WASATCH BLVD # 215
SALT LAKE CITY UT 84124

IEREMIA, JOSEPH T &
Sidwell No. 1616354003
1366 E RAMONA AVE
SALT LAKE CITY UT 84105

HUTCHINSON, CRAIG
Sidwell No. 1616353003
1368 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

PAVONI, MARK D &
Sidwell No. 1616353009
1367 E RAMONA AVE
SALT LAKE CITY UT 84105

OLSEN, JAMES R &
Sidwell No. 1617480011
1955 S 1300 E
SALT LAKE CITY UT 84105

NELSON, DOROTHEA C
Sidwell No. 1617481012
2323 E WALKER LN
SALT LAKE CITY UT 84117

MICHIE, NORMA J
Sidwell No. 1616354013
1983 S VIEW ST
SALT LAKE CITY UT 84105

MECHAM, PATSY
Sidwell No. 1616353013
626 E MAPLE STREET
ANNVILLE PA 17003

MEAPS, G
Sidwell No. 1617481022
1930 S VIEW ST
SALT LAKE CITY UT 84105

MARSHALL, LENARD A &
Sidwell No. 1616354032
1385 E 2100 S
SALT LAKE CITY UT 84105

M AND K RUDD COMPANY LLC
Sidwell No. 1617480006
3011 W CHIMNEY ROCK CIR
WEST JORDAN UT 84084

LUSTY, BARBARA B; TR
Sidwell No. 1617480010
6740 S LAZYBAR CIR
SALT LAKE CITY UT 84121

LEVY, JEFFREY B &
Sidwell No. 1616353002
1362 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

ROSSI, STEVEN M
Sidwell No. 1617481021
1915 S 1300 E
SALT LAKE CITY UT 84105

ROBERTS, LORRAINE &
Sidwell No. 1616354008
1953 S VIEW ST
SALT LAKE CITY UT 84105

REGENSCHEIT, MARJORIE L;
Sidwell No. 1617481003
3533 LANCASTER CT
FREMONT CA 94536

RANKIN, ERIC C
Sidwell No. 1616352027
1974 S VIEW ST
SALT LAKE CITY UT 84105

RACCO INVESTMENT COMPANY;
Sidwell No. 1617481015
2025 S 1300 E
SALT LAKE CITY UT 84105

RACCO INVESTMENT COMPANY;
Sidwell No. 1616352019
2025 S 1300 E
SALT LAKE CITY UT 84105

QUICK, ELIZABETH A &
Sidwell No. 1616354021
1964 S 1400 E
SALT LAKE CITY UT 84105

PULLEY, ELDON D &
Sidwell No. 1616354001
1356 E RAMONA AVE
SALT LAKE CITY UT 84105

PELL, OLENE C; TR
Sidwell No. 1616352012
1719 S MAIN ST
SOUTH SALT LAKE UT 84115

PEARSON, G GEORGE; ET AL
Sidwell No. 1617480009
1955 S 1300 E
SALT LAKE CITY UT 84105

SOLSTAD, RUTH R; TR ET AL
Sidwell No. 1616354024
1071 E SEMINOLE DR
PHOENIX AZ 85022

SNARR, RONALD P & SY J; J
Sidwell No. 1616353007
1353 E RAMONA AVE
SALT LAKE CITY UT 84105

SNARR, RONALD P &
Sidwell No. 1616353001
1901 S VIEW ST
SALT LAKE CITY UT 84105

SIEGENDORF, LOYD M &
Sidwell No. 1616354027
1998 S 1400 E
SALT LAKE CITY UT 84105

SEELEY, MICHAEL G
Sidwell No. 1617481020
1908 S VIEW ST
SALT LAKE CITY UT 84105

SEELEY, MICHAEL G
Sidwell No. 1616352003
1908 S VIEW ST
SALT LAKE CITY UT 84105

SCUBA DO LLC
Sidwell No. 1616354030
5591 E TWIN CREEK RD
SALT LAKE CITY UT 84108

SALT LAKE RAPE CRISIS CEN
Sidwell No. 1617481016
2035 S 1300 E
SALT LAKE CITY UT 84105

RUNDELL, AVIS A; TR
Sidwell No. 1616354023
1071 E SEMINOLE DR
PHOENIX AZ 85022

ROWLAND, RICHARD
Sidwell No. 1616354004
1058 E THIRD AVE
SALT LAKE CITY UT 84103

ZHOU, NING &
Sidwell No. 1616352020
1169 S 2000 E
SALT LAKE CITY UT 84108

WOLF, SHARLOTTE
Sidwell No. 1616354006
1384 E RAMONA AVE
SALT LAKE CITY UT 84105

WILLIAMS, NED C &
Sidwell No. 1617481019
1792 N STAYNER DR
FARMINGTON UT 84025

WILLIAMS, NED C &
Sidwell No. 1617481005
1792 N STAYNER DR
FARMINGTON UT 84025

WELCH, HENRY J & LYNDA L
Sidwell No. 1616354002
1362 E RAMONA AVE
SALT LAKE CITY UT 84105

Helen Peters
Community Council Chair
2803 Beverly St.
Salt Lake City, UT 84106

Janice Lew
Planning Division
451 S. State St. Rm 406
Salt Lake City, UT
84111

Ogden Stewart
1391 E. Ramona
Salt Lake City, UT
84105

TOLMAN, LEONARD R &
Sidwell No. 1616352001
1659 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

ZHOU, NING &
Sidwell No. 1616352025
1169 S 2000 E
SALT LAKE CITY UT 84108

TAGGART, EDWARD W &
Sidwell No. 1616352002
1340 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

ZHOU, NING &
Sidwell No. 1616352024
1169 S 2000 E
SALT LAKE CITY UT 84108

STRAIN, ERIC T &
Sidwell No. 1616352016
1984 S VIEW ST
SALT LAKE CITY UT 84105

ZHOU, NING &
Sidwell No. 1616352023
1169 S 2000 E
SALT LAKE CITY UT 84108

STANKEVITZ, ERVIN; TR
Sidwell No. 1616352026
1930 S VIEW ST
SALT LAKE CITY UT 84105

ZHOU, NING &
Sidwell No. 1616352022
1169 S 2000 E
SALT LAKE CITY UT 84108

STANKEVITZ, ERVIN; TR
Sidwell No. 1616352008
1930 S VIEW ST
SALT LAKE CITY UT 84105

ZHOU, NING &
Sidwell No. 1616352021
1169 S 2000 E
SALT LAKE CITY UT 84108

5. PLANNING COMMISSION

a) Original Notice and Postmark

July 13, 2004

84111

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, July 28, 2004, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, July 14, 2004

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **CONSENT AGENDA** – Salt Lake City Property Conveyance Matters:

   a. Kelly and Jennifer Hannah and Salt Lake City Public Utilities Department – The Hannahs own the existing single family home at 1206 East Emerson, which is zoned residential "R-1-5,000" and located in the East Liberty Neighborhood of the Central City Planning Community. The Hannahs are requesting Public Utilities to allow continued use of a portion of the City owned Jordan and Salt Lake City Canal property for landscaped yard area, including fencing and irrigation, through the issuance of a standard revocable permit. (Staff – Karryn Greenleaf at 483-6769 or Doug Wheelwright at 535-6178)

5. **PUBLIC HEARINGS** (Public Hearings will generally begin at 5:45)

   a. **PUBLIC HEARING** – Petition 490-04-20, Kenlees' Grove Subdivision by property owner, Brad Brewer, represented by Pine Valley Homes LLC, requesting preliminary subdivision approval of a 1.25 acre parcel into eight single-family dwelling lots ranging in size from 5,030 to 5,985 square feet. The subject parcel is located at 1050 West 1300 South in the West Salt Lake Planning Community and is zoned "R-1-5000". (Staff – Lex Traughber at 535-6184 or lex.traughber@slcgov.com)

   b. **PUBLIC HEARING** – Petition No. 410-670, by Steve Fry representing Autostrada Motors, requesting conditional use approval to operate a used-car sales lot in a Downtown Support "D-2" District, on the property located at 235 West 500 South. (Staff – Jackie Gasparik at 535-6354)

   c. **PUBLIC HEARING** – Petition No. 410 -672, by Mr. Quinn McDonough of Rose Park Coffee, requesting Planned Development/Conditional Use approval in the "CS" community shopping district zone, located at 184 North 900 West Street (in the parking lot shared with Rite Aid). The request is for a coffee kiosk with drive-up windows. (Staff – Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com)

   d. **PUBLIC HEARING** – Petition No. 400-03-32, by the Salt Lake City Administration, requesting that the City consider vacating as a public right-of-way the east section of the alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street, and connects to a north-south running alley in the middle of the block, and declare the alley property as surplus. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com)

   e. **PUBLIC HEARING** – Intermodal Light Rail extension. The project involves the construction of a light rail transit (LRT) alignment, connecting the existing Utah Transit Authority light rail terminus at the Delta Center (325 West South Temple) to the Intermodal Hub located at approximately 300 South and 600 West (the Intermodal Hub LRT station will be located at approximately 325 South 600 West). The Planning Commission will be considering the technical issues regarding the final alignment, including station locations. (Staff – Doug Dansie at 535-6182 and Joel Paterson at 535-6141)

6. **UNFINISHED BUSINESS**

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

COMMUNITY AND ECONOMIC DEVELOPMENT • PLANNING DIVISION • 451 SOUTH STATE STREET, ROOM 406 • SALT LAKE CITY, UT 84111
TELEPHONE: 801-535-7757 • FAX: 801-535-6174

Janice Lew
Planning Division
451 S. State St. Rm 406
SLC, UT 84111

Salt Lake City Planning Division
451 South State Street
Salt Lake City, Utah 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. Speakers will be called by the Chair.
4. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
5. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
6. A time limit may be placed on speakers to ensure everyone has a chance to comment. The Chair will make that determination upon reviewing the number of people wishing to speak.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Meeting notices are made available 14 days in advance. If persons wish to submit written comments, they should be directed to the Planning Division at least 7 days in advance to enable Planning Commissioners to consider those written comments. Comments should be sent to:

    Salt Lake City Planning Director
    451 South State Street, Room 406
    SLC, UT 84111

Note: We comply with all ADA guidelines. Assistive listening devices & interpreter services provided upon 24 hour advance request.

NOTICE OF HEARING

5. PLANNING COMMISSION

b) Staff Report

July 28, 2004

DATE: July 22, 2004

TO: Salt Lake City Planning Commission

FROM: Janice Lew, Associate Planner

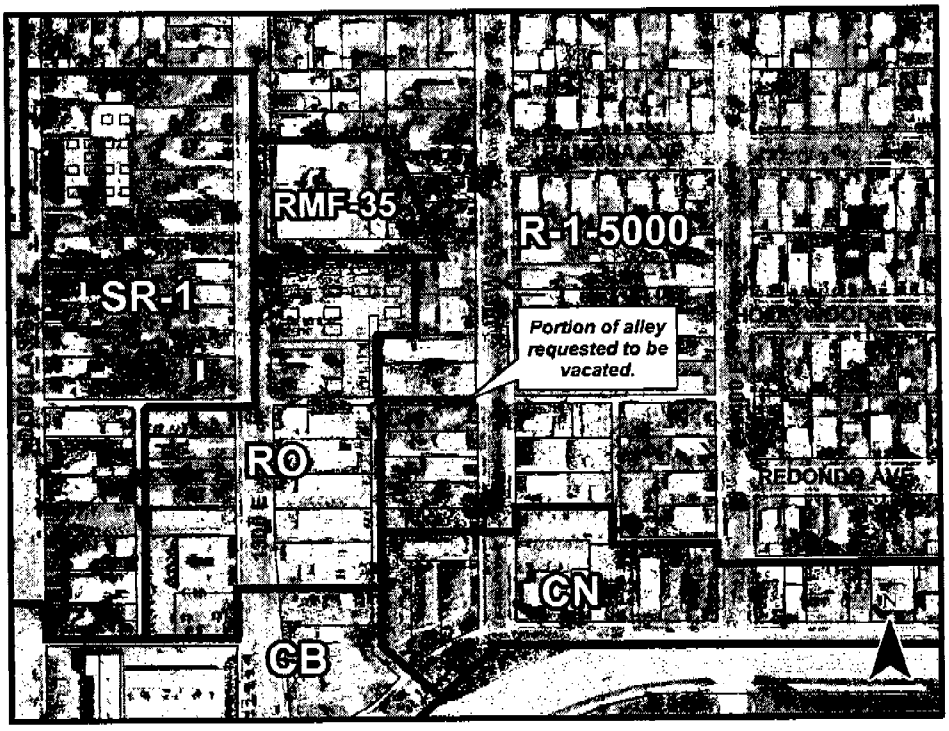
RE: Staff Report for the Planning Commission Meeting

CASE#: 400-03-32

APPLICANT: City Administration

STATUS OF APPLICANT: City Administration

PROJECT LOCATION: The east section of the east-west alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street.



PROJECT/PROPERTY SIZE: .06 acres

COUNCIL DISTRICT: District 7, Council Member Dale Lambert

PROPOSED USE(S): Pedestrian way and vehicle access for abutting property owners only

SURROUNDING ZONING DISTRICTS:

North R-1-5000, Single Family Residential
South R-1-5000, Single Family Residential
East R-1-5000, Single Family Residential
West RO, Residential/Office

SURROUNDING LAND USES:

North residential
South residential
East residential
West residential, business

REQUESTED ACTION/PROJECT DESCRIPTION:
At the request of the Planning Commission, the Administration has initiated this petition to vacate the east segment of the east-west alley that connects to View Street. On October 8, 2003, the Planning Commission held a public hearing regarding a subdivision amendment for the Highland Park Plaza at 1955-1977 South 1300 East. During the public hearing process, neighboring property owners expressed a strong concern regarding increased usage of the alleyway system from the clinic. It was also identified that the Sugar House Master Plan policy regarding alleyways discourages the use of alleys for commercial access if the alley abuts residential property. In response to these issues, the Planning Commission passed a motion to request that the City initiate a petition to consider vacating the subject alley.

APPLICABLE LAND USE REGULATIONS:
Chapter 14.52 of the Salt Lake City Code outlines a procedure for the disposition of City owned alleys and establishes criteria for evaluating the public's interest in an alley. Chapter 2.58 of the code regulates the disposition of surplus City-owned real property.

MASTER PLAN SPECIFICATIONS:
There are two master plan documents that are applicable to this area. The land use policy document that guides development in this area is the Sugar House Master Plan adopted in November of 2001. The Master Plan Future Land Use Plan divides the block into residential, neighborhood business and mixed-use designations. The subject alley is

located within an area designated for Low-Density Residential land use. This land use category is intended to support and enhance the dominant, single-family character of the existing low-density residential neighborhoods. The *Mobility, Access & the Pedestrian Experience* section of the plan identifies Sugar House as an area where people can circulate without dependence on the private automobile. The intent is to provide for multiple modes of transportation that are safe, convenient and comfortable. Additionally, the plan discourages the use of alleyways for commercial access if the alleyway abuts residential property. 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.

SUBJECT PROPERTY HISTORY:
Highland Park Plaza was developed in 1970. A parking lot with a connection to the adjacent north-south running alley was approved in 1972. The Highland Park development expanded onto an adjacent parcel at 1977 S 1300 East in 1996. The expansion included closure of the north-south running alley to the east of the property and conditional use approval for an off-site parking lot. The parking lot was approved with the condition that vehicular access be restricted onto the abutting east-west alley to the south.

In 2001, complaints were received that a driveway had been created allowing access to the east-west alley to the south of the parking lot. The Highland Park Plaza was notified that constructing the driveway required a public way permit and access onto the alley was in violation of the 1996 off-site parking conditional use approval. In response to enforcement notification, the Highland Park dental property representatives filed subdivision and condominium amendments to incorporate the parking lot area into the Highland Park Plaza development. Approval of this action would void the off-site parking conditional use approval and its requirement for no access onto the alley (parking on the same lot is a permitted use).

The petitions were considered during an administrative hearing held in September of 2002 by Doug Wheelwright, Deputy Director, who was acting in the capacity of the Administrative Hearing Officer. During the hearing, testimony in opposition to the parking lot connection to the alley was presented. The main neighborhood concern was the increase in vehicular traffic using the east-west alley on to View Street (a residential street) from the Highland Park Plaza and the adjacent apartments. A decision was made to have the City's Transportation Division review the area's traffic patterns. After consulting with the Transportation Division, staff elected to forward the amendment requests for Planning Commission consideration.

The subdivision and condominium amendments were discussed by the Planning Commission over several meetings held between November of 2002 and March of 2003 (Exhibit 4). The March 12, 2003 Planning Commission action to approve the requests was appealed to the Land Use Appeals Board in June of 2003 by a neighborhood

resident. Following the Appeals Board hearing, the petitions were remanded to the Planning Commission for reconsideration. On October 8, 2003, the Planning Commission held a public hearing regarding the subdivision amendment. The Commission approved the request which amended the lot lines between the parcels located at 1955 and 1977 South 1300 East Street to incorporate the existing parking lot into the Highland Park Plaza development (Exhibit 5). As mentioned above, the Planning Commission also approved a motion to request that the City initiate a petition to consider vacating the east-west segment of the alley to address the concerns articulated during the October 2003 hearing.

ACCESS:
Access to the subject alley is via 1300 East Street, View Street and the north-south alley that runs through the middle of the block.

COMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

Summary of Comments from City Departments and Community Council(s):

a) **Transportation:** The Transportation Division has no objections. Although the alley provides access to some area businesses and residences, the division does not see that the subject alley is a critical part of the transportation system. A summary of the Transportation Division's review of the area's traffic patterns in July, 2003 can be found in the staff report on the subdivision amendment by Everett Joyce attached to this staff report as Exhibit 4.
b) **Public Utilities:** No objections were received.
c) **Police:** No comments in opposition to the request were received.
d) **City Engineering:** No objections were received.
e) **Property Management:** Property Management has no objections.
f) **Fire:** The Fire Department has approved this petition.
g) **Community Council:** Erick Strain, property owner of 1984 View Street presented the proposal at the December, 2003 Sugar House Community Council meeting. The Trustees voted in favor of closing the alley to vehicular access. The Council suggested that the City maintain the alley so that it is safe for bicyclists and pedestrians. However, access should not be precluded to the private garages that open onto the alley.

In addition, all owners of property located in the block within which the subject alley property is located were notified of the proposed vacation in a letter dated January 20, 2004. Comments received by interested parties have been attached to this staff report as Exhibit 7. Neighborhood response to notification of the proposed vacation indicates differing views with respect to limiting access to the subject alley.

Planning Division: 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 Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that an alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code. If an alley is next to or abuts properties which are zoned for low density residential use, the alley will be vacated, divided in half, and each owner of property abutting the alley will receive the half next to their property. Based on the differing views with respect to vacating the subject alley, the Planning Division Staff is proposing that the City retain its interest in, but restrict vehicle access to the alley. Public access for other modes of travel would be maintained with vehicle access easements provided to the owners of property abutting the subject alley.

2. ANALYSIS AND FINDINGS

Identification and Analysis of Issues

The existing alley runs east and west connecting 1300 East Street to View Street between the properties at 1974 and 1984 S. View Street. The alleyway system for the block also has a north-south running segment that connects the east-west alley to the 2100 South Street frontage road that connects to View Street and at 2100 South Street. A map of existing land use patterns and the alleyway system for the block is attached to this staff report as Exhibit 8.

Traffic Circulation: The City Transportation Division's July, 2003 analysis of the area's traffic patterns found that the maximum vehicles in one hour using the driveway onto the east-west alley segment to View Street was nine vehicles. The Transportation Division indicated that the number of vehicles using the alley from or to View Street to go to or from the Highland Park Plaza property did not seem unreasonable or excessive (Exhibit 4). The Transportation Division also concluded that the majority of the dental plaza generated traffic was appropriately being directed to 1300 East Street.

Adjacent Land Uses: As mentioned above, the Sugar House Master Plan future land use plan divides the block into residential, neighborhood business and mixed-use designations. The existing alleyway system for this block has a mix of business and residential uses that utilize the alleys including the dental clinic, residential apartments, and low density residential properties. However, the land use policy, existing land use, and off-street parking patterns along the alleyway system conflict with the Sugar House Master Plan alleyway policy to discourage commercial access if the alleyway abuts residential property. Although there is a mixed use element in the Master Plan, there is also a need to separate commercial vehicle movement from low density residential development. Since the east-west segment of the alley connecting to View Street shows

a pattern of more residential development, staff suggested that it be closed to eliminate conflict.

Alley Access Issues: The issue of the right to equal access to the alleyway system by existing businesses and multi-family development was discussed during the subdivision amendment process. Bruce Baird, the attorney for the applicant, stated that his client could not be denied the right to access the abutting public alley and the conditions included in the staff report would make the situation safer. The main neighborhood issue expressed was the concern about vehicular traffic from Highland Park Plaza and the adjacent apartments using the east-west alley onto View Street. Neighborhood residents expressed concern about the increased traffic that would use the alley to access View Street (a residential street) to avoid the congestion and difficult access onto 1300 East Street, if the subdivision was approved and traffic from the dental clinic was allowed to use the alley.

Planning staff received several letters from property owners in the neighborhood opposing the vacation of the subject alley. Their comments indicate that the alley continues to serve its purpose of providing relief to the street system, a secondary access to individual parcels and contributes to the pedestrian orientation of the long established neighborhood. In addition, the Sugar House Community Council suggested that the City only restrict vehicle access to the eastern segment of the east-west alley and maintain the alley so that it is safe for bicyclists and pedestrians.

The owners of the property abutting the alley are in favor of the vacation (1974 and 1984 S. View Street). The property owners have expressed concerns about an increase in traffic from the dental plaza to the alley that they consider has negatively affected the residential neighborhood. The property owners have stated that the alley is poorly maintained and illuminated, and attracts undesirable activity. Thus, they are of the opinion that the current physical condition of the alley, excessive traffic and inappropriate activity has created an unsafe situation.

Code Criteria / Discussion

The City Council has final decision authority with respect to alley vacations and closures. A positive recommendation from the Planning Commission requires an analysis and positive determination of the following factors:

Section 14.52.02 of Salt Lake City Code: Salt Lake City Council 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.

Discussion: As mentioned previously, the existing alleyway system for this block has a mix of business and residential uses that utilize the alleys including the dental clinic, residential apartments, and low density residential properties. As such, the alley has not been materially blocked and continues to provide alternative public access routes for the neighborhood.

Finding: The subject alley does not meet this policy consideration.

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.

Discussion: As mentioned above, the abutting property owners have stated that the alley is poorly maintained and illuminated, and attracts undesirable activity. Thus, they are of the opinion that the current physical condition of the alley, excessive traffic and inappropriate activity has created an unsafe situation.

The Police Department report indicates that since the spring of 1995, there have been 184 events recorded on View Street and a total of 6 dispatch events that related directly to the alley system. Three of those events were during the same time period and were problems generated when a resident blocked the alley by parking a vehicle there for extended periods of time. Other incidences reported include a graffiti case, route used by a suspicious person and the use of the alley as a landmark to identify a specific residence. Furthermore, the analysis does not support the notion that the alley contributes to crime in the surrounding area.

Finding: Restricting access to the subject alley would respond to the public safety issues raised by the abutting property owners and that satisfy this policy consideration.

C. **Urban Design.** The continuation of the alley does not serve as a positive urban design element.

Discussion: A significant feature of this area is the rectilinear plan of development, with spacious "super blocks". The block measures 1,252 feet from 2100 South Street along the 1300 East frontage to Westminster Avenue. Alleys have traditionally been incorporated into this urban development pattern and their use provides another movement pattern for both vehicular and pedestrian traffic to navigate such spacious blocks. The subject alley is consistent with this urban form and continues to serve as a positive urban design element.

Finding: A continuation of the alley serves 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 purpose of the proposal is to consider vacating the alley as a public vehicle right-of-way. The proposal to restrict vehicle access does address a certain community purpose in that it responds to the conflicting policies in the Sugar House Master Plan and safety concerns expressed by the abutting property owners.

Finding: The proposal to restrict vehicle access satisfies this policy consideration.

Overall Summary Pertaining to Section 14.52.02: The petition meets Policy Consideration B and D as outlined above, and thus satisfies at least one of the policy considerations, as required by Section 14.52.02 of the City Code.

Section 14.52.030 (B) of Salt Lake City Code: 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:

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;**

   Discussion: Staff requested input from pertinent City departments and/or divisions. Comments were received from the Public Utilities, Fire Department, Engineering Division, Division of Transportation, Police Department and Property Management. These comments are attached to this staff report as Exhibit 3. All existing rights-of-way and easements of all public utilities now located on and under or over the alley property will remain in place.

   Finding: The appropriate City departments and divisions have reviewed this request and have no objections to vacating the alley property.

2. **The petition meets at least one of the policy considerations stated above;**

   Finding: The petition meets Consideration B and D as required in Section 14.52.020 of the Code and as outlined above.

3. **The petition must not deny sole access or required off-street parking to any adjacent property;**

   Discussion: It has been the City's policy not to vacate an alley if it would deny a property owner required access to the rear of their lot. The east segment of the alley provides access to the rear of both lots abutting the subject alley. Additionally, the garage for the property to the north (1974 S. View Street) is accessible from a driveway located along its street frontage. If the City decides to maintain its interest in the subject alley, vehicle access easements should be provided for the two property owners whose property abuts the alley. This would ensure that the abutting property owners retained their right to continued access to the alley and the rear of their lots.

   Finding: Sole access to any adjacent property will not be denied if the City provides vehicle access easements to the owners of the property adjacent to the alley.

4. **The petition will not result in any property being landlocked;**

   Finding: No landlocked parcels will be created.

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;**

   Discussion: The Sugar House Future Land Use Map, included in the Sugar House Master Plan, identifies this area within the Low Density Residential category. This category is intended to support and enhance the dominant, single-family character of the existing low-density residential neighborhoods. The master plan also discourages the use of alleyways for commercial access if the alleyway abuts residential property. Restricting access of the east segment of the east-west alley that connects to View Street would be consistent with these master plan policies.

   Finding: The proposal will not result in a use that is inconsistent with pertinent or applicable policies of the City.

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;**

   Finding: Access to the rear of the abutting properties would be provided by vehicle access easements.

7. **The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and**

   Discussion: The Planning Commission is being asked to consider vacating the east segment of the east-west alley connecting to View Street which is inconsistent with the City's preference for disposing of an entire alley. However, the remaining open alleyway has access at both ends to public streets.

   Finding: The petition does not further the City preference for disposing of an entire alley.

8. **The alley is not necessary for actual or potential rear access to residences or for accessory uses.**

   Finding: The alley is necessary for actual and potential rear access to residences and for accessory uses and should be maintained by vehicle access easements.

Section 14.52.040 (A) of Salt Lake City Code: Low Density Residential Areas. If the alley abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, low density residential use shall mean properties for single family, duplex or twin home residential uses.

Discussion: Staff is recommending that the City retain its interest in the alley. Vehicle access for the general public would be eliminated and vehicle access easements provided so that the abutting property owners retained their right to access the alley and the rear of their lots. The remaining open alleyway provides vehicular access at both ends to public streets.

Finding: The City is not being asked to relinquish its interest in the alley property.

RECOMMENDATION

It is important to note that neither the Staff nor the Planning Commission has the authority to alter the disposition terms of the Code.

Based upon the analysis and findings identified in this staff report, Staff recommends the Planning Commission forward a recommendation to the City Council that the City retain its ownership interest in, but restrict vehicle access to the subject alley. Public access for other modes of travel should be retained with vehicle access easements provided to the owners of property abutting the subject alley.

This recommendation is based on the following:

1. Traffic patterns in the area create a significant negative impact, with respect to public safety that warrants restricting the use of the alley for commercial access.
2. Restricting vehicle access to the east segment of the east-west portion of the alley implements the master plan alleyway policies.
3. The remaining open alleyway system maintains access at both ends to public streets.
4. The alley serves as a positive urban design element and contributes to the pedestrian orientation of the neighborhood.
5. Abutting residents have a need for vehicle access to the subject alley.

Impacts of Proposed Action:

1. City provides and, places and maintains physical barriers to prohibit vehicle access. Initial costs for the installation of a removable bollard and signage are approximately $1,000.
2. Vehicle access easements need to be provided for the abutting property owners.
3. Policy impact and precedent for other public alleys as it relates to the cost of improvements.

Janice Lew
Associate Planner

Attachments:
Exhibit 1 - Petition to Vacate Alley
Exhibit 2 - Legal Description of Alley
Exhibit 3 – Departmental/Division Comments
Exhibit 4 - October 8, 2003 – Staff Report and Minutes for Subdivision Amendment
Exhibit 5 - Community Council
Exhibit 6- Letter to Property Owners
Exhibit 7– Public Input
a) Supporting
b) Opposed
Exhibit 8 – Land Use Pattern
Exhibit 9 - Photographs

Exhibit 1
Petition to Vacate Alley

ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION
OFFICE OF THE MAYOR

MEMORANDUM

To: Louis Zunguze, Planning Director
From: Mayor Ross C. "Rocky" Anderson RCA
Date: January 28, 2004
Re: View Street Alley Vacation

The purpose of this memo is to initiate a petition to close an alley that extends west from View Street, between the properties at 1974 and 1984 South, and connects to an north-south running alley in the middle of this block (see the attached map). The petition will address the problem of nonresidential traffic using this alley to access View Street as a residential street.

Thank you for processing this petition.

451 SOUTH STATE STREET, ROOM 306, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7704 FAX: 801-535-6331

Exhibit 2
Legal Description of Alley

Legal Description

Petition 400-03-32
The east section of the east-west alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street

ACCESS EASEMENT:

Commencing at a point located on the southeast corner of Lot 1, Block 2, View City Plat B Subdivision, a subdivision of Block 10, Plat C, 5 Acre Big Field Survey, located in the southwest quarter of Section 16, Township 1 South, Range 1 East, Salt Lake Base & Meridian; thence south 14.2 feet to the northeast corner of Lot 21 Block 4, said subdivision; thence west 164 feet to the northwest corner of Lot 21; thence north 14.2 feet to the south line of said Lot 1; thence east 164 feet to the point of beginning. Approximately 2,329 square feet.

Affected Sidwell Numbers:

16-16-352-027
16-16-352-016

DRAFT

Exhibit 3
Departmental/Division Comments

Lew, Janice

From: Young, Kevin
Sent: Thursday, March 18, 2004 3:58 PM
To: Lew, Janice
Cc: Walsh, Barry
Subject: Petition 400-03-32

Categories: Program/Policy

Janice,

The Transportation Division has reviewed Petition 400-03-32 to vacate the east section of the east/west alley between 1300 East and View Street. We don't see this alley as a critical part of the transportation system, but it does serve as access to parking for area businesses and residences. The alley could be closed with little impact to the area transportation system, but it will affect access to some area businesses and residences. Because of the connection of the east/west alley and the north/south alley, closure of the east section of the east/west alley doesn't leave a dead-end and through use of the north/south alley and west section of the east/west alley remains.

All abutting property owners should be in agreement with the vacation of the alley. If vacated, adequate closure measures, such as removal of the drive approach, fencing, etc. should take place in order to clearly indicate that the alley is no longer available for use. All utilities and utility easements should remain as required. A review by Police and Fire should occur to determine if they have any issues with the vacation of alley.

Kevin

Kevin J. Young, P.E.
Transportation Planning Engineer
Salt Lake City Transportation Division
349 South 200 East, Suite 450
Salt Lake City, Utah 84111
(801) 535-7108
(801) 535-6019 Fax

Lew, Janice

From: Garcia, Peggy
Sent: Thursday, March 18, 2004 11:23 AM
To: Lew, Janice
Subject: FW: Alley Vacation - Petition 400-03-32 near 1984 South View Street
Categories: Program/Policy

I have changed the petition number as you requested from 400-03-28 to 400-03-32.

Thanks.

Peggy Garcia
Contracts Supervisor
Salt Lake City Public Utilities
(801) 483-6727

-----Original Message-----
From: Garcia, Peggy
Sent: Monday, March 08, 2004 11:28 AM
To: Lew, Janice
Cc: Greenleaf, Karryn
Subject: Alley Vacation - Petition 400-03-28 near 1984 South View Street

Janice,

According to our maps and records, Public Utilities does not own or operate any water, sanitary sewer or storm drainage facilities within this proposed alley vacation. Based upon this information Public Utilities has no issues for this proposed vacation. Please contact Peggy Garcia or Jeff Snelling at 483-6727 if you have any questions.

Salt Lake City Public Utilities
Contracts Supervisor
(801) 483-6727

Lew, Janice

From: Smith, Craig
Sent: Tuesday, March 23, 2004 11:34 AM
To: Lew, Janice
Subject: petition 400-03-32
Categories: Program/Policy

Janice-
I have reviewed petition 400-03-32, a request to vacate the east section of the alley that extends from 1300 E to View St. I am assuming that the vacation will be from the west property lines of 1974 and 1984 going east to View St. If this is so, the Engineering Department approves of the alley vacation. Call me if I can be of further assistance.
Sincerely,
Craig
SLC Engineering

Lew, Janice

From: Larson, Bradley
Sent: Thursday, March 18, 2004 5:41 PM
To: Lew, Janice
Subject: RE: Alley Vacation, Petition 400-03-32

Janice,

Please accept this note as Fire Department approval for the above referenced petition.

Feel free to contact me should you have any questions or need further assistance.

Thank you.

Brad Larson
Deputy Fire Marshal

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

SALT LAKE CITY CORPORATION

ROSS C. ANDERSON
MAYOR

DEPARTMENT OF MANAGEMENT SERVICES
PURCHASING, CONTRACTS AND PROPERTY MANAGEMENT DIVISION

INTEROFFICE MEMORANDUM

Property Management
535-7133
Room 245

10 March 2004

TO: Janice Lew
Planning

FROM: Linda Cordova *Lpc*
Property Management

REF: PETITION 400-03-28, Vacate East Section of Alley that extends from 1300 East to View Street

Property Management has no objection to the alley vacation, subject to a right-of-way agreement between the two property owners.

Thank you.

451 SOUTH STATE STREET, ROOM 225, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7133 FAX: 801-535-6190
WWW.CI.SLC.UT.US/PURCHASING.HTML

Lew, Janice

From: Osazuwa, Fosa
Sent: Tuesday, March 23, 2004 9:50 AM
To: Lew, Janice
Subject: FW: Alley Vacation on Veiw St/Petition 400-03-32
Categories: Program/Policy

-----Original Message-----
From: Osazuwa, Fosa
Sent: Tuesday, March 09, 2004 5:16 PM
To: Lew, Janice
Subject: Alley Vacation on Veiw St/Petition 400-03-32

Janice,
In response to the alley on Veiw Street, I inspected it and zoning enforcement has no objections to the Alley vacation. If I can answer questions for you in more detail, call or e-mail me at 7935.

Thanks,
Fosa

Lew, Janice

From: Orgill, Alicia
Sent: Thursday, March 25, 2004 8:29 AM
To: Lew, Janice
Cc: Doepner, Dave
Subject: FW: Petition 400-03-32

Thanks

-----Original Message-----
From: Doepner, Dave
Sent: Wednesday, March 24, 2004 3:35 PM
To: Orgill, Alicia
Subject: RE: Petition 400-03-32

Alicia,

Sorry for the delay in responding to this request.

I have extracted data and examined the results for the area. Since spring of 1995 there have been 184 events recorded on View Street and a total of 6 dispatch events that related directly to the alley system that connects to View Street. Three of those events were in the same time period and were problems generated when one resident was blocking the alley by parking a vehicle there for extended periods. A graffiti case was called in and two others where the alley was used as a landmark to identify a specific residence and finally one where the alley was seen as a route used by a suspicious person.

My initial impression would be that the alley connects incompatible areas, but there is little in our system that indicates the alley provides an access from a business area to a residential area for traffic or crime. As you know, this does not mean that it is not happening, but only that we have not received calls that support that impression with fact.

Dave Doepner

Dave Doepner

> -----Original Message-----
> **From:** Orgill, Alicia
> **Sent:** Tuesday, March 23, 2004 7:51 AM
> **To:** Doepner, Dave
> **Cc:** Lew, Janice
> **Subject:** FW: Petition 400-03-32
>
> Dave
> I had made a request for calls for Police Services for the alley Petition 400-03-23 and the alley listed below, could you please send Janice the statistics she need for this alley closer? Thanks
>
> -----Original Message-----
> **From:** Lew, Janice

Lew, Janice

From: Weiler, Scott
Sent: Monday, July 12, 2004 9:39 AM
To: Lew, Janice
Subject: RE: Petition 400-03-32
Categories: Program/Policy

Approximately $1,000.00

From: Lew, Janice
Sent: Monday, July 12, 2004 9:33 AM
To: Weiler, Scott
Subject: RE: Petition 400-03-32

Scott,

What would be the cost to install a removable bollard at the west end of the alley and a sign restricting vehicular use at the east end? Thanks for your assistance.

Janice

From: Weiler, Scott
Sent: Friday, May 28, 2004 1:12 PM
To: Lew, Janice
Cc: Johnston, Richard; Peterson, Max; Graham, Rick; Wheelwright, Doug
Subject: RE: Petition 400-03-32

Janice,

We discussed three possible objects/ways to restrict vehicular traffic while allowing pedestrian and bicycle use of the alley.

1. The least costly, but perhaps also least likely to achieve the desired results, is to install signs restricting vehicular use. If drivers don't respect the signs, this becomes a difficult issue to enforce. Initial cost for 2 signs would be less than $500.
2. Installation of a removable bollard at each end of the alley. Initial cost: $1200.
3. Installation of a gate at each end of the alley. Initial cost $4000.

The gate option seems to be the most likely to require ongoing maintenance but such costs are difficult to predict. In addition to replacing a gate in 30 years due to wear and tear, the maintenance depends on such factors as vandalism or accidental damage from a car hitting the gate. A couple of years ago on a project in Rose Park, vandals actually removed two gate leafs that were intended to provide a permanent restriction to vehicular access, other than emergency access.

Hopefully this provides what you were looking for. If I can be of further assistance, please let me know.

Scott

From: Johnston, Richard
Sent: Tuesday, May 25, 2004 8:24 AM

Exhibit 4
October 8, 2003 - Staff Report and Minutes for Subdivision Amendment

DATE: October 3, 2003

TO: Salt Lake City Planning Commission

FROM: Everett L. Joyce, Principal Planner

RE: **STAFF REPORT FOR THE OCTOBER 8, 2003 MEETING**

NOTE: This petition was presented before the Planning Commission in November 2002 and February 2003. The case was appealed to the Land Use Appeals Board in June 2003. After the Appeals Board hearing, the case was remanded back to the Planning Commission for a new public hearing.

CASE#: Subdivision Amendment: Amending Lots 8, 9 & 10 of Block 2, View City Plat "B" Subdivision

APPLICANT: The Highland Park Plaza Condominium Association and Jared Bradford

STATUS OF APPLICANT: Property owners

PROJECT LOCATION: 1955 and 1977 South 1300 East

PROJECT/PROPERTY SIZE: 1.2 acres

COUNCIL DISTRICT: District 7

REQUESTED ACTION: Amending lots 8, 9, and 10 of Block 2, View City Plat "B" subdivision. Affected Parcel Number(s):

- *16-17-480-(001 thru 014) (Condo parcels)*
- *16-17-480-026 (The old alley parcel that was closed)*
- *16-17-480-024 (The approved parking lot behind the duplex, conditional use #410-226)*
- *16-17-480-025 (The remnant parcel for the duplex)*

PROPOSED USE(S): Existing uses will remain. They are: a dental office condominium complex at 1955 South 1300 East with its related parking and a duplex at 1977 South 1300 East.

APPILCABLE LAND

USE REGULATIONS:

Section 20.31. Subdivision Amendments Not Involving Streets.

SURROUNDING ZONING DISTRICTS:

North – Residential Multi- Family - 35
South – Residential Office
East – Residential R-1-5000
West – Residential SR-1

SURROUNDING LAND USES:

North – Apartment complex
South – Apartment complex and businesses.
West – Apartment and low density residential.
East – Low density residential uses

MASTER PLAN SPECIFICATIONS:

Sugar House Community Master Plan

Land Use Designation - Low Intensity Mixed Use: Low intensity mixed use allows an integration of residential with small business uses, typically at ground floor levels. Height limits generally include one and two story structures. The intent is to support more walkable community development patterns that are located near transit lines and stops. Proposed development and land uses within the low intensity mixed use area must be compatible with the land uses and architectural features surrounding each site.

Alleyways - Discourage the use of alleyways for commercial access if the alleyway abuts residential property

PROPERTY HISTORY:

The Highland Park Dental Plaza was developed in 1970. A parking lot with connection to a north-south running alley was approved in 1972. In, 1996 the Highland Park development expanded onto an adjacent parcel at 1977 S 1300 East. The expansion required closure of the adjacent north-south running alley and conditional use approval for the off-site parking lot. The parking lot was approved with the restriction of access to the abutting east-west alley.

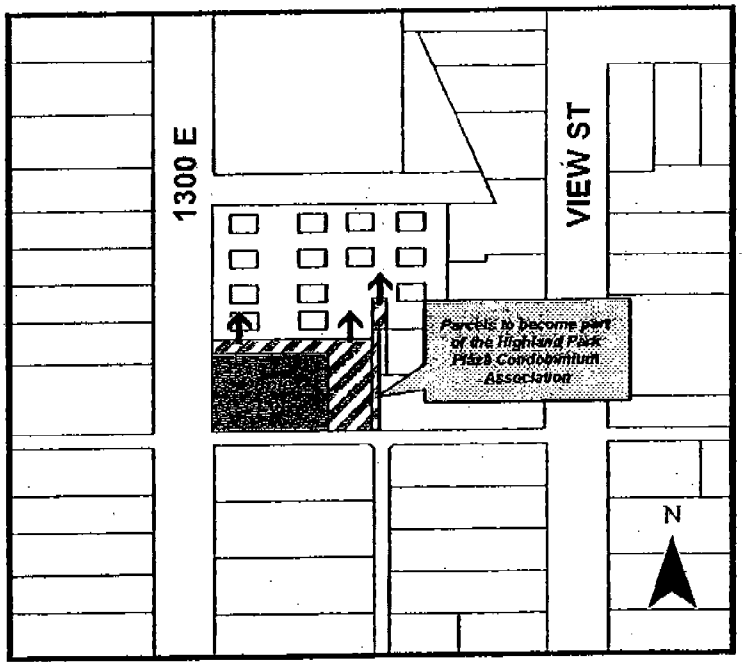
In 2001, complaints that a driveway was created allowing access onto the alley were received. The Highland Dental Plaza was notified that constructing the driveway access onto the alley was a violation of the conditions of the previously approved off-site parking conditional use. In response to enforcement notification, the Highland Park Dental property representatives filed a subdivision amendment to incorporate the parking lot area into the Highland Dental Plaza development. This action would eliminate the off-site parking conditional use approval and its requirement for no access onto the alley (parking on the same lot is a permitted use).

ACCESS:

Access to the Highland Park Plaza is via 1300 East Street and the alley adjacent to the south end of the property.

PROJECT DISCRIPTION:

Amend the lot lines between parcels located at 1955 and 1977 South 1300 East Street to incorporate the existing parking lot into the Highland Dental Plaza development.



COMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

The proposed site plan was reviewed at the One Stop Development Review Team on June 23, 2003 and on July 22, 2003.

a) **Transportation** – The Transportation Division also reviewed a traffic study completed on July 31, 2003. This study was conducted over a 12 hour period from 6:30 a.m. to 6:30 p.m. The Transportation Division observations were summarized by the statement "While the occurrence of vehicles entering and exiting the alley from or to View Street to go to or from the dental clinic parking lot may not be desirable to View Street residents, nine vehicles exiting and two vehicles entering during the respective highest hours doesn't seem unreasonable or excessive". It was noted that the geometric design of the driveway onto the alley way needs modification to meet City standards.
b) **Public Utilities** – The Public Utilities Department commented that the subdivision amendment has no conflicts with the existing water, sewer, and drainage services.
c) **Fire** – The Fire Department noted their approval of the subdivision amendment.
d) **Engineering** – The Engineering Department identified needed public way improvements: repair the piped drive approach serving the duplex at 1977 South, replace a dead piped drive approach at 1955 South, replace damaged sidewalk panels, and remove existing tripping hazards along the 1300 East Street frontage.

2. ANALYSIS AND FINDINGS

Issues that are being generated by this proposal

Doctor Burton, representing the Highland Park Plaza Condominium Association is requesting approval of a two-lot subdivision amending lots 8, 9 & 10 of Block 2, View City Plat "B" Subdivision (located at approximately 1977 South 1300 East in a Residential/Office "R-O" zoning district) to reconfigure the property into two lots: one for the existing dental office condominium, which includes the parking lot behind the duplex and the second for the existing duplex located at 1977 South 1300 East, which is reduced in size with the conversion of the parking lot into the office parcel (see attached zoning map, Exhibit 1).

Previous Case – Conditional Use for off-site parking
On September 19, 1996 the Salt Lake City Planning Commission heard Conditional Use Case# 410-226 by Highland Park Dental Plaza for off-site parking to use the rear yard of the duplex located at 1955 and 1973 South 1300 East (see attached conditional use minutes, Exhibit 4). The petition request also closed a portion of an alley abutting on the east. The Planning Commission approved the parking lot with conditions. One condition of approval was that the parking lot could not be connected to the alley abutting to the

south. The City Council approved the alley closure (on the east) on October 1, 1996, with no conditions (see attached City Council minutes, Exhibit 4).

Background
Since the time of the off-site parking conditional use approval, the Highland Park Plaza owners purchased the duplex parcel, kept the off site parking lot, and sold off the duplex, without going through the required subdivision process. A driveway connecting the parking lot to the alley was built without getting a public way permit from Salt Lake City Engineering. The applicant told staff, that since the parking lot was no longer off-site parking and since they owned the parcel, they thought that the conditional use approval was null and void, so the condition of no connection to the alley no longer applied. They are correct, but they needed to obtain subdivision and condominium plat amendment approval as well as a public way permit for the driveway.

Neighbors filed a complaint with the City's enforcement department on May 4, 2001, regarding the connection to the alley and for an illegal subdivision. The applicant then applied for a subdivision amendment and a condominium amendment on July 16, 2002. During the administrative hearing held on September 11, 2002, three neighbors came to the hearing objecting to the dental plaza's parking lot connection to the alley. The neighbors stated that if the applicant would agree to close the connection to the alley, then they would not object to the approval of the subdivision and condo amendments.

Staff, the applicant and the neighbors discussed the above sequence of events, and the applicant believes that they have as much of a right to use the alley as everyone else, and that they need the secondary access for emergency services (see attached administrative hearing minutes Exhibit 5). A decision was made to have the City's Transportation Division review the area's traffic patterns. After consulting with the Transportation Division, staff decided to forward the matter to the Planning Commission to make the decision of whether or not the dental plaza can connect to the alley, approval of the subdivision amendment and approval of the condominium amendment (see companion staff report on the condominium amendment by Greg Mikolash, Exhibit 6).

Alleyway access
The key neighborhood issue is that they do not want traffic from the Highland Park Dental Plaza and the adjacent apartments to use the east-west alley onto View Street. They believe if the subdivision amendment is approved and the off-site parking conditional use is rendered null and void, traffic from the dental plaza will be allowed to use the alley.

IDENTIFICATION AND ANALYSIS OF ISSUES

The purchase of the duplex and the off site parking lot area, by the dental office owners, nullifies the off site parking conditional use. The zoning administrator has determined that once the subject parking lot property became in common ownership with the condominium parcel, the conditional use aspect of "off-site parking" ended.

Concerned residential neighbors have expressed objection to the connection of the dental office parking lot to the east/west running alley.

Planning Staff is re-forwarding this issue to the Planning Commission as directed by Land Use Appeals Board to re-consider the approval of the subdivision amendment and the condominium amendment and decide whether or not the dental plaza parking lot should connect to the alley.

Alleyway access issues

Traffic Circulation

The Transportation Division's review comments and recommendations considering the parking lot circulation and alley are as follows:

Per Transportation's field review on October 8, 2002, there is no indication that any change to the existing traffic circulation system or the public right of way would change the existing traffic conditions in this area. The access right to the public alley by all abutting properties is a given. There are mixed uses with abutting zones that produce traffic conflicts between residential and business users in this transitional area, which are within reasonable expectations.

Traffic Counts observed adjacent to Highland Park Plaza

August 21, 2002 (Performed for Highland Plaza by student)

- 203 vehicles exiting the dental office parking lot to 1300 East
- 9 vehicles entering the alley and turning east to View Street
- 6 vehicles entering the alley and turning to the south to 2100 South Street

February 20, 2003 (Performed for Highland Plaza by consultant)

- 10 vehicles entering Highland Park from the alley
- 15 vehicles exiting Highland Park Plaza onto the alley

July 31, 2003 (Performed by Salt Lake City)

On Thursday, July 31, between the 12 hour period of 6:30 a.m. and 6:30 p.m., counts of the vehicles using the alley system south of the Highland Dental Clinic were observed and recorded. Information collected resulted in the following:

View Street

- 23 vehicles entered the east/west alley from View Street. Four vehicles went west through the alley, 12 vehicles turned right into the Highland Dental Clinic parking lot, and seven vehicles turned south onto the alley to the south.
- 50 vehicles exited the east/west alley onto View Street. One vehicle traveled east through the east/west alley, 40 vehicles turned left out of the Highland Dental Clinic parking lot, and 9 vehicles turned right out of the south alley.

Highland Dental Clinic Parking Lot

- 19 vehicles entered the Highland Dental Clinic parking lot from the alley. Five vehicles came from the south alley, two vehicles turned left from west leg of the east/west alley, and the 12 previously accounted for vehicles that came from View Street.
- 49 vehicles exited the Highland Dental Clinic parking lot. One vehicle turned right and went west on the east/west alley, eight vehicles went south on the south alley, and previously stated 40 vehicles turned left and went east to View Street. Of the 40 vehicles that exited the Highland Dental Clinic parking lot, the most vehicles that left during an hour time period was nine, which was during 5:00 p.m. to 6:00 p.m.

South Alley

- 16 vehicles went south on the south alley. One vehicle turned right from the east/west alley, the eight previously accounted for vehicles that came out of the Highland Dental Clinic parking lot, and the seven previously accounted for vehicles that turned south onto the south alley.
- 21 vehicles went north on the south alley. Seven vehicles turned left and went west on the east/west alley, the five previously accounted for vehicles that went into the Highland Dental Clinic parking lot, and the nine previously accounted for vehicles that turned right and went to View Street.

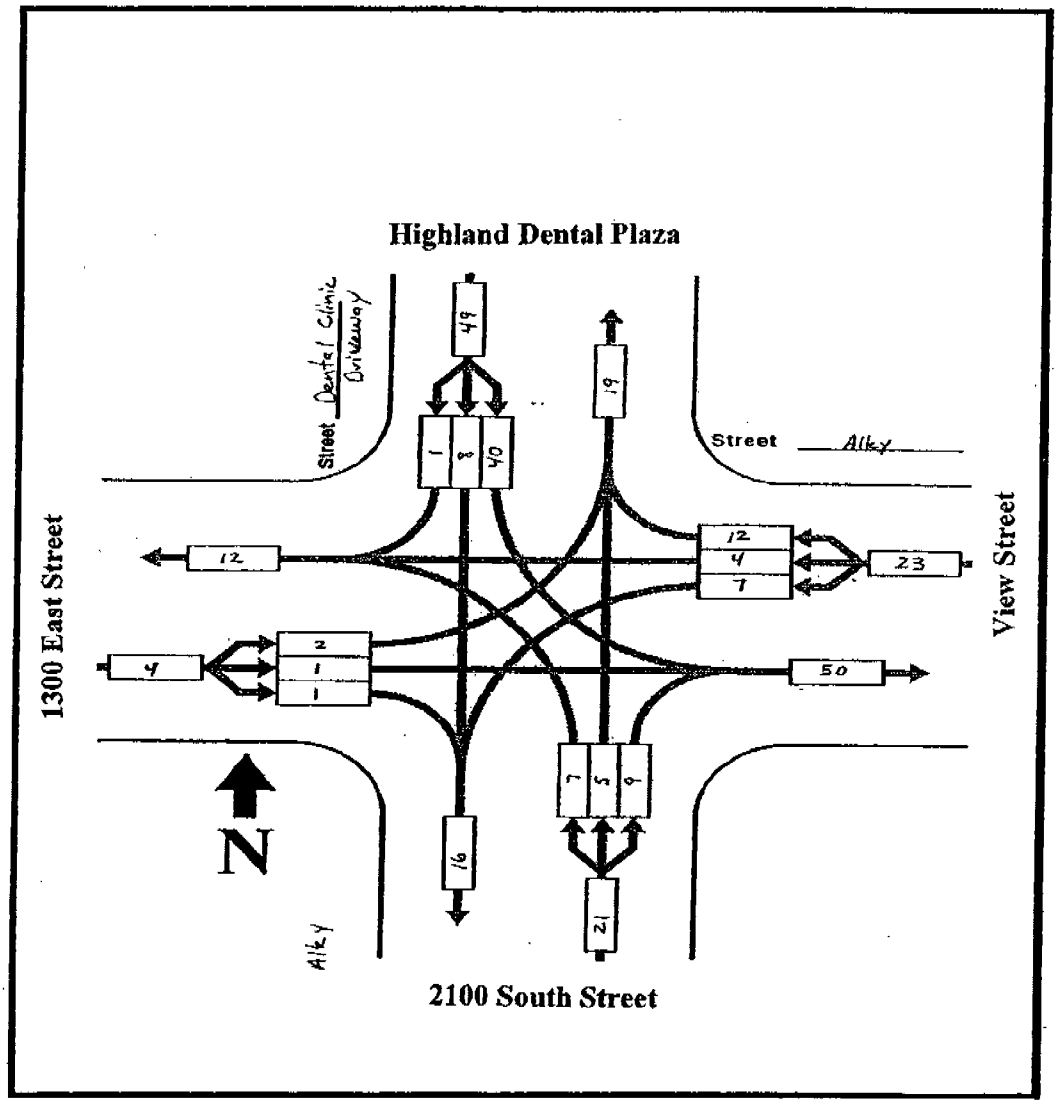
West Leg of East/West Alley

- Four vehicles traveled eastbound and were accounted for in the above descriptions.
- 12 vehicles traveled westbound from View Street and were accounted for in the above descriptions.

Summary

The vehicle count study showed that 12 (52%) of the 23 vehicles entering the alley from View Street went into the Highland Dental Clinic parking lot and that 40 (80%) of the 50 vehicles exiting the alley onto View Street came from the Highland Dental Clinic parking lot. These vehicles were spread out throughout the 12 hour observation period, with the highest number of vehicles from the Highland Dental Clinic parking lot exiting the alley onto View Street during a one hour period (nine vehicles) was during the 5:00 p.m. to 6:00 p.m. time period. The highest number of vehicles entering the alley from View Street and going into the Highland Dental Clinic parking lot during a one hour period was

two vehicles, and occurred during four different hours during the 12 hour observation period. The study of the alley system did not indicate where the vehicles were either coming from or going to. Cut-through traffic or vehicles going to or leaving area apartments could have attributed to some of the vehicle numbers. No vehicle counts have been taken on View Street so any indication of there being high or low volumes of traffic on this street would be a guess. While the occurrence of vehicles entering and exiting the alley from or to View Street to go to or from the dental clinic parking lot may not be desirable to View Street residents, nine vehicles exiting and two vehicles entering during the respective highest hours does not seem unreasonable or excessive.



Traffic circulation recommendation
The Transportation Division recommends that the driveway connection from the parking lot to the alley be allowed. Traffic volumes on the alley are not unreasonable or excessive. It is recommended that the driveway access be redesigned to City standards to accommodate the existing grade change, turning parameters, and 10' x 10' clear sight zone clearances. The driveway redesign must be approved through a public way permit process.

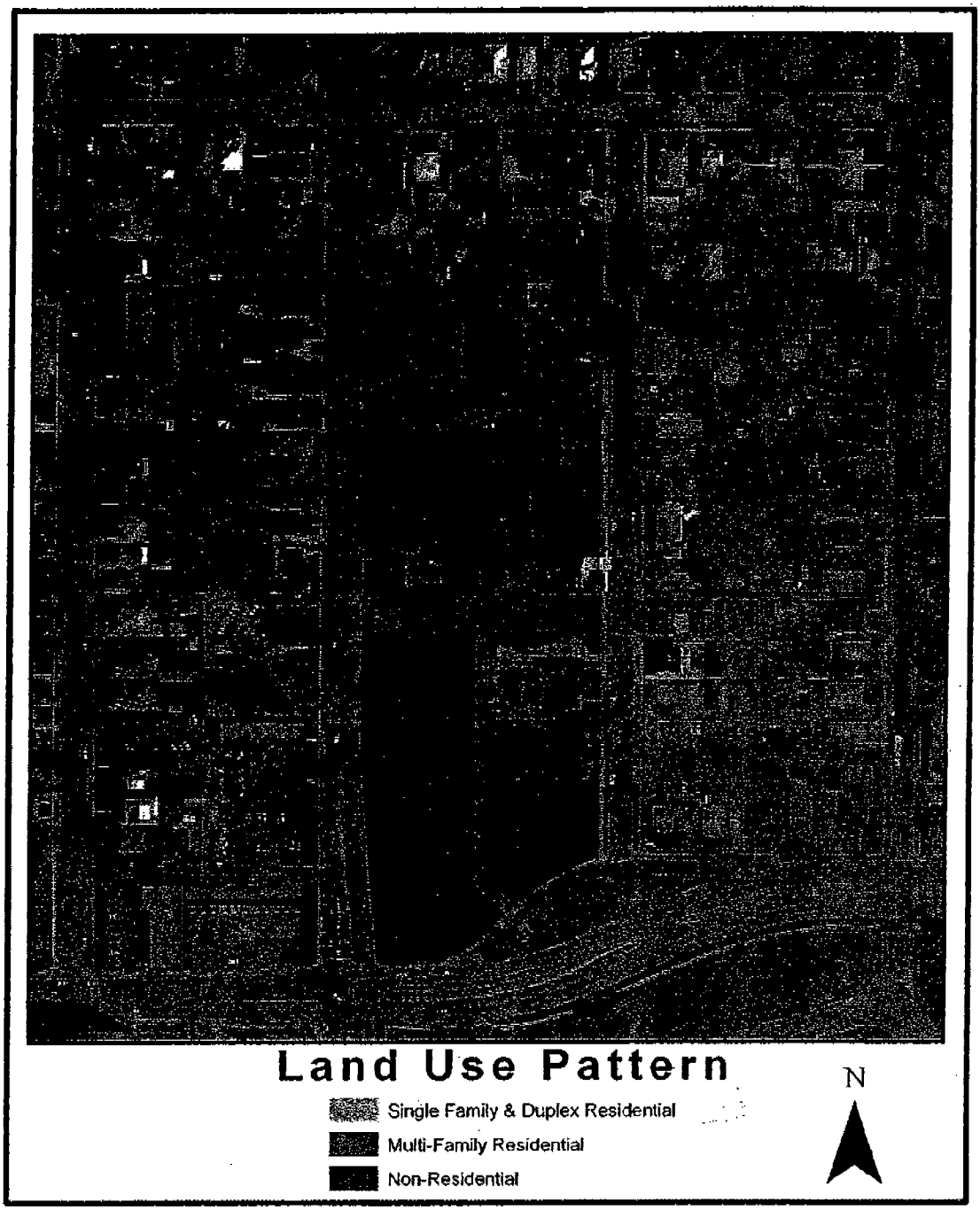
Alleyway and adjacent land uses
The existing alley system runs east and west connecting 1300 East Street to View Street. The alley also has a north-south running segment that connects the east-west alley to the 2100 South Street frontage road that connects to View Street at 2100 South. The existing alleyway system has a mix of commercial and residential land uses that access the alley.

Residents on View Street desire to permit some commercial and residential uses that front on 1300 East Street to be able to maintain access to the alley system. However, they do not want the additional traffic from dental clinic and the 24 residential apartments to the north and four residential units to the east that share the same ingress and egress off 1300 East Street as the dental clinic, to have access to the alleyway.

With the mix of commercial and residential land uses along the alley, the alley closure action that best implements the Sugar House Master Plan policy on alleyways is the closure of the east-west segment of the alley that connects directly to View Street. This action would treat all commercial and apartment properties along the alleyways equally.

However, the Transportation Division has noted that the amount of traffic that uses the alleyway to and from View Street through the Highland Dental Plaza property is not excessive and does not seem unreasonable or excessive.

The existing land use patterns and alleyway system are depicted for the block on the next page.


Land Use Pattern
Single Family & Duplex Residential
Multi-Family Residential
Non-Residential
N

SUBDIVISON AMENDMENT
CODE CRITERIA / DISCUSSION / FINDING OF FACT

20.04.080B Planning and Zoning Commission Authority:

The City Planning Commission shall make investigations, reports and recommendations on proposed subdivisions or amendments as to their conformance to the subdivision ordinance, master plan, site development ordinance, zoning ordinance, and other pertinent documents of the City.

20.31.090 Standards for Approval of Amendment Petitions:
An amendment petition will be approved only if it meets all of the following requirements:

1. The amendment will be in the best interest of the City;
2. All lots comply with all applicable zoning standards;
3. All necessary and required dedications are made;
4. Provisions for the construction of any required public improvements are included;
5. The amendment complies with all applicable laws and regulations; and
6. The amendment does not materially injure the public or any person and there is a good cause for the amendment.

Findings of Fact
If the Planning Commission approves this subdivision amendment, the findings of fact need to be established from the discussion and testimony at the public hearing and added to the following findings:

1. The amendment will create lots, which will best reflect the usage of the property as currently developed.

2. The proposed subdivision is in compliance with the Sugar House Community Master Plan.

3. The proposed lots exceed the minimum square footage requirements of the zoning ordinance. Lot #1 is proposed to be 43,800 sq. ft. The ordinance requires 20,000 sq. ft. and 100' of frontage. Lot #2 is proposed to be 9,286 sq. ft. and the ordinance requires 8,000 sq. ft. and 50' of frontage.

4. The proposed lots of this subdivision will meet all site development and zoning ordinance requirements.

5. The subdivision amendment will nullify the conditional use for off-site parking and its related conditions.

6. The City Transportation Division finds that the amount of traffic on the alley accessing View Street via the Highland Park Plaza development is not excessive.

7. All public way improvements have been installed and are adequate, except for those identified and addressed in the conditions of approval.

8. City Departments / Divisions have reviewed the proposed subdivision and recommend approval subject to the conditions listed in this staff report and attached letters and memos.

9. The Transportation Division has identified that the majority of the Highland Park Plaza generated traffic is appropriately being directed to 1300 East Street. The City conducted traffic survey identified that the maximum vehicles in one hour using the driveway onto the east-west alley segment to View Street was nine vehicles.

10. The Sugar House Master Plan land use policies divide the block into residential, neighborhood business and mixed–use designations. The existing alleyway system directly serves the mixed-use and neighborhood business areas. The land use policy, existing land use, and off-street parking patterns along the alleyway system conflict with the alleyway policy to discourage commercial access. Closure of the east-west alley segment that connects to View Street would sustain the master plan land use and alleyway policies.

RECOMMENDATION

Based on the findings of fact, the Planning Staff recommends that the Planning Commission approve the amendment of lots 8, 9, & 10 of Block 2 View City Plat "B" Subdivision with the following conditions:

1. That the applicant takes out a public way permit to: improve the driveway approach accessing the alley to City standards, to repair and replace sidewalks on 1300 East Street, to replace the dead end drive on 1300 East with curb and gutter, and to repair a damaged piped drive approach on 1300 East.

2. That the applicant pays any fines required by Salt Lake City Engineering for doing work in the public way without a permit.

3. That the applicant files City approved final amended subdivision and condominium plats with the Salt Lake County Recorder and that the public way improvements are completed prior to recording of the amended plat.

4. That the City records a rescission of Conditional Use 410-266 and its conditions with the Salt Lake County Recorder's office.

Based on master plan policy, existing land use patterns and equal alley access opportunity by existing businesses and multiple family developments, the Planning staff recommends closure of the east-west alley segment that connects to View Street. To implement this recommendation the staff recommends that the commission formally request that the City initiate a petition to vacate the east segment of the east-west alley that connects to View Street.

Should the Commission determine that the traffic counts identified by the Transportation Division and/or any other information presented culminate in the fact that no material harm to the public or any person, is created by the proposed subdivision amendment, the Commission then needs to make a specific finding regarding no material harm. This action would allow the option to approve the subdivision amendment permitting alley access without any alley closure.

Everett L, Joyce, AICP

Exhibits:
Exhibit 1: Zoning and Sidwell Parcel Map
Exhibit 2: Site Photographs
Exhibit 3: Division Recommendations
Exhibit 4: 1996 Conditional Use 410-226 Staff Report and Minutes
Exhibit 5: Administrative Hearing Staff Report and Minutes
Exhibit 6: Condominium Amendment Staff Report
Exhibit 7: Public Comments Received

Lake City Canal. The property is located in un-incorporated Salt Lake County.

Commissioner Daniels moved to approve the items on the consent agenda. Commissioner Noda seconded the motion.

Commissioner Scott referred to item B of the consent agenda and asked if there is a provision in the utility permit process to restore vegetation of the area that will be affected.

Mr. Zunguze said that Staff will raise the issue if there is a disturbance to the vegetation to insure that there will be restoration.

Commissioner Scott asked if item C of the consent agenda is near an Open Space area or a public access to the canal.

Mr. Wheelwright clarified that the surface use is a parking lot and the canal is underground.

Commissioner Chambless, Commissioner Daniels, Commissioner Delay, Commissioner Diamond, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Jeff Jonas as Chair did not vote. All voted in favor, and therefore the motion was approved.

PUBLIC HEARINGS

View City Plat A Amendment, by The Highland Park Plaza Condominium Association, requesting to modify the property lines of Lots 8, 9, & 10 of Block 2 of View City Plat B located at 1955 and 1977 South 1300 East. The properties are zoned Residential/Office RO. The existing duplex at 1977 South 1300 East will have a reduction in lot size, and the Highland Dental Center Building will gain the area currently used as a parking lot.

This hearing began at 6:07 p.m.

Commissioner Seelig recused herself and left the room due to conversations she had with neighbors regarding the petition subsequent to the November 7, 2002 Planning Commission meeting when she thought the issue was finished. She did not feel that she could be totally objective about the issue after having the conversation.

Commissioner DeLay stated that her Dentist's office is located in this plaza and she has never had a conversation with anyone regarding this petition.

Mr. Wilde stated that his Dentist's office is also located in the plaza.

Chair Jonas stated that this petition has come before the Planning Commission several times and the Planning Commission decision was appealed to the Land Use Appeals Board, which they remanded back to the Planning Commission.

Mr. Zunguze asked the Commission to address the request, by the neighbors to postpone the public hearing this evening.

Chair Jonas stated that the Planning Commission would be setting a bad precedence to postpone a hearing every time someone could not make the meeting. He said that it is difficult enough to get items scheduled on the agenda and this particular item has been on the Planning Commission agendas many times before. He said that as the public hearing proceeds the Commission may make a determination as to whether the final vote will be made tonight or at a later date.

Commissioner DeLay asked Chair Jonas if the request was from several people. Chair Jonas replied that the request is not specific, it simply says from the neighbors that are most effected. The hearing proceeded.

Planner Everett Joyce presented the petition as written in the staff report. He gave a description of the lots to be amended and a history of the properties affected by the proposal. He gave a brief history of the petition before the Commission. He said that the conditional use was approved with the condition that the alley has no access. The Petitioners acquired the property, and at that time, they felt that the offsite parking was no longer a conditional use, but rather a permitted use, which was correct. However, the Applicant did not obtain the permits for a driveway and did not get subdivision approval. After an enforcement case brought those issues to the Applicants' attention, they made those applications and that is why the subdivision amendment is before the Commission. He said that one of the key issues of this case is the driveway access to the alley way and that additional traffic will travel through the alley and affect View Street. The properties in the area are a Mixed-Use zoning designation. He stated that the Planning and Transportation Divisions conducted a 12-hour survey of traffic through the parking lot and the alley and they identified that the maximum amount of traffic noted was 9 vehicles per hour. Staff feels that this is not excessive. Staff is recommending approval based upon the findings of fact and conditions as listed in the staff report. Staff is further recommending that the Planning Commission request that the City initiate a petition to vacate the east segment of the alley. Mr. Joyce stated that the Planning Commission should make a finding based on the traffic count presented and other information given this evening that there is no material harm to the public created by the subdivision, and still allow access to the alley without alley way closure to View Street.

Commissioner DeLay asked for more detail regarding the material harm.

Mr. Pace replied that the standard for a subdivision amendment is that there is good cause for the amendment and that it will not cause material harm by approving it. He said that the decision rests with the Planning Commission based on the staff report and testimony given this evening.

Commissioner Daniels inquired if the traffic study indicated additional noise or high speeds.

Mr. Kevin Young of the Salt Lake City Transportation Division replied that the study just counted vehicles and noted where they were entering and exiting. He added that nothing was conveyed to him about excessive speeds during that study. He felt that the amount of traffic on that street was low during the time of the survey.

Commissioner Muir referred to the recommendation in the staff report and asked Mr. Joyce what process is required for the alley closure. He asked if the use rights of the adjoining property owners would be extinguished in a vacation process or would the City relinquish responsibility for adjudicating the alley.

Mr. Joyce stated that both adjoining property owners would need to support the petition and the alley would then be given to them to decide if they would gate it or allow private access. The City would give up the alley as far as public use and only maintain utility easements.

Commissioner Muir referred to the other property owners along the alley and asked if they would lose rights to access the alley if they disagreed with the decision of those two adjoining property owners. Mr. Joyce answered that once the alley is given up as public use they lose the right to have access; it is no longer a public way.

Commissioner Muir referred to the Land Use Appeals Board minutes and asked what their issue was with the Planning Commission's due process.

Mr. Pace answered that it is his understanding that the issue was with the irregularity to which the Planning Commission allowed the Petitioner at a separate hearing to provide a rebuttal testimony without opening the hearing generally. The Attorney for the Applicant simply offered to bring the issue back to the Planning Commission and the Land Use Appeals Board agreed.

Chair Jonas stated that he is frustrated with this case coming back because he feels it is clear in the discussion and in the Planning Commission minutes that there were policy changes in terms of rebuttal time that were not offered in this case.

Chair Jonas referred to the paragraph after condition number 4 in the staff report and asked why Staff recommends the closure of the alley based on the existing

land use patterns and equal access to the alley by existing businesses and multi-family developments. Mr. Joyce answered that land use patterns and equal access leads to the right of access to the alley and that action actually conflicts with the land use and alley way policies in the Master Plan.

Mr. Zunguze referred to page two of the staff report which discusses the Sugar House Community Master Plan and said that there is clearly a mixed use element in the plan. At the same time, there is a need for a separation of commercial vehicle movement into residential areas. The east-west connection of the alley clearly shows a pattern of more residential development. Staff is suggesting that that portion of the alley be closed to eliminate conflict. In the event that the Commission makes a finding that the traffic count in that area is not of significant impact, then the Commission needs to cite that finding. Mr. Zunguze said that Staff does not make policy; Staff implements the policy and there is a definite conflict that needs to be rationalized with the prevailing conditions.

Chair Jonas asked Mr. Zunguze how does the Commission deal with the issue of whether or not the alley is consistent with the urban form. He said that the use of alley ways was in many cases, precisely so that vehicles had another pattern to move in other than what might be provided by the streets. He said that this alley seems to be consistent with the urban form.

Mr. Zunguze agreed in theory, but from a practical standpoint, the alley policy equally states that in the event there is a conflict between commercial and residential use and there is a predominance of residential land use, commercial traffic is discouraged.

Chair Jonas opened the public hearing

Mr. Bruce Baird, Attorney for the Applicant, addressed the Commission by saying that during the Land Use Appeals Board meeting, it became clear that they were going to send this item back to the Planning Commission to make a decision that would require his client to appeal back to the Land Use Appeals Board, which they then indicated would be a certainty that his client would win and require them to send the item back again. He stated that his intention was to turn this item into one additional hearing rather than two. He stated that there is no way that this amendment will in any way increase the traffic and there is no rational way that his client can be denied the right to access the abutting public alley. He stated that under the conditions imposed by the staff report, this proposal has made the situation safer. He added that there is no legal way that this petition can be denied.

Mr. Rich Bennett, who resides at 1990 South View Street, spoke to the Commission saying that he feels the traffic study is inaccurate in that there are more cars using the alley than the study listed. He said that he accepted the

original proposal for the alley closure because he thought it would eliminate traffic and now there is more traffic due to the area designated for parking having access to the alley.

Chair Jonas referred to a statement made by Mr. Bennett at the Land Use Appeals Board meeting regarding Mr. Baird and Chair Jonas's friendship. Mr. Bennett implied that the case was reopened due to that relationship and he felt that it was a conflict of interest. Chair Jonas stated that he took great offense to the statement, and that the case was reopened because of a majority vote of the Commission.

Mr. Bennett apologized and said that he felt frustrated because he attended several meetings without being given the opportunity to argue or debate anything that was said by the Applicant.

Ms. Michele Hutchins, who resides at 1990 South View Street, spoke to the Commission saying that she believed a conditional use followed the property not the owner; however, she is now aware that properties can change continually. She said that she has noticed an increase in traffic since the dental clinic has been using the alley. She said that when the dental clinic takes out the proper permits, she believes there will be a greater increase of commercial traffic in the alley. She feels that the amount of cars using the alley is excessive and is cause for material injury. She said that she would be content with the alley closure.

Mr. Eric Strain, who resides at 1984 View Street, spoke to the Commission. His main concern was with the time the traffic count was taken. He said that the traffic count would only be accurate if it was taken for a 24 hour period. He said that the commercial traffic in the alley is excessive and the future is sure to bring an increase of traffic.

Commissioner Diamond asked Mr. Strain his opinion regarding the closure of the east section of the alley to View Street. Mr. Strain felt that it would be the ultimate solution.

Mr. Baird spoke to the Commission to rebut the public comment. He said that the issue for the Commission to decide this evening is a subdivision not the alley. The alley is a different matter that can be considered at a future time.

Chair Jonas closed the public hearing.

Commissioner Diamond referred to condition number 4 and asked Mr. Joyce if he had entered into dialogue with the adjacent neighbors of the alley regarding the alley closure. Mr. Joyce said that he had not spoken to the neighbors.

Commissioner Muir stated that he is in favor of the option to close and vacate the alley. He feels ill-equipped to make a finding that this rises to a level of material

harm. He felt that the appropriate remedy would be to vacate the alley, which would be heard by the Commission at a later date.

Motion

Commissioner DeLay made a motion to approve the amendment of Lots 8, 9 and 10 of Block 2 of View City Plat B Subdivision based upon the findings of fact and with the conditions as listed in the staff report. Commissioner Muir seconded the motion.

Initiated Petition

Mr. Zunguze stated that the conditions 1-4 are the technical elements of the petition. There is a need to initiate a petition to address the policy matter related to the alley.

Commissioner DeLay amended the motion to include a condition number 5, which would request the City to initiate a petition to vacate the east segment of the east-west alley that connects to View Street. Commissioner Muir accepted the amendment.

Commissioner Muir requested to add a finding which states "that the amendment does not pose a material harm that would preclude the approval of the amendment of the lot consolidation."

Amended Motion

Commissioner DeLay made a motion to approve the amendment of Lots 8, 9 and 10 of Block 2 of View City Plat B Subdivision based upon the findings of fact with the additional finding "that the amendment does not pose a material harm that would preclude the approval of the amendment of the lot consolidation", with the conditions as listed in the staff report, and with an additional condition number 5 that "requests the City to initiate a petition to vacate the east segment of the east-west alley that connects to View Street."

Conditions of approval:

1. That the Applicant takes out a public way permit to: improve the driveway approach accessing the alley to City standards, to repair and replace sidewalks on 1300 East Street, to replace the dead end drive on 1300 East with curb and gutter, and to repair a damaged piped drive approach on 1300 East.

2. That the Applicant pays any fines required by Salt Lake City Engineering for doing work in the public way without a permit.

3. That the Applicant files City approved final amended subdivision and condominium plats with the Salt Lake County Recorder and that the public way improvements are completed prior to recording of the amended plat.

4. That the City records a rescission of Conditional Use 410-266 and its conditions with the Salt Lake County Recorder's office.

5. The Planning Commission requests that the City initiate a petition to vacate the east segment of the east-west alley that connects to View Street.

Commissioner Muir seconded the motion.

Commissioner Chambless, Commissioner Daniels, Commissioner Delay, Commissioner Diamond, Commissioner Muir, Commissioner Noda, and Commissioner Scott voted "Aye". Jeff Jonas as Chair did not vote. All voted in favor, and therefore the motion was approved.

Chair Jonas said that he felt it is safe to say that all among the Planning Commission were confident that the vote would not have changed had the Commission waited for comment from the neighbors who requested the postponement.

Commissioner Seelig rejoined the meeting.

Petition No. 410-642, a request by Post Office Properties, for conditional use approval of a commercial surface parking lot at 43 and 45 West 300 South, in a Downtown D-1 zoning district.

This hearing began at 7:04 p.m.

Planner Doug Dansie presented the petition as written in the staff report. He stated that the petition was originally heard by the Commission on July 9, 2003 and the petition was denied. Subsequently, on August 13, 2003, there was a motion to rehear the issue. He stated that commercial parking lots are a conditional use in the D-1 zoning district. He explained the use of commercial parking in that it is for profit and it is not required parking for a specific use as oppose to an accessory parking lot that has a designated use. He said that the proposed parking lot is at a mid-block location and there is a restriction that the lot must be behind a building or structure. He said that since the July hearing, the two structures that were there have now been demolished. The motion from the August hearing was to have the Petitioner come back to the Commission to discuss their long range plans.

Commissioner Noda referred to the statement in the staff report that no

Exhibit 5
Community Council

SUGAR HOUSE COMMUNITY COUNCIL

Member of Salt Lake Association of Community Councils

January 12, 20034

Everett Joyce
Salt Lake City Corporation
Community and Economic Development
Planning and Zoning Division
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: Alley Vacation between 1300 East and View Street at approximately 1984 South

Dear Everett:

Sugar House Community Council heard a request by residents on View Street to close a portion of the alley between 1300 East and View Street at approximately 1984 South at the December 2003 meeting. Several residents on View Street maintained that, due to access onto the alley from the Highland Park Plaza Condominium and the Highland Dental Center, traffic volume and speed through this alley is potentially harmful to the residents at the adjoining properties.

Erick Strain of 1984 View Street initiated the alley vacation petition, and spoke regarding problems he has had with both auto and pedestrian traffic through the alley. John Anderson of 1974 View Street also told of similar problems he has experienced. Most of the concerns expressed related to auto and pedestrian traffic volumes and speed, criminal activity, and safety issues. One trustee observed that the Highland Dental Clinic had created a situation that has forced a decision to close part of the alley to automobile traffic, and objected to the fact that the illegal actions of the Highland Dental Clinic will now result in the loss of public access to this public right of way.

A motion was made to recommend to the Planning Commission and City Council the prohibition automobile traffic in the alley, but not precluding access to the private garages that open onto the alley. The motion was amended to request that the City maintain the alley so it is safe for bicyclists and pedestrians, but close the east end of the alley to access by automobiles. Voting on the amendment was 16 in favor, 1 opposed, 4 abstaining, and voting on the motion was 13 in favor, 5 opposed and 2 abstentions.

Respectfully,

Helen M. Peters, Chair
Sugar House Community Council, 2003-2004

Cc: Janice Lew, Lex Traughber

Exhibit 6
Letter to Property Owners

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

March 5, 2004

Dear Property Owner:

The Salt Lake City Planning Division is reviewing a request to vacate the east section of the alley that extends from 1300 East to View Street, between the properties located at 1974 and 1984 S. View Street. The subject alley also connects to a north-south running alley in the middle of this block. Please refer to the attached map for details.

The City's formal process for relinquishing its interest in an alley next to a single family or duplex residential property is called an ***alley vacation***. If the City determines that it should vacate an alley, the land is typically divided in half, and the property is conveyed to the abutting property owners. Any abutting property owners that require continued access to the alley would then need to enter into a right-of-way agreement with the other abutting property owners to maintain use of the alley.

When evaluating requests to vacate public alleys, the City considers whether or not the continued use of the property as an 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 the proposed vacation. Interested parties will have an opportunity to address the members of the boards and present any information and/or concerns they may have regarding the request. Once the Planning Commission has reviewed the petition, their recommendation will then be forwarded to the City Council for consideration.

The intent of this letter is to notify you of the proposed alley vacation and request initial comments concerning this issue. Please send any comments you may have in writing to the Planning Division before March 19, 2004. If you have any questions, feel free to contact me at 535-7625 or by e-mail at janice.lew@slcgov.com.

Thank you,

Janice Lew
Planning Division

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 , FAX: 801-535-6174

Exhibit 7
Public Input
a) Supporting

From: Eric Rankin
To: janice.lew@slcgov.com
Date: Wednesday - March 17, 2004 7:10 AM
Subject: Salt Lake City Corporation - 1974 View Street Alley Vacation

Eric Rankin
1974 South View Street
Salt Lake City, Utah 84105

Wednesday, March 17, 2004

Salt Lake City Corporation
Planning Division
451 South State Street
Room 406
Salt Lake City, Utah 84111

Dear Janice Lew,

I am responding to a notice dated March 05, 2004 regarding the request to vacate the east section of the alley that extends from 1300 east to view street.

I am the owner of the property directly to the north of said alley (1974 South View Street). I am in complete support for the alley vacation and would like to express below the reasons I have for this position.

VEHICLE TRAFFIC

Traffic Volume - The sheer volume of traffic in the alley has increased in an alarming rate which in my opinion far exceeds the intended use of the alley as defined by the sugar house master plan and also may be likely that there is another issue regarding the local businesses encroaching on residential zoned areas.

Speed issues - Snow and accident danger car/car and car/pedestrian. This winter I have seen several times where cars will overshoot the alley entrance and end up hitting my curb and then getting stuck in the alley as it is one of the last areas of the city to be plowed if at all. I and my dog have almost been hit several times when cars traveling to fast heading eastbound on the alley do not yield when they approach the view street intersection.

Safety issues- I have also witnessed a dramatic increase in use by Commercial trucks that use the alley for access to retail food establishments in this area. Loud, very loud. Moving vans, Tow trucks with car in tow, Sysco Trucks, Pepsi trucks and the like. Which to my understanding is against the law for these big commercial trucks to use the alley.

Property Damage - I am also seeing an increase of property damage to my vinyl fence when cars will try to avoid the huge pot holes will then get to close to my fence and do cosmetic and structural damage.

PEDESTRIAN TRAFFIC

Criminal Elements which uses alley.

Car Prowls - It is my understanding that this area is seeing an alarming trend upward. The alley provides a dark place to hide out of view of passers by and even a quick escape route when needed.

Graffiti - I have had to call the city graffiti removal team to have graffiti removed from my fence and to have graffiti painted over on my neighbors garage.

Late night - cars with stereo booming

Homeless folks - Cart full of aluminum cans very loud. Kids on bicycles and skateboards.

MAINTENANCE

Alley pavement -The alley is in very poor condition regarding the pavement with pot holes and dirt showing in many places. Frankly I am surprised to see cars use it. I do not use it in fear that it will have negative effect on my cars alignment.

Alley Lighting- The alley has literally no lighting and is very dark. I have called The city to request lighting at the entrance from view street and again was told that there is no money for this. I was given permission and a letter was written on my behalf to authorize Utah Power to work with me in regard to a solution where Utah Power would install a light however I would have to hook the light up to my power meter.

Alley approach and sidewalk -The sidewalk and alley approach is in drastic need of replacement as I have called to inquire on the process and was told that these type of projects are of low priority and would require a 50% participation on my part. I am of the impression that this part of the sidewalk may have those in the ADA concerned. I have personally seen those who are totally and permanently disabled getting stuck in their powered wheel chairs and require the assistance from myself or other passers by.

If there are any additional questions I may be reached by phone at 801-363-7602 and e-mail at erankin@utah.gov would ask that I be notified when any public hearings are scheduled so that I may appear in person.

Regards,

Eric Rankin
Property Owner
1974 South View Street

March 18, 2002
Salt Lake City Planning Commission
451 South State Street
Salt Lake City, Ut. 84101

Reason's Why View Street Residents Are Requesting Alley Vacation

As a result of the Highland Dental Plaza being in violation of the conditional use of the alley the following has taken place over the past three years:

The existence of the alley access to View Street has substantially contributed to excess traffic onto View Street, not only affecting the alley but the residential area.

Endangering children, pedestrians, pets

Contributes to crime, unlawful activity, and very unsafe conditions

Noise

Vandalism

Urban design

The usage of the employee's and customers of the Highland Dental Complex and the use of the residents of the highland apartment complex total 90 places to park @ highland dental but another 34 @ the apartment complexes who both share one ingress and one egress, both of these properties front 13th east with a bottleneck merge off of 21st south which in affect really triples the use over a 24 hour period contributing to all of the above.

We the property owners and the residents would like to see the alley vacated.

Eric Strain & Hollie Howton
1984 View Street
Salt Lake City, Ut. 84105

Exhibit 7
Public Input
b) Opposing

Lew, Janice

From: Monet Deshler [monet@utahdisabilitylaw.com]
Sent: Wednesday, March 10, 2004 11:51 AM
To: janice.lew@slcgov.com
Subject: Opposition to Request to Vacate Alley Extending from 1300 East to View Street

Dear Ms. Lew:

We received your letter dated March 5, 2004 indicating the SLC Planning Division is reviewing a request to vacate the east section of an alley which extends from 1300 East to View Street. The alley runs between properties located at 1974 and 1984 South and View Street. The alley connects to a north-south running alley in the middle.

I represent the owner of the property located and 1981, 1983 and 1985 South and 1300 East, Dorothea C. Nelson. The alley in issue connects our property with View Street. The properties located at 1981, 1983 and 1985 South contain 9 apartments, 7 of which utilize the subject alley for purposes of ingress and egress on a daily basis. Additionally, there are apartment buildings, housing several tenants which also use the subject alley frequently.

If the subject alley were to be vacated by the Planning Division, this would allow the property owners adjacent to the subject alley to restrict our totally eliminate all use of the alley. The property owners receiving the subject alley could unduly restrict the use or not allow any use under any circumstances. Due to the sheer number of users, the alley should remain accessible to all without restriction. Any restrictions will cause severe hardship to the apartment tenants, owners, and managers who have been utilizing the alley previously. No convenient means to enter/exit the property would remain for the users of the properties. The alternative would bottleneck the remaining portion of the alley and cause severe hardship when exiting/entering onto/from an already severely congested 1300 East. Additionally, the owner of the property located at 1981, 1983 and 1985 South has maintained the subject alley through the winters, in terms of plowing, and to convey such property to another would be quite unfair.

We are strongly against SLC Planning Division vacating the subject alley for the aforementioned reasons.

Please keep me informed of any further actions taken regarding the subject alley and additional property surrounding 1981, 1983 and 1985 South and 1300 East. If you have any questions or concerns, please contact me via email or by phone at (801)328 - 5600. Thank you for your time and consideration.

Monet Deshler
Manager/ 1981, 1983 and 1985 South and 1300 East
David W. Parker, P.C.
Attorney at Law
Crescent Square
11075 South State Street, Suite 13
Sandy, UT 84070

Lew, Janice

From: Dana Dickson [aluckyman@comcast.net]
Sent: Saturday, March 06, 2004 11:37 PM
To: janice.lew@slcgov.com
Subject: re: View St. alley closure

Hello Janice,

I am responding to your letter of March 5, 2004 regarding the Salt Lake City Planning Division's review of a vacation request for the east section of the alley that extends from 1300 E. to View Street. As your records indicate, I am the property owner at 2007 S. 1300 E.

I have been an owner or resident in this area since 1976 and understand the various access areas there quite well. Closing this alley off will deny the nearby residents an important method of circumventing the horrific traffic situations that exist along 1300 E. in the morning and during the afternoon rush hour.

If you conduct a traffic study, you will discover that much of the access by residents and businesses to their homes and jobs during the day comes from or goes to View Street, which allows safer access to 2100 S. and the only direct access to areas east of there. Closing this area would force all of the current traffic along the south alley to KFC, which would increase the likelihood of accidents and congestion.

I am also wondering where this request is coming from. Is there an issue with the alley that I have not been made aware of? Please fill me in on whatever details I have been missing and note my objection to the vacation request. I'd be happy to meet to discuss this further.

Thanks,
Dana Dickson.
(801) 699-4150

From:
Marc C Van Tassell DDS
Home: 1455 Ramona Ave
Salt Lake City Utah
84105
(801) 412-0394

Business: 2011 South 1300 East
Salt Lake City, Utah
84105
(801) 484-0792

To Whom It May Concern:

This letter is concerning the proposed ***Alley Vacation*** located from 1300 East to View Street, between the properties located at 1974 and 1984 South View street.

I am apposed to this closure. I feel that this is the working of disgruntled neighbors located on the north and south side of the above stated alley (I believe it is the 1974 and 1984 S. View St.) I believe these neighbors are unhappy with the traffic that passes their homes that originates from the Highland Dental Plaza. Citizens who use this alley do so to avoid a **very** busy 1300 East. I use the alley to walk to work. On certain days I ride a small scooter. I personally have never had a personal confrontation with the above stated homeowner, but I have knowledge of confrontations between people leaving the Highland Dental Plaza and the neighbors. I believe the problem stems from an access drive from the north of the alley from the Highland dental plaza. To my knowledge, the above stated home owners have only confronted the people who access the alley from the parking lot of the Highland Dental Plaza. I access the alley and half way down turn to the south and arrive at my office. I do not work at the Highland Dental Plaza. I have always had a good relationship with the homeowners behind my office and hope to do so in the future.

My suggestions:

1. Leave things as they are. I believe if something is working, don't fix it. This alley provides me a place to walk to work and an easy way for people to avoid a very congested 1300 East. Traffic is congested as is, we don't need another road closed.

2. Close the access from the Highland Dental Plaza. I believe this is what the stem of the problem is to start with. I do not believe that small amount of traffic from our office is a problem for the homeowners. Closing our access will greatly alter my walking commute to work.

Once again I would like to voice my opposition in closing this alley. Please inform me of any upcoming hearings, and please feel free to contact me using the above address or phone numbers.

Sincerely

Marc C Van Tassell DDS

To Janice Lew, Planning Division,

I am writing to express my opposition to the idea of shutting off public access to the described alleyway.

I have lived here for 17 years and use the alleyway at least twice a week, more often most weeks. These alleys provide a right of way that pedestrians appreciate. The vehicles that do use the alleys must travel slowly, as the width & general condition of the surface preclude speeding. Please do not deprive all the long time residents of a convenience much appreciated just to appease one or two newcomers to the neighborhood who surely noticed the alley when they made their purchase.

Thank you for your time

Bruce Huchman
1909 S 1300 E
Sugarhouse property owner & taxpayer
for 17 years!

Lew, Janice

From: LEBroman@aol.com
Sent: Tuesday, March 16, 2004 8:29 PM
To: janice.lew@slcgov.com
Subject: alley vacation between 1300 East and View Street

I find the alley very handy and useful and would prefer it remain a public right-of-way.
Sincerely, Eric Broman,property owner at 1934 S. View Street

From: Ramona Granat
2011 South 1300 East
Salt Lake City, UT 84105

To: Salt Lake City Corportation
Community and Economic Development
Planning and Zoning Division

Date: March 15, 2004

To whom it may concern,

This letter is regarding the request to vacate the east section of the alley that extends from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street. This alley is my access to and from work and I am apposed to the request for an *alley vacation*.

In order to determine if the alley should be vacated I hope your office first determines what is the purpose of the alley and is it fulfilling it's purpose? I think the purpose of the alley is to provide access to the buisnesses and residential properties in the area. Is it fulfilling it's purpose? Absolutely.

I work at 2011 South and 1300 East. This alley allows me to get to my office and avoid the extreme congestion that occurs northbound on 1300 East and 2100 South, where the traffic merges from two lanes of traffic to one. This corner is very dangerous because of the quick merge, idividuals driving too fast, and individuals not paying attention. The alley access allows me to avoid this high risk intersection. I am aware that numerous other individuals, the greater majority being co-workers, clients and area residents, also use the alley with a simular purpose. The wear of the road in the alley tells me that it is being used often, but that just reiderates that the alley is fulfilling it's purpose.

This brings us to our next question, has the alley become a major thurofare and has it attracted too much traffic? I do not think so. I have been at my job for over a year and have never encountered another vehicle using the alley at the same time.

From the wording of the letter sent out by your division, I believe that this request was made by the individuals who live at 1974 and 1984 South View Street. Wishing to understand why this request was made I tried to look at it from their prospective. I asked myself if the alley is endangering either families living at 1974 and 1984 South View Street? No. Both of these individuals have enclosed their properties with very private fences. I have also asked myself, is traffic from the alley creating uneccesary noise? I don't think that the alley is creating any uneccesary noise. It has never effected my work enviroment. I know that having

an alley will generate some noise but that is to be expected when you buy property next to an alley access. And last I have asked myself if the alley benifits either of these two residents? Yes. The individual who lives at 1974 South View Street has a gate that opens into the alley from the yard. They use this gate and the alley acess so I would asssume that if the alley were to be closed it would be more of a hinderance for them.

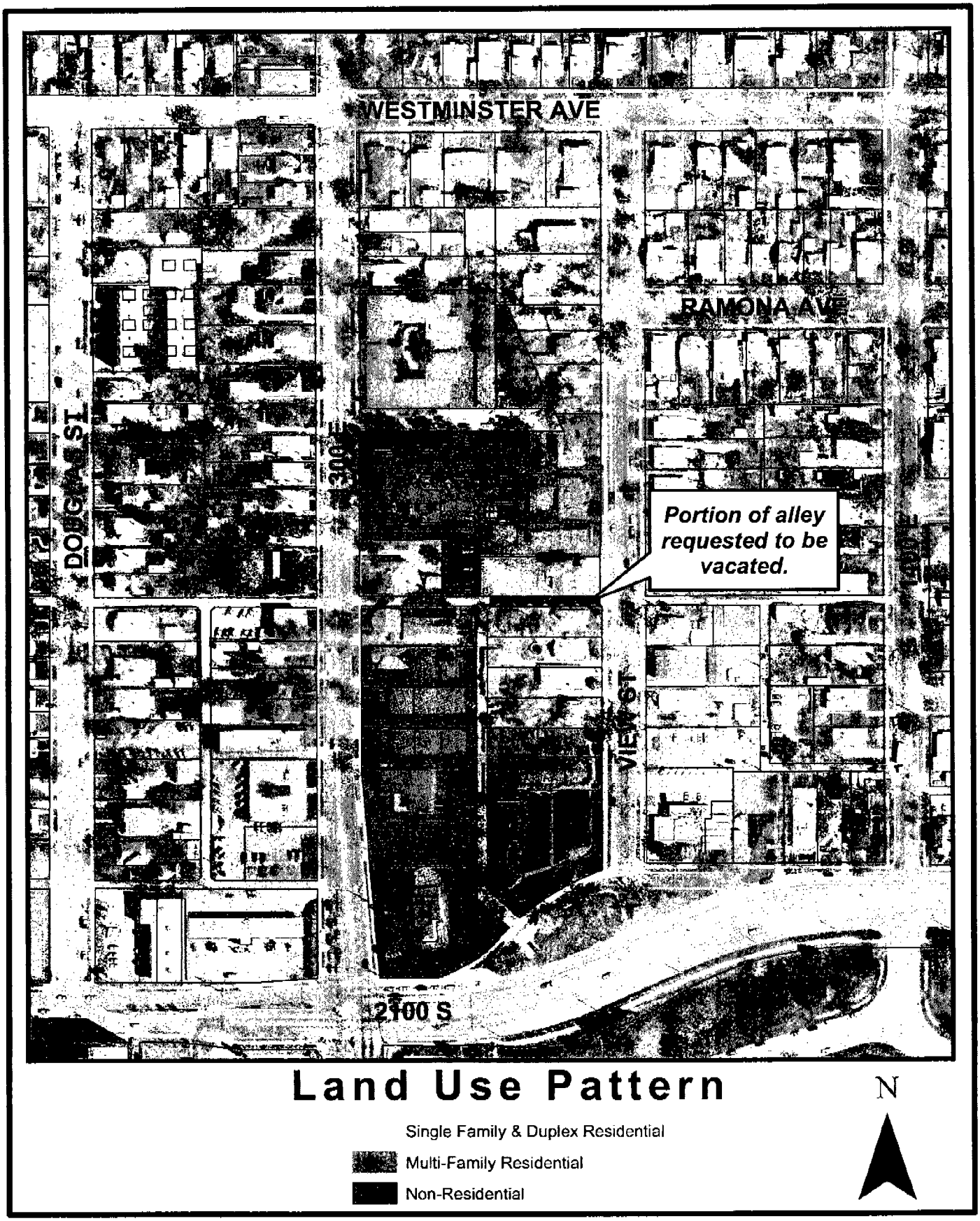
I am requesting your office to dismiss the request to have the alley vacation. I feel that the alley is fulfilling its purpose and that it is benefiting the majority of people who live and work in the neighborhood. I do not think that the alley is generating any unusal amounts of traffic or noise, and I do not think that it is disturbing residential individuals any more than any other alley in this community. I am sure that your office will take this situation seriously and I hope you will see that closing this alley will hinder more people than it will benefit. Thank you for your time.

Sincerely,

Ramona Granat

Ramona Granat

Exhibit 8
Land Use Pattern



Land Use Pattern

N

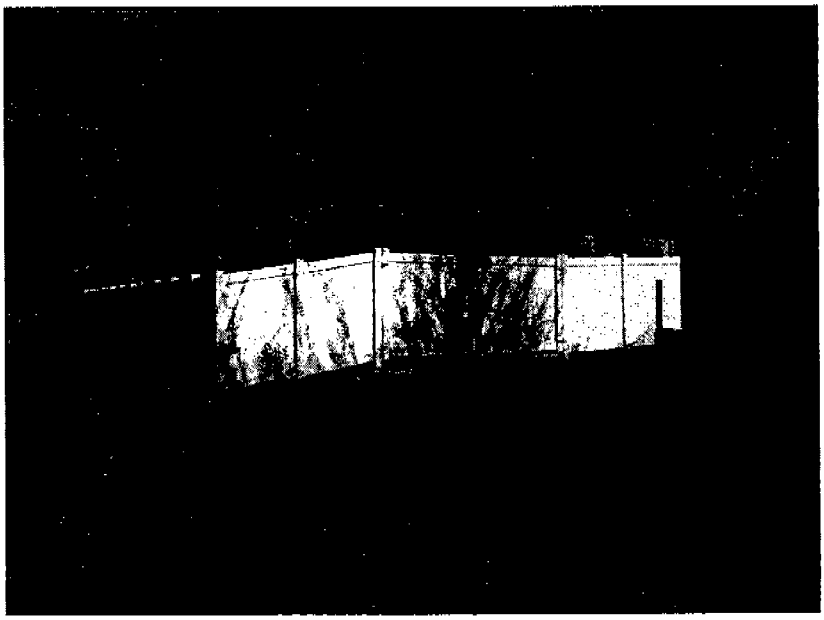
Single Family & Duplex Residential

Multi-Family Residential

Non-Residential

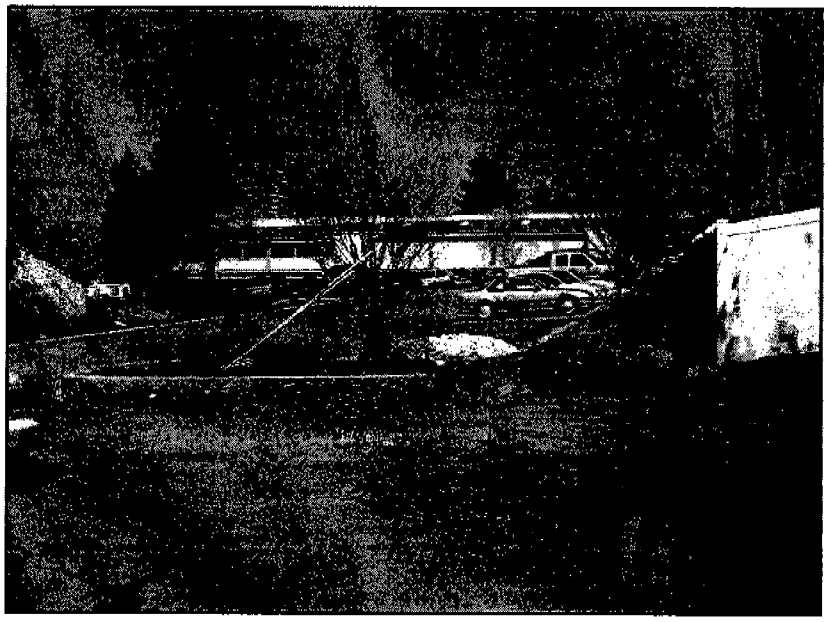
Exhibit 9
Photographs

1974 S. View Street



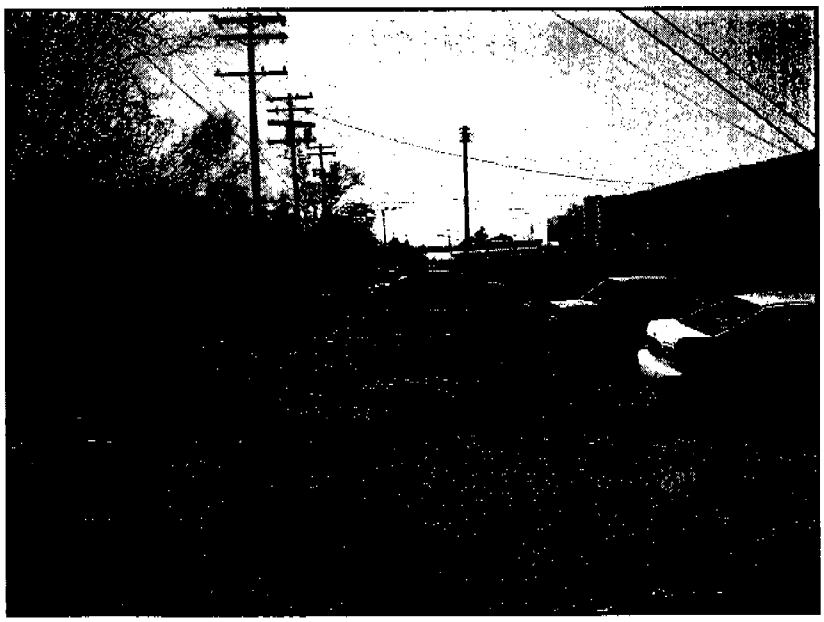
Rear access

1984 S. View Street
Rear garage



Highland Park Plaza
Alley access

West segment of alley



North-south alley through
the middle of the block

Bus stops along
1300 East

Connecting alley on
east side of View St.

5. PLANNING COMMISSION

c) Minutes/Additional Information

July 28, 2004

SALT LAKE CITY PLANNING COMMISSION FINDINGS AND ORDER
CASE NO. 400-03-32

PUBLIC HEARING – Petition No. 400-03-32, by the Salt Lake City Administration, requesting that the City consider vacating as a public right-of-way the east section of the alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street, and connects to a north-south running alley in the middle of the block, and declare the alley property as surplus.

This item was heard at 7:50 p.m.

Associate Planner Janice Lew presented the petition as written in the staff report. She noted that at the request of the Planning Commission, the Administration has initiated a petition to vacate the east segment of the east-west alley that connects to View Street. In October 2003, the Planning Commission held a public hearing regarding a subdivision amendment for the Highland Park Plaza at 1955-1977 South 1300 East. During the public hearing process, neighboring property owners expressed a strong concern regarding increased usage of the alleyway system from the clinic. It was also identified that the Sugar House Master Plan policy regarding alleyways discourages the use of alleys for commercial access if the alley abuts residential property. In response to these issues, the Planning Commission passed a motion to request that the City initiate a petition to consider vacating the subject alley.
Typically when an alley is adjacent to property that is zoned for Low Density Residential use, the City would vacate the alley and divide it in half and each property owner next to the alley would receive the half next to their property. Ms. Lew indicated that neither the Planning Commission nor the Staff has the authority to alter the disposition terms of the Code. Therefore, based on differing views with respect to vacating the alley which Staff has received and the analysis and findings identified in the staff report, Staff recommends the Planning Commission forward a recommendation to the City Council that the City retain its ownership interest in the alley, but restrict vehicle access to the subject alley. Public access for other modes of travel should be retained with vehicle access easements provided to the owners of property abutting the subject alley.

Chair Muir referred to the use of the alley as relief to the street system, he asked if that is mentioned as an agenda for the alleys in the Master Plan. He felt that the use of alleys as a secondary transportation grid is asking too much for the nature of alleys. Chair Muir asked if this alley was ever part of the agenda to move the open space trail system out of the public right-of-way.

Ms. Lew replied that this alley was never part of the Open Space Master Plan.

Chair Muir asked why the City is obligated to make the improvements.

Ms. Lew replied that is because the City will maintain ownership of the alley. Ms. Lew stated that it would be a new precedent, something that has not been considered in the past.

Commissioner Scott referred to page 7 of the staff report and asked if the Sugar House Master Plan addresses super blocks.

Ms. Lew replied that is Staff's interpretation, the Master Plan does not address super blocks.

Chair Muir opened the public hearing.

Mr. Dana Dickson, an adjacent property owner, addressed the Commission in opposition. He felt that alleys are for access and noted that he has a business which abuts the alley. Mr. Dickson said that he felt that any decision to close or limit the access to the alley would negatively impact his business. He said that the north section of the alley is in very poor condition and he felt that the businesses which abut the alley are being punished because the alley is not being maintained. Mr. Dickson said that if the alley is closed to vehicular traffic the pedestrians will not be able to utilize the alley because the vehicular traffic clears a way for pedestrians. Mr. Dickson said that in any case if the alley is closed or remains open the alley should be brought up to a standard that the adjacent property owners could still benefit.

Mr. Bruce Baird addressed the Commission on behalf of the Highland Dental Plaza. He said that he believed that there is a notice problem for the hearing this evening. He said that he has been advised that a number of the people that live on the east-west and north-south alley network were not advised of the public hearing. Mr. Baird said that he hoped that the Commission did not prejudge the petition since the Administration initiated it. He said that at the last public hearing regarding this matter there were a lot of public remarks which he felt precipitated the initiation of this petition. Mr. Baird said that it is clear that this alley is needed for traffic flow. He said that if the alley is closed there will be significant issues with emergency service vehicles. Mr. Baird referred to the public safety finding in the staff report saying that he did not agree that finding had been met. Mr. Baird referred to the police report saying that only 6 events were related to the alley and 3 of which seemed to be related to someone deliberately blocking the alley. Mr. Baird said that there have been attempts to put in street lighting, but the adjoining property owners opposed those lighting systems. Mr. Baird said that if the alley is closed the alley will be maintained in a worst manner. Mr. Baird referred to the idea of turning the alley into a community garden. He said that the two properties that have access rights will not have access if the alley is replaced by a garden. Mr. Baird referred to the community purpose finding saying that the restriction of the public use of the alley to preserve the community use in the form of a community garden is not a likely possibility. He said that the reality of the situation is that the alley will become a weed infested area. Mr. Baird stated that he did not believe that the findings of the staff report have been met. He felt that the Commission should not even consider the discretionary elements in the staff report. Mr. Baird disputed finding 1 saying that at the last public hearing the fire department supported leaving the alley open. He disputed finding 4 saying that the parcels will be materially impacted if the alley is closed. Mr. Baird disputed finding 5 saying that the staff report refers to the Future Land Use Map of the Master Plan which is not applicable. Mr. Bair stated that the proposed alley has been part of the existing alley network which has allowed access to the businesses and residences for at least 40-50 years. Mr. Baird disputed finding 7 saying that the request does not meet the criteria for disposing of the alley. Mr. Baird referred to the final section on page 10 of the staff report which allows the

abutting property owners to maintain the right to access the alley. He felt that statement defeats the purpose of closing the alley. Mr. Baird referred to the Transportation Division statement which was included in the staff report of October 8, 2003. That statement indicates that the traffic on the alley is not excessive and that there is no need to close the alley. Mr. Baird stated that only a few people want the alley closed, a great number of people want that alley to remain open and he felt that the alley does not meet the criteria for closure.

Commissioner Daniels referred to Mr. Baird's comments that the Fire Department is opposed to the proposal. Mr. Daniels noted that the Fire Department submitted comments which are included in the staff report that they do not opposed the proposal.

Mr. Baird said that at the last public hearing the Fire Department was opposed to the closure of the alley and it seems that they are not opposed to the proposal at this time. Mr. Baird said that he could not explain the change.

Mr. Steve Whitehead addressed the Commission representing Eric Strain and Eric Rankin who are the owners of the adjacent properties on either side of the subject alley. Mr. Whitehead stated that the subject site is an alley; it is not an approved City street. The alley is narrow, with no curb and gutter or a sidewalk, which is why it should not be used as a thoroughfare. Mr. Whitehead noted that there is an issue with the maintenance of the alley. The City is responsible for the plowing of the snow as well as the repair of the alley. He said that the additional traffic on an already dangerous alley raises the safety concerns. Mr. Whitehead said that the intent of alley ways is to provide access to the property owners, not create an arterial street or another alternative to the street plan. Mr. Whitehead referred to the letter in the staff report from Mr. Dickson who indicates that the worn nature of the road is proof of the number people that use the alley. Mr. Whitehead stated that is contradictory and an admission that a lot people use the road. Mr. Dickson disputed the argument that the alley is a thoroughfare for the City saying that the alley is not intended to serve that purpose. Mr. Whitehead stated that the health, safety, and welfare of the local residents are an issue. Mr. Whitehead referred to the Highland Dental Clinic saying that they have access on 1300 East and the alley should be left to the use of the residents rather than as a commercial thoroughfare. Mr. Whitehead referenced to the idea of a garden saying that his clients do not intend to put a garden into the alley; the alley would have to allow access for the residents.

Mr. Eric Strain, an adjacent property owner addressed the Commission. He submitted, for the public record, a petition with the signatures of 32 surrounding residents asking for the closure of the alley. Mr. Strain disputed Mr. Baird's comments that the adjacent property owners oppose the lighting of the alley. Mr. Strain stated that the traffic study that was included in the staff report of October 2003 did not include the evening hours, which he felt is a time when there is a heavy flow of traffic in the alley. Mr. Strain stated that the alley is a target for crime and is in disrepair. He stated that the alley needs to be closed to protect the neighbors.

Commissioner De Lay read the requested petition and asked Mr. Strain for clarification regarding the access of the alley. She said if the alley is closed to vehicular traffic the neighboring property owners will not be able to access their garages.

Mr. Strain stated that the request is to close the east-west portion of the alley which would still allow the neighboring property owners access to their garages.

Commissioner De Lay asked if Mr. Strain has attempted to discuss the maintenance issues with the City. She said that the use of the alley seems to be a result of the bottlenecking of 1300 East.

Mr. Strain indicated that he has not discussed that with the City. He agreed with Commissioner De Lay saying that 1300 East is an impacting factor as well as the apartment complex and the dental clinic.

Commissioner Chambless asked Mr. Strain to go into detail regarding his reference to traffic hazards and crime issues in the alley.

Mr. Strain replied that there is a daily increase in traffic. He said that he has been rear ended while pulling out of his garage. He said that he must be very aware while in the alley to avoid getting hit by a vehicle. He added that children use the alley as well which adds to their safety concern. Mr. Strain indicated that there has been drug activity in the alley. He added that there is no lighting in the alley and the neighborhood would welcome any lighting.

Mr. Eric Rankin, an adjacent property owner, addressed the Commission in support of the proposal. He said that he has also witnessed the traffic hazards and has almost been a victim of one. He referred to the question asking if the City has been contacted regarding the maintenance of the alley. He stated that he has contacted the City and was told that the maintenance of the alley is a low priority and he would have to contribute 50 percent. Mr. Rankin stated that he has also contacted Utah Power to try to get lighting in the alley, and they have replied with a letter which would allow Mr. Rankin to do so at his cost. He said that it would be fine if the City decided to keep the alley open if it would be maintained and policed. Mr. Rankin said that the alley is intended to be used by the residents and should be closed to vehicular access.

Mr. John Anderson, an adjacent property owner, addressed the Commission in support of the proposal. He stated that he felt that the notice requirement had been met because letters were mailed to the public and large posters had been placed in the alley.

Chair Muir noted that the City has a certain standard of noticing which must be met; it is not an issue for debate.

Mr. Anderson asked if that has been determined.

Chair Muir stated that Staff feels that the requirement has been met.

Mr. Zunguze added that if there is anyone who thinks that they did not receive sufficient notice of the hearing to let Staff know.

Mr. Anderson stated that he has requested lighting in the alley, and the City has indicated that they would not consider it because of a lack of funds; however, they would write a letter of support to Utah Power which would allow Mr. Anderson to pay for a light himself. Mr. Anderson stated that when he met with Gordon Haight regarding where to put the light he was informed that the light would run off of his power meter and he would be responsible for that cost. Mr. Anderson stated that he is opposed to footing the bill for the lighting which the whole community will benefit from. He said that he is in support of the City putting in lighting. Mr. Anderson stated that when the calls are made to Police when there is criminal activity it is put on low priority and the criminals are gone before the Police arrive. He added that the maintenance is nonexistent; the City has directed the residents to pay for half of the maintenance. Mr. Anderson stated that the residents have gone through the proper channels to alleviate the issues and they are not working. He said that over time the traffic is only going to increase, and the alley must be closed. Mr. Anderson stated that the constant argument is that the alley should not be closed because people use it, which is exactly why it should be closed to preserve the safety of the residents.

Chair Muir noted that it is not uncommon that ornamental lighting improvements will be connected to a personal meter.

Dr. Van Tassell, a resident of the area, addressed the Commission. He stated that he is not a Doctor in the Highland Dental Clinic. Dr. Van Tassell stated that he is opposed to closing the alley; however, he respects and understands the neighbor's perspective. He suggested that the lighting of the alley be improved regardless of the outcome of this petition. Dr. Van Tassell added that if the alley is closed the access for the apartment complex would be closed as well.

Mr. Zunguze asked if the Applicant received notification of the public hearing.

Mr. Van Tassell, replied that he did not receive notice; he heard about the public hearing through a neighbor of the site.

Dr. Steve Burton of Highland Dental Plaza addressed the Commission in opposition of the alley closure. He stated that he grew up in an adjacent home to the alley, and has since moved to another residence. Dr. Burton stated that since the beginning of the clinic, the alley has always allowed access to the clinic from the south, east, and west. He said that since it is not a new proposal it cannot go against the Master Plan. Dr. Burton said that he did not think that there will be a difference in safety if the alley is closed to vehicular traffic. He felt that the criminal activity would actually increase because the current vehicular traffic helps keep the weeds down. Dr. Burton stated that in the past there have been attempts to get lighting in the alley and the neighboring property owners turned it down because there would be a cost of $300.00 from each property owner. Dr. Burton stated that the Highland Clinic cannot control the traffic in the alley after business hours. Dr. Burton noted that Mark Eaton's restaurant also contributes to the traffic on the alley. Dr. Burton stated that if there is an emergency in

the clinic and the traffic on 1300 East is gridlocked the emergency vehicles would use the alley. If the alley is closed the emergency response would be slower. Dr. Burton pleaded with the Commission to keep the alley open.

Mr. Rankin readdressed the Commission to clarify that the Fire Department does not oppose the alley closure.

Chair Muir closed the public hearing.

Chair Muir noted that the Commission received a petition from Mr. Strain as well as various letters in support and opposition of the proposal. Chair Muir stated that he takes considerable umbrage at derogatory comments made toward Staff. He stated that he did not see anything shocking about the staff report. He added that he takes exception to those remarks and he did not think that those remarks serve the debate. Chair Muir stated that the neighborhood belongs to both the residents and commercial uses. He said that the hope is that a symbiotic relationship may be found.

Chair Muir stated that he feels that the intent of alleys is to continue a pedestrian element for the community. He said that he has visited communities where alleys are an asset and are left open to make a more walkable community. He said that he did understand the need to balance the needs for the residential and the commercial uses. Chair Muir said that he did not think that blocking off the alley is the only solution. He referred to other subtle gestures such as lighting, speed bumps, changing the pavement character to designate a pedestrian zone.

Commissioner McDonough agreed that the ideal way to treat alleys would be by giving them a different feel if they were completely funded and maintained by the City. In this circumstance that is not an option; if it was possible she said that she would be in favor of keeping the alley open. Commissioner McDonough stated that she is in support of approving the petition because it is evident that the commercial intensity and vehicular use in this area is now at odds with the residential use of the alley. She noted that the bollard would be able to be removed by the Fire Department if necessary. Commissioner McDonough stated that she does not believe that the weeds will stop growing or that the crime will stop completely but certainly the vehicular related incidents will be diminished.

Commissioner De Lay felt that this alley is unique because it is the only east-west alley from 2100 South and on for blocks and blocks. Commissioner De Lay reiterated that 1300 East is a State road and is a huge problem during rush hour. She said that she would be sad to see the alley closed because she uses it; however, she completely understands the concerns of the neighbors. She stated that in the future there will be an increase in traffic, crime, and use in general of the alley. Commissioner De Lay said that she would support the alley closure to vehicular traffic. Commissioner De Lay asked Staff if all of the notice requirements were met.

Ms. Lew replied that alley petitions only require notification of every property owner on the block, and that requirement was met and expanded further east.

Mr. Wheelwright stated that the notice list includes approximately 100 names.

Commissioner Daniels stated that he agrees wholeheartedly with the Staff recommendation to close the alley to preserve the safety of the neighborhood. He noted that the neighboring property owners have offered to contribute to take care of the area which will help it become a more walkable community.

Commissioner Chambless added that the status quo is not acceptable. He said that perhaps a possibility of a solution is more lighting as well as landscaping and closing the alley to vehicles while allowing it to remain open to pedestrians, bikes, and motorcycles.

Commissioner Scott stated that she would prefer that the alley remain open to cars primarily because of the super block configuration. She noted that 1200 feet is too long of a block to not allow an opportunity to go east-west through the block. She stated that on the other hand the primary purpose is to allow access rather than movement, and the primary users of the alley are all the residents and workers on the block. She said that the maintenance is a great source of frustration. If the alley was maintained, with lighting and traffic control she did not think that the alley would be considered for closure. Commissioner Scott stated that she could live with the closure of the alley to vehicles; however, it is imperative that the alley is left open for pedestrian use. She stated that it is not beneficial to keep the alley open to pedestrians if it is not a safe place. She felt that a very strong message should be sent to the neighbors, Enforcement, and the Community Council that they should attend to the safety issues of the alley.

Motion for Petition No. 400-03-32

Commissioner McDonough made a motion regarding Petition No. 400-03-32, by the Salt Lake City Administration, requesting that the City consider vacating as a public right-of-way the east section of the alley that extends from 1300 East to View Street, between the properties at 1974 and 1984 S. View Street, and connects to a north-south running alley in the middle of the block, based upon the analysis and findings identified in the staff report, and the Staff recommendation and based on the recommendations and the impacts of the proposed action listed in the staff report, that the Planning Commission forward a recommendation to the City Council that the City retain its ownership interest in, but restrict vehicle access to the subject alley. Public access for other modes of travel should be retained with vehicle access easements provided to the owners of property abutting the subject alley.

Commissioner Daniels seconded the motion.

Commissioner Chambless asked if the public access for other modes of travel would include pedestrians, motorcycles, bicycles, and skateboards.

The Commission agreed.

Commissioner Scott stated that she is going to resist the motion because she felt that it will put an unfair impact and expense on the City. She stated that there will be some vehicle access of the alley by the adjacent property owners. Commissioner Scott felt that the approval of the proposal will be setting a precedent that is somewhat dangerous.

Commissioner Chambless, Commissioner Daniels, Commissioner De Lay, and Commissioner McDonough voted "Aye". Commissioner Scott voted "Nay". Prescott Muir as Chair did not vote. Four Commissioners voted in favor, and one Commissioner voted against, and therefore the motion passed.

Chair Muir requested that in the future Master Plans send the message that alleys are a different element in the City. He stated that alleys help encourage pedestrian access. Chair Muir stated that there needs to be a better solution for alleys and their use in the City.

Commissioner De Lay felt that in the future the City will need alleys and will rely on them more.

Dated in Salt Lake City, Utah on August 12, 2004.

Kathy Carlton
Planning Commission Secretary

8/12/04
Planning Director

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
[signature]	2000 S. View St	7-27-04
Name (Print) Kevin King		
[signature]	1955 S 1300 E #2	7-27-04
Name (Print) Christen Nielsen	Highland Dental Plaza	
[signature]	1984 VIEW STREET	7/27/04
Name (Print) HOLLIE HOUSTON	SLC, UT. 84105	
[signature]	SLC, UT 84105	7-27-04
Name (Print) RICHARD W. Howell	1975 S. View Street	
[signature]		7-27-04
Name (Print) CARL V. TIMM	1983 VIEW ST	
[signature]		7-27-04
Name (Print) Michele Hutchins	1990 S. View St.	

769673.1

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
Charles Hyles	1966 View St #B	7-28-04
Name (Print) Charles Hyles		
Jeremy Miller	1936 View St. #4	7-28-04
Name (Print) Jeremy Miller		
Name (Print)		
Name (Print)		
Name (Print)		
Name (Print)		

769673.1

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
Kelley H Evans	1959 S. View St.	7-27-04
Name (Print) Kelley Evans		
Chelsea Nelson	1991 View St.	7/27/04
Name (Print) Chelsea Nelson		
Thomas M Hill	1382 Westminster	7-28-04
Name (Print) Thomas M. Hill	84105	
Brooke Gardner	1381 Ramona Ave	7-28-04 84105
Name (Print) Brooke Gardner		
Richard L Laughlin	1371 E Ramona Avenue	SLC, UT 84105
Name (Print) Richard L Laughlin		07-28-04
Miyuki M. Carey	1993 S. VIEW ST.	7/27/04
Name (Print) MIYUKI CAREY		

769673.1

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
Ronald P. Snarr	1353 Ramona Ave	7-27-04
Name (Print) Ronald P. Snarr		
Sy J. Snarr	1353 Ramona Ave	7-27-04
Name (Print) Sy J. Snarr		
Allan McInnis	1380 EAST RAMONA AVE	7/27-04
Name (Print) ALLAN McINNIS		
Jessica Jeremia	1316 Ramona Ave	7/27/04
Name (Print) Jessica Jeremia		
Donna Stewart	1924 View Street	7-27-04
Name (Print) Donna Stewart		
DEBORAH BOUGIE	1954 S. VIEW ST #1	7-27-04
Name (Print) Deborah Bougie		

769673.1

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
Karen Anthony	1997-1999 View St	7/27/04
Name (Print) Karen Anthony		
Ashlee Roberts	1968 S View St # 2	7/27/04
Name (Print) Ashlee Roberts		
Jeanne S Pulley	1356 E Ramona Ave	7/27/04
Name (Print) Jeanne Pulley SLC Utah Ave		
El D Pulley	1356 E Ramona	7-27-04
Name (Print) Eldon Pulley		
1356 E. Ramona	SLC Ave	7-27-04
Name (Print)		
1954 S. View St	Ryan Robinson	
Name (Print) Ryan Robinson		

769673.1

PETITION IN SUPPORT OF CLOSURE/VACATION/ABANDONMENT OF ALLEY

The undersigned hereby supports the closure, vacation, and/or abandonment of the east section of the alley extending from 1300 East to View Street, between the properties located at 1974 and 1984 South View Street:

Owner Name	Address	Date
[signature]	1908 VIEW STREET	7/27/04
Name (Print) MICHAEL G. SEELEY		
[signature]	1340 Westminster Ave	7/27/04
Name (Print) Edward W. TAGGART		
[signature]	1343 Westminster	7/27
Name (Print) JERRY BITTLE		
[signature]	1960 S. VIEW ST. #3	7/28/04
Name (Print) CARA MALECKER		
[signature]	1354 WESTMINSTER AVE	7-28-04
Name (Print) RAY KARTCHNER		
[signature]	1368 Westminster	7/28/04
Name (Print) JOSH PARIC		

769673.1

6. ORIGINAL PETITION

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

SALT LAKE CITY CORPORATION

MEMORANDUM

TO: Cindy Gust-Jenson, Executive Director City Council

CC: Alison Weyher, Director Community and Economic Development
Rocky Fluhart, Chief Administrative Officer

FROM: Louis Zunguze, Planning Director

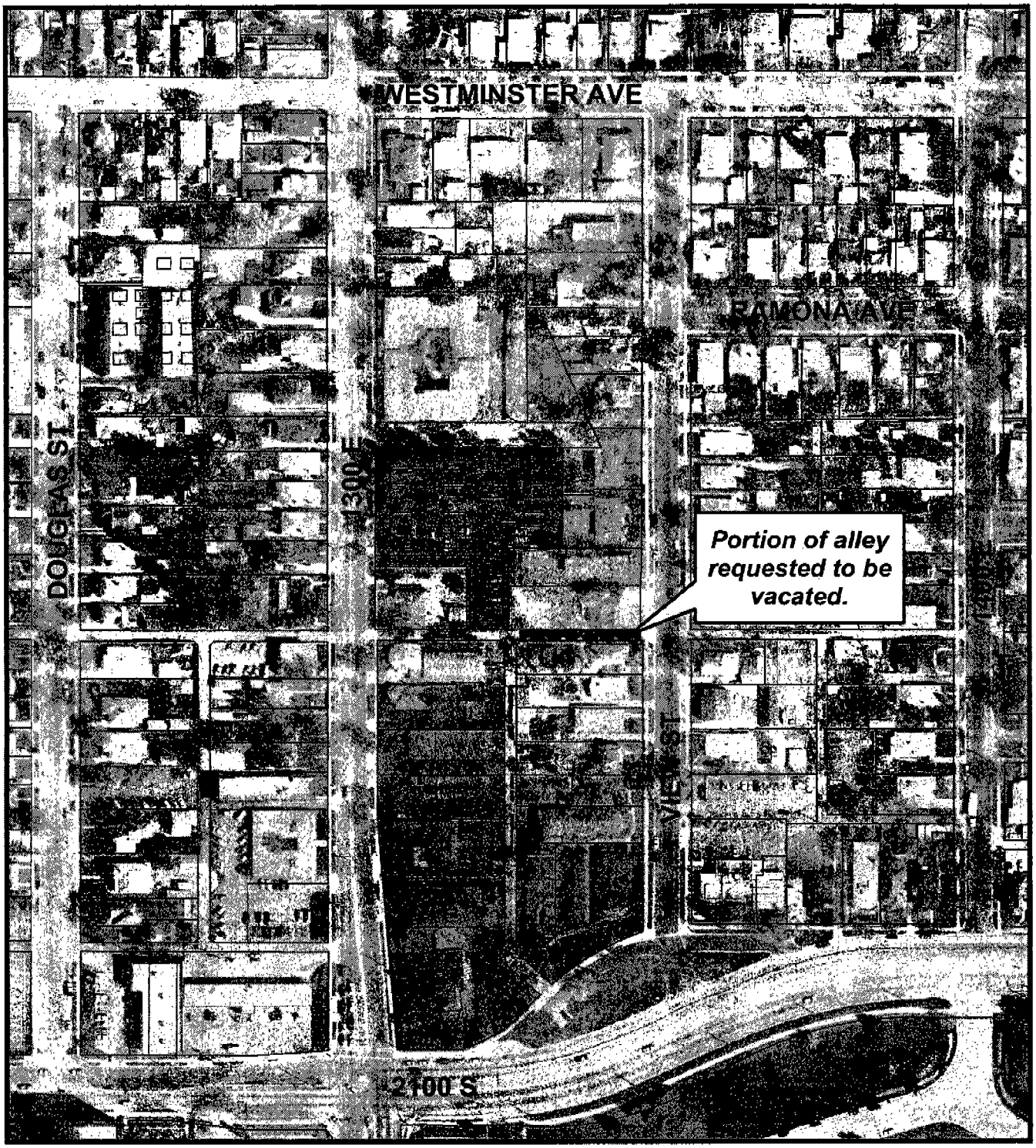
SUBJECT: Request for alley vacation petition at 1980 South View Street

DATE: December 30, 2003

On October 8, 2003 the Planning Commission held a public hearing regarding a subdivision amendment for the Highland Park Dental Plaza at 1955-1977 South 1300 East. During the public hearing process neighboring property owners voiced a strong concern regarding allowing access to the alleyway system from the clinic. They were concerned about the increased traffic that would use the alley to access View Street (a residential street) to avoid the congestion and difficult access onto 1300 East Street. It was identified that the Sugar House Master Plan policy regarding alleyways is to discourage the use of alleyways for commercial access if the alleyway abuts residential property. The existing alleyway system has a mix of commercial and residential land uses that access the alley. In response to this concern the Planning Commission approved a motion to request the City to initiate a petition to vacate the east segment of the east-west alley that connects to view Street. (See attached map)

The City Attorney's Office has indicated that current ordinances regarding alley closures does not provide a clear conclusion of the Planning Commission's authority to initiate alley closure petitions. In light of this, Planning staff is requesting that the City Council initiate the subject alley vacation petition to address the concerns noted above by the Planning Commission.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX: 801-535-6174



Land Use Pattern

N

Single Family & Duplex Residential

Multi-Family Residential

Non-Residential

ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION
OFFICE OF THE MAYOR

MEMORANDUM

To: Louis Zunguze, Planning Director
From: Mayor Ross C. "Rocky" Anderson RCA
Date: January 28, 2004
Re: View Street Alley Vacation

The purpose of this memo is to initiate a petition to close an alley that extends west from View Street, between the properties at 1974 and 1984 South, and connects to an north-south running alley in the middle of this block (see the attached map). The petition will address the problem of nonresidential traffic using this alley to access View Street as a residential street.

Thank you for processing this petition.

451 SOUTH STATE STREET, ROOM 306, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7704 FAX: 801-535-6331

PETITION NO. 400-03-31

PETITION CHECKLIST

Date	Initials	Action Required
11/6/03	KH	Petition delivered to Planning
2/24/04 1/6/03	JL	Petition assigned to: Janice Lew
1/28/04	JL	Planning Staff or Planning Commission Action Date
3/2/04	JL	Return Original Letter and Yellow Petition Cover Sheet
3/5/04	JL	Chronology
		Property Description (marked with a post it note)
		Affected Sidwell Numbers Included
3/5/04	JL	Mailing List for Petition, include appropriate Community Councils
3/13/04	JL	Mailing Postmark Date Verification
3/3/04	JL	Planning Commission Minutes
3/2/04	JL	Planning Staff Report
3/12/04	JL	Cover letter outlining what the request is and a brief description of what action the Planning Commission is requesting.
		Ordinance Prepared by the Attorney's Office
		Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
4/6/04 Lew		Planner responsible for taking calls on this Petition.
		Petition Set for City Council Agenda
		Petition filed with City Recorder's Office

REMARKS

Petition No. 400-03-32

By Planning Commission

Is requesting a petition to vacate the east segment of the east-west alley that connects to View Street.

*Date Filed*_____

*Address*_____