SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	May 6, 2008
SUBJECT:	Petition No. 400-07-03 – A request by Zachary Parrish to vacate the north/south portion of the alley located between Elm Avenue and Sugarmont Drive, from Lincoln Street to 1000 East.
STAFF REPORT BY:	Jennifer Bruno, Policy Analyst
AFFECTED COUNCIL DISTRICTS:	District 7
ADMINISTRATIVE DEPT: AND CONTACT PERSON:	Community Development Ana Valdemoros, Associate Planner
NOTICE REQUIREMENTS:	Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance vacating the north/south portion of the alley located between Elm Avenue and Sugarmont Drive, from Lincoln Street to 1000 East.

-OR-

2. **["I move that the Council"]** Not adopt an ordinance vacating the north/south portion of the alley located between Elm Avenue and Sugarmont Drive, from Lincoln Street to 1000 East.

The following information was provided previously for the Council Work Session on April 1, 2008. It is provided again for your reference.

KEY ELEMENTS:

A. Key points in the Administration's transmittal are the following:
   1. The petitioner is requesting that Salt Lake City vacate the north/south portion of the alley located between Elm Avenue and Sugarmont Drive, and Lincoln Street and 1000 East.
   2. There are 11 single-family residences that abut the alleyway. All abutting property owners are in support of the petition.
   3. Consistent with Council policy, because the abutting properties to the east and west of the proposed alley vacation are single family homes, the surplus property will be divided in half and deeded to the adjacent property owners.
   4. The petitioner is submitting this request because of a desire to build a new garage on the property.

i. All properties along this alleyway have garages or accessory structures which encroach into the right of way.
ii. The Administration's transmittal notes that these accessory structures were likely built in the 1940s or 50s. No building permits were issued for these structures, possibly as a result of a misunderstanding of alley ownership.

5. The alleyway is not currently usable as a thoroughfare, and is only noted as a right-of-way on City maps (see photographs in Attachment 1). It has been fenced, and is not accessible to the public.
6. The alleyway that runs east and west between 1000 East and Lincoln Street is not a part of this petition. Access to the properties abutting that alley will not be affected as a result of this petition.
7. The Planning staff report notes the following findings:
   i. The alley is not usable as a public right-of-way, nor does it currently serve as a positive urban design element.
   ii. Closing the subject alley would not deny sole access to any adjacent property.
   iii. Closing the alley would not create any landlocked parcels.
   iv. The alley has not been designated for future use as a trail, pedestrian path, or other transportation use.
   v. The subject alley is not necessary for actual or potential rear access to residences or for accessory uses.

B. The petitioner's property is zoned R-1-5,000 (Single Family Residential). All of the surrounding properties are also zoned R-1-5,000 (Single Family Residential). The surrounding land uses in all directions are single-family residential. The subject right-of-way is separated from Sugarmont Drive to the South, by abandoned rail lines.

C. The alley property requested for vacation is approximately 221 feet in length and 20 feet in width (.1 acres).

D. All necessary City departments and divisions reviewed the petition and no negative comments were received. The Engineering Division, Public Utilities Department, Transportation Division, and the Building Services and Licensing Division all submitted comments in support of the petition. Public Utilities noted that their records indicate that there are no sewer, water, or storm drain pipes located within the alley.

E. On May 2, 2007 Planning Staff presented the petition to the Sugar House Community Council. The Chair of the SHCC sent a letter dated May 16, 2007 informing staff of the Council's support of the petition. The Chair did indicate that they did not wish for this to be seen as precedent. The letter indicates support for this petition as it is not currently accessible by the public, nor could it be used as public open space without tearing down existing improvements located in the right-of-way.

F. On June 27, 2007, the Planning Commission held a public hearing. No members of the community spoke against the petition at the hearing. The Planning Commission voted to forward a favorable recommendation to the City Council to vacate the subject alley and deed it to the applicant with the following conditions:
   - That the proposed method of disposition of the alley property shall be consistent with the method expressed in Section 14.52.020.

G. An ordinance has been prepared by the City Attorney's office subject to conditions of approval identified by the Planning Commission.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

1. The Council's current alley closure policy states the following: "The City Council…is more likely to act favorably on a petition for disposition of an entire [alley] property rather than a small segment of it." While the policy does not prohibit closing a smaller segment of an alleyway, the Council may wish to ask the Administration to further investigate property owner interest in closure of the remaining portion of the alley (east of the previous alley vacation). Planning staff did indicate that after initial contact with the abutting property owners along the easternmost portion of this east/west alleyway, no response was received regarding interest in closing the remaining part of the alley.

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The Sugar House Master Plan (2005) addresses alleyways with the following policy statements:
   - Incorporate alleyways in new residential development projects wherever feasible.
   - Discourage the use of alleyways for commercial access if the alleyway abuts residential property.
   - Encourage dedicated public streets in new development.

B. The Open Space Master Plan identifies a system of non-motorized transportation corridors that could be developed to re-establish connections between urban and open spaces. This alleyway is not designated as a future trail in this plan. Though the subject right-of-way is perpendicular to the potential light-rail spur connecting Sugar House to the rest of the UTA Trax system (which may have a trail component), it is not currently developed in such a way that the public can access it (fences and accessory structures are built in the right-of-way).

B. The Council's adopted alley closure policy (2003) states the following:
   1. Modes of Disposition – The City may dispose of its entire legal interest in an alley by closure and sale or by vacation. It may dispose of less than its entire legal interest by, for example, revocable permit, license or joint use agreement (referred to as "partial disposition").
   2. Policy Considerations – The City will not consider disposing entirely or partially of its interest in an alley unless it receives a petition in writing which positively demonstrates that the disposition satisfies at least one of the following policy considerations:
      i. *Lack of Use*. The City's legal interest in the property, for example, appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist.
      ii. *Public Safety*. The property is contributing to crime, or unlawful activity or unsafe conditions.
      iii. *Urban Design*. The property does not serve a positive urban design element.

iv. *Community Purpose*. The petitioners are proposing restricting the general public from use in favor of a community use such as a community play area or garden.

3. Processing Petitions - There will be three phases for processing petitions under this section involving, respectively, the City Administration, the City Planning Commission, and the City Council.
    i. Threshold Determination. The City Administration will determine whether or not the petition meets the following requirements:
        1. *procedural*: The petition must:
            a. bear the signatures of no less than 80% of neighbors owning a fee simple interest in a property which abuts the subject property;
            b. affirm that written notice has been given to all fee simple owners of property within and contiguous with the block or blocks within which the subject property is located;
            c. provide documentation that the proposal has been reviewed by the appropriate Community Council or Neighborhood organization;
            d. show that the necessary City processing fee has been paid.
        2. *substantive*: If the petition meets the procedural requirements, the Administration will determine that:
            a. The City Police and Fire Departments and the City Transportation Division and all other relevant City Departments and Divisions have no objection to the disposition of the property;
            b. The petition meets at least one of the stated policy considerations;
            c. The petition must not deny sole access or required off-street parking to any property;
            d. The petition will not result in any property being land locked; and
            e. The disposition will not result in a use which is otherwise contrary to the policies of the City, for example, applicable master plans and other adopted statements of policy which address, but are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.
    ii. City Administration.
        1. The Administration will deny the petition if it does not meet the requirements stated in Policy Considerations section; or
        2. The Administration:
            a. may for appropriate consideration, grant a partial disposition if the petition meets the requirements stated in B 1 of this section; or
            b. if it concludes that vacation or closure and sale is the appropriate disposition, refer the petition to the Planning Commission for review and recommendation to the City Council for final consideration.
    iii. City Council. The City Council will consider petitions for vacation or closure and sale which have been referred to it by the Administration as

required by law. In addition to the consideration set forth above, the City Council:

1. **will not act favorably on a petition if an opposing abutting property owner intends to build a garage requiring access from the property, has made application for a building permit anytime before the Council acts favorably on the petition, and completes construction within 12 months of issuance of the building permit;**
2. **is more likely to act favorably on a petition for disposition of an entire property rather than a small segment of it;**
3. **will be sensitive to potential uses of the property for rear access to residences and for accessory uses;**
4. **will follow the requirements of applicable law with regard to any requirement for consideration; and**

C. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
   1. is aesthetically pleasing;
   2. contributes to a livable community environment;
   3. yields no negative net fiscal impact unless an overriding public purpose is served; and
   4. Forestalls negative impacts associated with inactivity.

CHRONOLOGY:

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

- April 3, 2007 — Petition received by Planning Division.
- May 2, 2007 — Sugar House Community Council review
- June 12, 2007 — Notice of Public Hearing mailed.
- June 27, 2007 — Planning Commission Public Hearing.
- July 5, 2007 — Ordinance requested from City Attorney.
- July 16, 2007 — Ordinance received from City Attorney.
- October 8, 2007 — Received corrected ordinance from City Attorney after legal descriptions were revised and confirmed by City Surveyor.
- March 15, 2007 — Transmittal received in City Council Office.

cc: David Everitt, Esther Hunter, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, DJ Baxter, Rick Graham, Jeff Neirmeyer, Tim Harpst, Max Peterson, Mary De La Mare Schaeffer, Cheri Coffey, Ana Valdemoros, Michael Stott, Janice Jardine

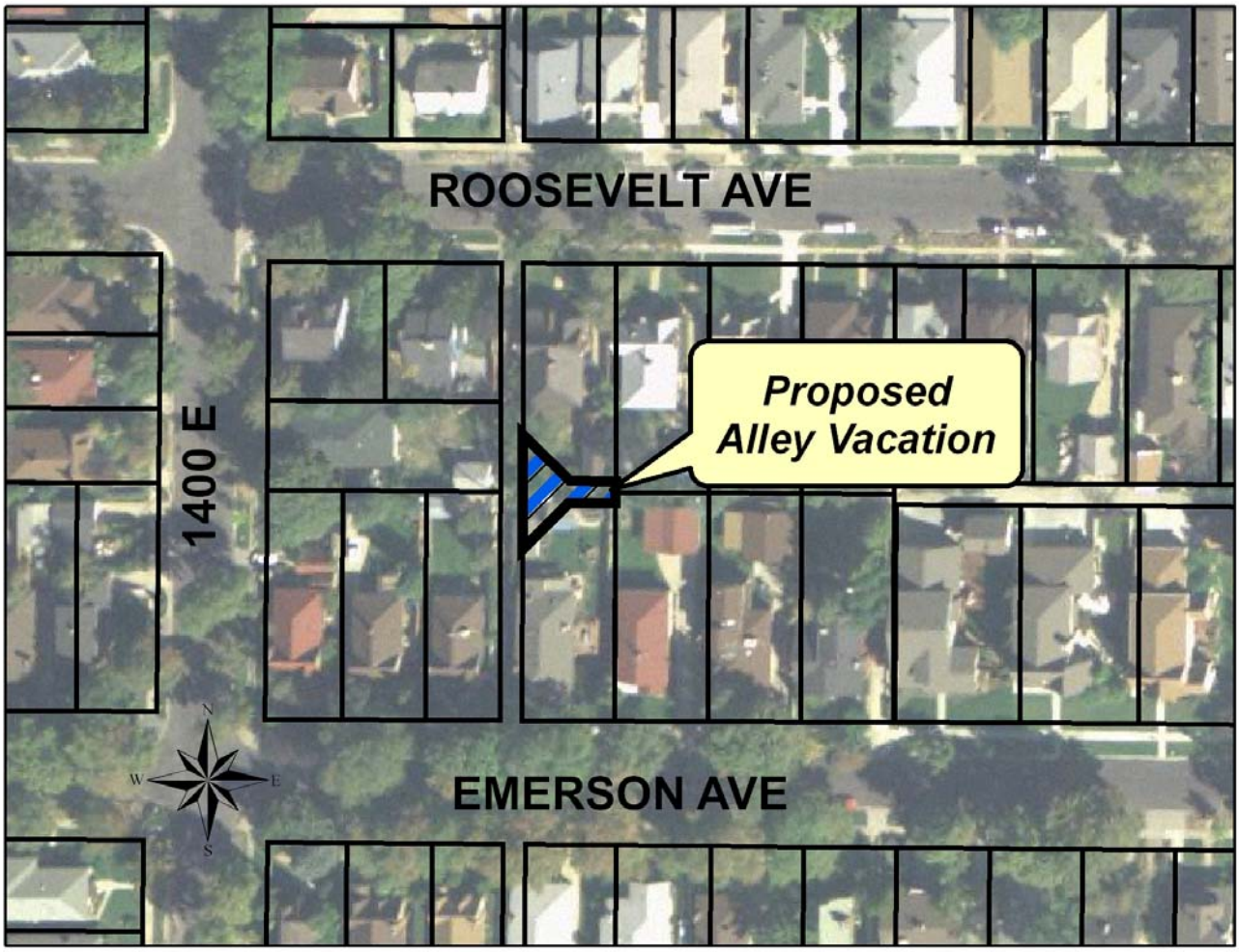
File Location: Community Development Dept., Planning Division, Alley Vacations - Street Closures, Zachary Parrish, North/South Alleyway between Elm Avenue and Sugarmont and 1000 East and Lincoln Street

Attachment 1

Views of alley (with structures and fencing in right-of way)

(view from Sugarmont across abandoned rail line)

ATTACHMENT A



Attachment 1

Views of alley (with structures and fencing in right-of way)

(view from Sugarmont across abandoned rail line)

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

CITY COUNCIL TRANSMITTAL

TO: David Everitt, Chief of Staff **DATE:** March 6, 2008

FROM: Mary De La Mare-Schafer, Interim Community Development & Economic Director

RE: Petition 400-07-03. Alley Vacation request by Zachary Parrish to vacate the north/south portion of the alley located between Elm Avenue and Sugarmont Drive from Lincoln Street to 1000 East.

STAFF CONTACTS: Ana Valdemoros, Associate Planner, at 535-7236 or ana.valdemoros@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a public hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

***Issue Origin*:** Zachary Parrish is requesting that the City vacate the north/south portion of the alley located between Elm Avenue and Sugarmont Drive on the north and south and Lincoln Street and 1000 East. The right-of-way is located in the center of the block and is approximately 221 feet in length and 20 feet in width. The alley is located in an R-1/5,000 Zoning District and abuts eleven single-family residences. The applicant is requesting that this alley be vacated to accommodate the construction of an accessory garage in the rear yard of the property. The proposal would be consistent with all properties along the alley that have garages. A review by Planning staff indicates that the neighbors' accessory structures were likely built in the 1940s and 1950s. Based on City building records, no building permits for those structures were issued, likely as a result of misunderstanding of alley ownership, which was never utilized as an alley and only identified as such on City maps. When the applicant approached the Building Services and Licensing Division with this proposal, he was informed that the proposed location of the accessory structure would encroach on a publicly dedicated public alley. The alley must be vacated before the accessory structure may be built as proposed.

***Analysis*:** The alley has been fenced and is not accessible to the public because of private improvements within the alley. The applicant and all the neighbors abutting the alley have agreed to support the requested alley vacation and have signed the application submitted by Mr. Parrish. A vicinity map and photographs of the alley are included in Exhibit 5B, Planning Commission Staff Report.

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-7105 FAX: 801-535-6005
WWW.SLCGED.COM

The proposed alley vacation does not impact the east/west alley that runs from 1000 East to Lincoln Street, so no property owner that depends on the east/west alley will be deprived of access to their property. Eleven neighbors abut the subject north/south alley and all neighbors are in support of the request. Planning Staff sent a letter on April 23, 2007, to all property owners along the alley requesting comments concerning the petition. No comments were received.

Staff evaluated the proposed vacation using Salt Lake City Code, Sections 14.52.020 and 14.52.030B, which delineate the policy considerations for closure, vacation, or abandonment of City-owned alleys. This analysis can be found in Exhibit 5-B, of the Planning Commission Staff Report beginning on page 5. Staff found that the proposed vacation is consistent with the policy considerations regarding lack of use and urban design. Staff also found that the proposed vacation would not deny sole access or required off-street parking to any adjacent property and would not result in any property being landlocked.

Supportive comments were received from the Engineering Division, Public Utilities Department, Transportation Division, and the Building Services and Licensing Division. No objections were raised.

Master Plan Considerations: Two master plan documents are applicable to this area. The land use policy document that guides development in this area is the Sugar House Master Plan, updated in December 2005. The plan addresses public alleys with the following policies:

- Incorporate alleyways in new residential development projects whenever feasible.
- Discourage the use of alleyways for commercial access if the alleyway abuts residential property.
- Encourage dedicated public streets in new development.

These policies do not apply to this particular alley.

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 has not been designated as a future trail in the Open Space Master Plan.

PUBLIC PROCESS:

The project was presented to the Sugar House Community Council on May 2, 2007. Approximately 30 people attended this meeting. The Chair of the Sugar House Community Council sent a favorable letter to the applicant in support of the project on May 16, 2007.

The Planning Commission held a public hearing on June 27, 2007. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to vacate the subject portion of the alley.

RELEVANT ORDINANCES:

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.

TABLE OF CONTENTS

1. CHRONOLOGY

PROJECT CHRONOLOGY
Petition 400-07-03

April 3, 2007	Petition assigned to Ana Valdemoros, Associate Planner.
April 19, 2007	Memo sent requesting comments from various City Departments and Divisions and courtesy email sent to City Department Directors. An email was sent to Sugar House Community Council Chair regarding this alley vacation and requesting comments or concerns.
April 23, 2007	Notice of the request to vacate the alley was mailed to all abutting property owners.
May 4, 2007	Departmental comments received from Building Services and Licensing, Engineering, Economic Development, Fire, Public Services, Public Utilities and Transportation.
May 2, 2007	The Sugar House Community Council reviewed the request and passed a motion in support.
May 16, 2007	Sugar House Community Council Chair submitted a letter to the applicant supporting the proposed alley vacation.
June 12, 2007	Public hearing notices were sent.
June 27, 2007	The Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council.
July 5, 2007	Requested an Ordinance from the City Attorney's Office.
July 16, 2007	Received final Ordinance from City Attorney's Office.
July 25, 2005	Received legal description from applicant.
July 27, 2007	Sent legal description to City Surveyor.
September 4, 2007	Sent revised legal description to City Surveyor.
September 4, 2007	City Surveyor confirmed that the revised legal description was satisfactory.
October 8, 2007	Received corrected final Ordinance from City Attorney's Office.

2. ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Vacating the north/south portion of the alley generally located between 1000 East and Lincoln Street, and Elm Avenue and Sugarmont Drive)

AN ORDINANCE VACATING THE NORTH/SOUTH PORTION OF THE ALLEY GENERALLY LOCATED AT 1000 EAST AND LINCOLN STREET, AND ELM AVENUE AND SUGARMONT DRIVE, PURSUANT TO PETITION NO. 400-07-03.

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 alley and that vacation of the portion of the alley will not be adverse to the general public's interest.

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

SECTION 1. Vacating Alley. The north/south portion of the alley generally located at 1000 East and Lincoln Street, and Elm Avenue and Sugarmont Drive, which is the subject of Petition No. 400-07-03, and which is more particularly described on Exhibit "A" attached hereto, be, and the same hereby is, vacated and declared no longer needed or available for use as an alley.

SECTION 2. Reservations and Disclaimers. The above vacation 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 vacation is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. 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 _____, 2007.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date October 8, 2007
By Melanie Reif

(SEAL)

Bill No. _____ of 2007.
Published: _____.

HB_ATTY-#1151-v1-Vacating_alley_between_1000_East_and_Lincoln_Street__and_Elm_Avenue_and_Sugarmont_Drive.DOC

EXHIBIT A

Petition 400-07-03, Legal Description by Zachary Parrish. Alley located between Elm Avenue and Sugarmont Drive and between Lincoln Street and 1000 East running in a north-south direction. apv

Legal description for the vacation of a publicly dedicated alley located in the Fairmont Springs Addition Subdivision, Salt Lake City, Utah East 1/2 , Northwest 1/4 , Sec. 20 T.1S. R1E., and more particularly described as:

Commencing at the southwest corner of Lot 21, Block 2 of the Fairmont Springs Addition; thence north 221 feet to the northwest corner of Lot 13, Fairmont Springs Addition; thence west 20 feet to the northeast corner of Lot 22, Fairmont Springs Subdivision; thence south 221 feet to the southeast corner of Lot 30 Fairmont Springs Addition; thence east 20 feet to the point of beginning. Contains approximately 4,420 square feet or approximately 0.10 acres.

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing concerning Petition 400-07-03, a request by Zachary Parrish to vacate the north/south running alley located between 1000 East and Lincoln Street from Elm Avenue to Sugarmont Drive. The request is in order to obtain building permits for a garage in the rear yard of the property. The alley is located in City Council District Seven. The proposed alley vacation is located in the R-1/5000 Zoning District and runs in a north/south direction.

The City Council will hold a public hearing:

Date:
Time: 7:00 p.m.
Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT
Please enter the building from the east side

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Ana Valdemoros at 535-7236 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, or send an e-mail to ana.valdemoros@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this Public Hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

4. MAILING LABELS

Paul Taylor
2200 South 1000 East
Salt Lake City, UT 84106

16-20-137-015-0000

Mohamad. Rahimzadeh
3201 East Nila Wy
Salt Lake City, UT 84124

16-20-137-012-0000

Phil Wentworth & Kim Naylor
2203 South Lincoln Street
Salt Lake City, UT 84106

16-20-137-010-0000

Jennifer F. Parrish (Applicant)
2204 South 1000 East
Salt Lake City, UT 84106

16-20-137-016-0000

Clement Anthony
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Aliso Viejo, CA 92656-61215

16-20-137-001-0000

Toribio & Alejandra Colqui
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Salt Lake City, UT 84106

16-20-137-004-0000

Ana F. Valdemoros
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Karen & David Wheeler
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Salt Lake City, UT 84106

16-20-137-014-0000

Elizabeth R. Long
2208 South 1000 East
Salt Lake City, UT 84106

16-20-137-017-0000

Eric Robinson
2197 South Lincoln Street
Salt Lake City, UT 84106

16-20-137-009

Kristi Johnson
2187 South Lincoln Street
Salt Lake City, UT 84106

16-20-137-007

Samuel Fluckiger
960 East Elm Avenue
Salt Lake City, UT 84106

16-20-137-003-0000

Aaron & Caitlin Stevenson
956 East Elm Avenue
Salt Lake City, UT 84106

16-20-137-002-0000

Grace Sperry, SHCC Chair
2660 Highland Drive
Salt Lake City, 84106

Rosa Castro
2192 South 1000 East
Salt Lake City, UT 84106

16-20-137-013-0000

Maxine Dunlap
2207 South Lincoln Street
Salt Lake City, UT 84104

16-20-137-011-0000

John Carlisle
2195 South Lincoln Street
Salt Lake City, UT 84106

16-20-137-008-0000

Shannon & Seth Dunlop
980 East Elm Avenues
Salt Lake City, UT 84106

16-20-137-006-0000

Bryon Aas &Amy Katz
974 East Elm Avenue
Salt Lake City, UT 84106

16-20-137-005-0000

John Spencer
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16-20-137-002-0000

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16-20-137-006-0000

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974 East Elm Avenue
Salt Lake City, UT 84106

16-20-137-005-0000

John Spencer
Property Management 145460
451 South State Street, Room 245
Salt Lake City, UT 8414-5480

5. PLANNING COMMISSION
A. Original Notice and Postmark
June 12, 2007

Note: field trip 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, June 27, at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff 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 is open to the public for observation.

1. **APPROVAL OF MINUTES FROM WEDNESDAY, June 13, 2007**

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

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC HEARING**

   a. **Petition 410-06-29 & Petition 490-07-09**— a request by Cooper Roberts Simonsen Architects, represented by Jeremy Jones, for Conditional Use/Planned Development and Preliminary Subdivision consideration for seventeen single-family dwellings, located at approximately 690 North West Capitol Street in the Capitol Hill Historic District. The subject property is located in a Special Development Pattern Residential District (SR-1A) Zoning District (Staff—Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

   b. **Petition 410-07-07**—a request by Beehive Telephone, Inc. to install a telecommunications tower in the designated telecommunication site, described in Zoning Ordinance section 21A.32.100, located at approximately 1727 North 200 West in an Open Space (OS) Zoning District (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com).

   c. **Petition 410-07-09**— a request by Anthony Christensen, represented by Kay Berger, to allow a conditional use for a place of worship at approximately 352 & 360 East, 300 South in a Residential/Mixed Use (RMU) Zoning District. The Church of The Living God proposes to occupy and utilize the existing buildings and parking on the site. (Staff—Casey Stewart at 535-6260 or casey.stewart@slcgov.com).

   d. **Petition 400-07-03**— a request by Jennifer and Zachary Parrish to vacate the entire alley that runs North/South between approximately Lincoln Street and 1000 East and Elm Avenue and Sugarmont Drive. The subject alley is located in the R-1-5000 (Single Family Residential) Zoning District. (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

Ana F. Valdemoros
451 South State Street, Room 406
Salt Lake City UT 84111

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street , Room 406
Salt Lake City UT 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. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
   Written comments should be sent to:

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

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. 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.
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. The Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

5. PLANNING COMMISSION
B. Staff Report
June 11, 2007 (This includes the staff report from the June 27, 2007 Planning Commission as an attachment)

DATE: June 11, 2007

TO: Salt Lake City Planning Commission

FROM: Ana F. Valdemoros, Associate Planner

RE: Staff Report for the June 27, 2007 Planning Commission Meeting

---

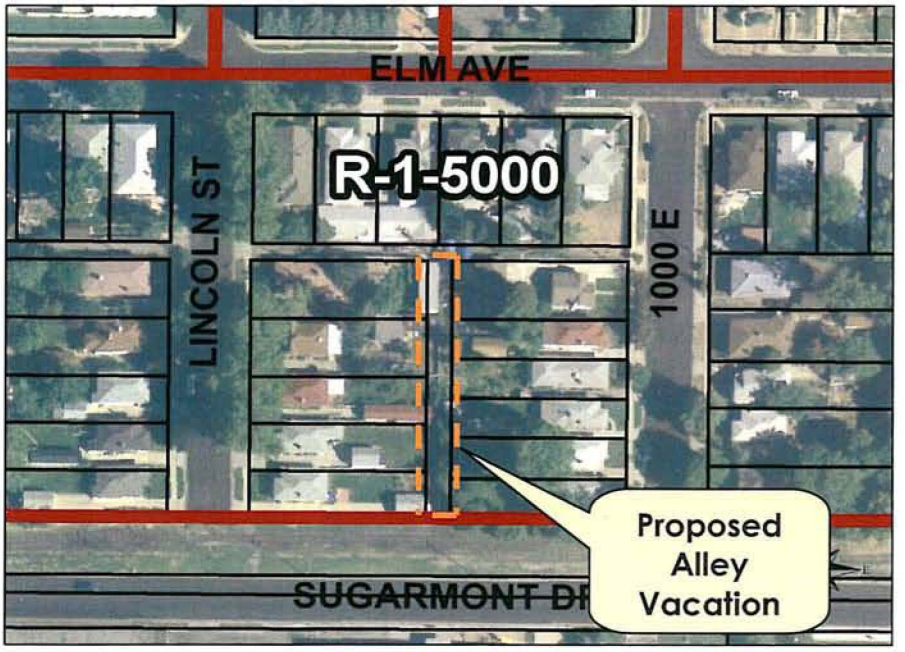
CASE #: 400-07-03

APPLICANT: Zachary and Jennifer Parrish

STATUS OF APPLICANT: Adjacent property owners

REQUESTED ACTION: The applicant is requesting that the entire portion of a north-south alley between Elm Avenue and Sugarmont Drive and Lincoln Street and 1000 East Street be vacated. The Planning Commission's role in the process is to forward a recommendation to the City Council.

PROJECT LOCATION: Between 1000 East and Lincoln Street; and between Elm Avenue and Sugarmont Drive



PROJECT/PROPERTY SIZE:	Approximately 0.10 acres
COUNCIL DISTRICT:	District 7, Councilmember Søren Simonsen
COMMUNITY COUNCIL:	Sugar House Community Council
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 R-1/5000 Single Family Residential
SURROUNDING LAND USES:	**North** Single Family Residential **South** Single Family Residential **East** Single Family Residential **West** Single Family Residential

PROJECT DESCRIPTION:
The subject right-of-way runs north/south in the middle of the block between Elm Avenue and Sugarmont Drive and between Lincoln Street and 1000 East Street. The applicant is a property owner to the east of the subject right-of-way. The alley is approximately 221 feet in length and 20 feet in width. An east/west alley that runs from Lincoln Street to 1000 East will not be affected by this proposed alley vacation and will remain public right-of-way. Consistent with City Council policy, the surplus property will be divided among and deeded to the adjacent property owners.

The vacation has been requested because the applicant would like to build a new garage on his property and discovered that the alley had never been vacated officially although there is no apparent alley. The applicant received the signatures of the abutting property owners on the block along the alley. This vacation does not affect the east/west public right-of-way to the north; it would only impact the property owners along the alley.

SUBJECT PROPERTY HISTORY:
The alley is part of the Fairmount Springs Addition subdivision. The alley has not been vacated properly since it still shows in our records as a public alley. However, there is no existing physical alley since all neighbors along it have built and/or added fences into their properties, generally using it for storage in some cases.

ACCESS:
At its southern terminus the alley is blocked by a railroad right of way and the north access is blocked by a fence. Since all of the abutting property owners have encroached into the alley right of way, no part of the alley is passable.

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 last updated in December of 2005. The plan addresses public alleys with the following policies:

- Incorporate alleyways in new residential development projects whenever feasible.
- Discourage the use of alleyways for commercial access if the alleyway abuts residential property.
- Encourage dedicated public streets in new development.

These policies do not apply to this particular alley. 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. T he subject alley property has not been designated as a future trail in the Open Space Master Plan.

COMMENTS:

City Department/Division Comments

A. Building Services (Larry Butcher)
All properties either have existing street access for parking or potential access from the alley to the north.

B. Engineering Division
The Engineering Division had no issues regarding this proposal.

C. Fire Department (Eric Nalder)
No comments were received from the Fire Department.

D. Police Department (Dave Askerlund)
No comments were received from the Police Department.

E. Property Management (John Spencer)
No comments were received from Property Management.

F. Public Utilities Department (Jason Brown)
Public Utilities has reviewed the above mentioned petition and according to our records there are no sewer, water or storm drain pipes located within the alley. For this reason, Public Utilities is not opposed to the vacation of the alley.

G. Transportation Division (Barry Walsh)

The Transportation Division review comments and recommendations are for approval of the proposed alley vacation as follows:

The alley that runs north/south between the Sugarmont Drive RR easement and the east west alley has no vehicular access except to 2187 South Lincoln Street and 2188 South 1000 East. The remaining east/west alley is a dead end along 2188 South 1000 East and 980 East Elm Avenue that is being used by abutting properties and is fenced.

Due to the dead end status and the approval signatures of all abutting properties, we recommend that all of the alley be vacated to private ownership and that the remaining alley that is needed for vehicular access be designated as a private access easement to those few abutting properties as needed.

Final vacation is subject to approval of all utilities and utility easements shall remain as required and approved by the entity concerned.

Community Council Comments

A. Sugar House Community Council

The Sugar House Community Council reviewed this petition on the May 2, 2007 monthly meeting where staff and the petitioner presented and answered questions on this case. Philip Carlson, the Chair of the Sugar House Community Council, submitted on May 16 the following comments: The Sugar House Community Council (SHCC) supports the alley vacations requested in the petition # 400-07-03. This support is unusual and should not be seen as setting a precedent. This alley was, apparently, really vacated in the 1930's or 40's but missed some bureaucratic step.
Staff Comment: City records indicate that this alley has never been vacated.

ANALYSIS AND FINDINGS:

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 the 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.

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 considerations:

Salt Lake City Code, Section 14.52.020: Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

A. **Lack of Use**: The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.
B. **Public Safety.** The existence of the alley substantially contributes to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
C. **Urban Design.** The continuation of the alley does not serve as a positive urban design element.
D. **Community Purpose.** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion: The entire portion of the north/south alley does not physically exist because of the existence of fences and accessory structures that encroach into the alley. Furthermore, in terms of urban design, there is no real purpose to the continuation of this portion of the alley for these reasons: it does not lead anywhere and does not function as an alley in any obvious way. The requested alley vacation satisfies policy considerations A and C.

Finding: The alley property is not usable as a public right-of-way nor does it serve as a positive urban design element. The request satisfies at least one of the policy considerations listed above as required by Section 14.52.02 of the Salt Lake City Code.

Salt Lake City Code, Section 14.52.030B: Processing Petitions - Public Hearing and Recommendation from the Planning Commission.

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed

disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

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 divisions. Comments were received only from the Transportation Division, the Building Services and Licensing Division, and the Public Utilities Department. These comments are attached to this staff report as Exhibit C.

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

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

   Discussion: The proposed alley vacation satisfies both the "Lack of Use" and the "Urban Design" policy considerations (See discussion on page 5).

   Finding: The petition meets at least one of the policy considerations stated in Section 14.52.020 of the Salt Lake City Code.

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 close an alley if it would deny a property owner required access to their lot. The non-existing alley does not provide access to the any adjacent property owners. The applicant accesses his property via a driveway on 1000 East. The property owners who access their rear yards from the east/west alley would not be affected by this proposal.

   Finding: Closing the alley will not deny sole access or required off-street parking to any owner of property adjacent to the alley.

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

   Discussion: Should the alley be vacated, it would be divided among the property owners adjacent to the subject right-of-way and no parcel would become landlocked.

   Finding: The proposed alley vacation would not create any landlocked parcels.

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 alley has not been designated for a future trail in the Open Space Master Plan. The land use of adjacent properties is low density residential and is consistent with the Future Land Use Map of the Sugar House Master Plan. The disposition of the alley would preclude the use of the alley as a trail and would not be contrary to any other policies of the City.

Finding: The proposed alley vacation meets this standard.

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;**

   Discussion: All property owners who abut the subject right of way have discussed the proposal with the applicant and have signed off on the application. None of the adjacent property owners intend to construct a garage accessed from the alley.

   Finding: No abutting property owner intends to build a garage requiring access from the alley property.

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

   Discussion: This petition requests to close the entire length of the north/south alley.

   Finding: the entire alley will be disposed as part of this proposal, and will comply with the City preference of disposal of an entire alley instead of a small segment of it.

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

   Discussion: The subject right-of-way is not used for access to any property or for any accessory uses. The applicant can access his rear yard and accessory structure via a driveway on the side of his property.

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

Section 14.52.040 (B) of Salt Lake City Code: High Density Residential Properties and Other Nonresidential Properties.

If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

Finding: The property is not zoned commercial or high density residential; the adjacent properties are single family homes. Under City Policy, the alley property would be transferred to abutting property owners by quit claim deeds with no cost to the property owners.

RECOMMENDATION:
Based upon the analysis and findings identified in this report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to vacate and close the subject alley and deed it to the abutting property owners with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Attachments:
Exhibit A – Application Materials
Exhibit B – Maps of Proposed Alley Vacation
Exhibit C – Departmental/Division Comments
Exhibit D – Communication with the Community Council
Exhibit E – Letters to Neighbors on Block
Exhibit F – Photographs

Exhibit A
Application Materials

Alley Vacation or Closure

OFFICE USE ONLY	
Petition No.	400-07-03
Receipt No.	04205529 Amount: 200.00
Date Received:	3-27-07
Reviewed By:	Nole Walkington
Project Planner:	

SALT LAKE CITY PLANNING

Address of Subject Property: 2204 S. 1000 E. SLC, UT

Name of Applicant: Zacary K. Parrish Phone: (801) 662-1093 (HM)

Address of Applicant: 2204 S. 1000 E. SLC, UT

E-mail Address of Applicant: zblueman@gmail.com Cell/Fax:

Applicant's Interest in Subject Property: owner (husband)

Name of Property Owner: Jennifer Fraser Phone: (801) 662-1094

Address of Property Owner: 2204 S. 1000 E. SLC, UT.

Email Address of Property Owner: parrish@MGPLAW.com Cell/Fax:

Are there any multi-family residential uses (three or more dwelling units) or non residential uses that abut the alley?

Yes ☐ No ☒ SIDWELL: 16-20-137-016

If yes, have the property owners been notified about the City's "close and sell" method of disposition (As defined in the attached process information sheet)? Yes ☐ No ☐

Please include with the application:

1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
2. The name, address and Sidwell number of all property owners on the block must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **Payment in the amount to cover first class postage for each address for two mailings is due at time of application.**
3. The name, address and signatures of all owners of property abutting the subject alley who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.**
4. A property ownership map (known as a Sidwell map) showing the area of the subject alley. On the map, please:
   - **a.** Highlight the subject alley.
   - **b.** Indicate with a colored circle or dot the property owners who support the petition.
5. A legal description of the subject alley may be required.
6. **If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.**
7. **Filing fee of $200.00, due at time of application.**

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition

Sidwell maps & names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Jul 2005

Signature of Property Owner Jennifer Parrish ZACARY K. PARRISH
Or authorized agent

ALLEY VACATION OR CLOSURE PROCESS

WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. These alleys were used to provide rear access to buildings for coal delivery, garbage pickup and other services. They also allowed access to garages built toward the rear of a lot. Today, the City is officially the owner of these alleys.

In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley. This typically occurs as the result of a petition from a property owner abutting the subject alley. When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multi-family residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

PROCESS

- A complete application with all the required information listed on the application, the appropriate fees, and postage shall be submitted to the Planning Division located in the City & County Building, 451 South State Street, Rm. 406, Salt Lake City, Utah 84111. Prior to filing an application, the applicant should meet with City staff to discuss their plan and clarify any questions regarding the submittal requirements. Upon receipt of an application, the City administration will determine whether or not the petition is complete and assign a petition number for processing. When a petition is submitted for an alley closure, the petitioner should contact the Division of Property Management at 535-6447 to discuss the value of the land.
- Following receipt of an application, the project planner will contact the appropriate neighborhood organization(s) to schedule a meeting for the applicant to explain the proposed alley vacation or closure. A written verification of the meeting must be submitted to receive an administrative determination that the petition is complete.
- The project planner assigned to the petition will send the petition materials to other relevant City departments and divisions for their review. Each department or division will prepare a written report of its findings and recommendations. The project planner will then compile these findings and evaluate the effect of the vacation or closure upon the provisions of applicable master plans, the Zoning Ordinance, and other applicable objectives and regulations of the City.
- A public hearing will be scheduled before the Planning Commission to receive input on the request. The project planner will present the petition, and identify any issues raised during the review process. The applicant and other interested parties will have the opportunity to address the Planning Commission and present any additional information and/or concerns they may have. Following the public hearing, the Planning Commission will make a recommendation to the City Council on the closure and/or vacation petition and subsequent disposition of the property. The Planning Commission's recommendation shall be based on an analysis of the following:

Petition to Vacate or Close an Alley

Petitioner: Zachary H. Parrish

Address: 2204 S. 1000 E. SLC, UT

Date: 3/13/07

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name and Address	Signature	Date
Kristy Johnson 2187 Lincoln		3-13-07 ✓
KIM Wentworth 2203 SO. Lincoln St		3-13-07 ✓
Karen S. Wheeler 2196 S. 1000 E.		Mar. 13 2007 ✓
M.B. RAHIMZADEH 2188 So 1000 E.		3-13-07 ✓
Edith R. Long 2208 So. 10th East		3/15/07 ✓
Maureen Dunlap 2207 Lincoln St		3/14/07 ✓
[illegible] 2197 So 1000 E		3/16/07 ✓
Paul Tyner 2205 S. 1000 E.		3/16/07 ✓
John Carlisle 2195 Lincoln		3/19/07 ✓
Erik Robinson 2197 Lincoln		3-25-07 ✓
Jennifer F. Parrish 2204 S. 1000 E.	Jennifer F. Parrish	3/25/07 ✓

Exhibit B
Map of Proposed Alley Vacation


R-1-5000

Exhibit C
Department/Division Comments

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: **Barry Walsh, Transportation Division**
Scott Weiler, Engineering Division
Peggy Garcia, Public Utilities
Ted Itchon, Building Services and Licensing
Larry Butcher, Building Services and Licensing
John Spencer, Property Management
Dave Askerlund, Police Department

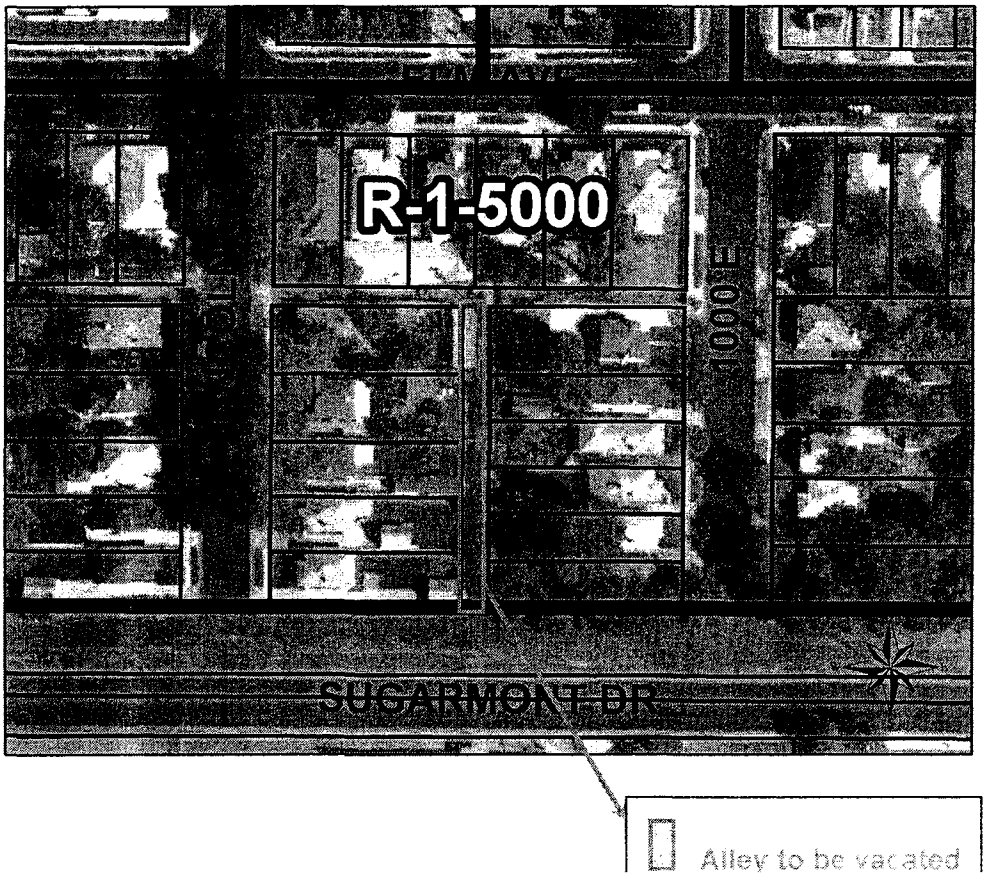
FROM: **Ana F. Valdemoros, Planning Division**

DATE: **April 19, 2007**

CC: **Project File**

SUBJECT: **Petition # 400-07-03 Alley Vacation requested at 2204 South 1000 East Street.**

The Salt Lake City Planning Division is reviewing an alley vacation request by Zacary Parrish. The alley is located on the west side of his property on 2204 South 1000 East Street; between Lincoln Street and 1000 East Street; and Elm Avenue and Sugarmont Drive.



The alley is located in Fairmount Spring Addition Subdivision, block 2. The entire block is zoned R-1-5000 (Single-Family Residential District) It abuts 11 properties, which are all single family residences. All abutting property owners have signed in favor of the request. The alley is fenced off and mature trees are grown in some areas along the alley.

If available, I would like to request a list of case numbers of any police reports associated with this alley from the Police Department.

Please respond either by inter-office mail or e-mail no latter than Friday, May 4, 2007. I will assume that you have no comments if I don't receive a response by this date. Please call me at 535-7236 or e-mail me at ana.fvaldemoros@slcgov.com if you need additional information.

Valdemoros, Ana

From: Smith, Craig
Sent: Tuesday, April 24, 2007 11:29 AM
To: Valdemoros, Ana
Cc: Weiler, Scott; Walsh, Barry; Velasquez, Mike
Subject: RE: Emailing: PETITION-3400-07-03

ENGINEERING

Categories: Program/Policy

To: Ana F. Valdemoros, Planning Division
From: Craig W. Smith, Engineering

Good morning Ana. I have reviewed petition #400-07-03, an alley vacation @ 2204 S 1000 East. The Engineering Department has no interest in this alley, therefore, if there are no objections from the abutting property owners, I recommend the alley be vacated and distributed evenly.
Sincerely,
Craig

-----Original Message-----
From: Weiler, Scott
Sent: Monday, April 23, 2007 11:50 AM
To: Smith, Craig
Subject: FW: Emailing: PETITION-3400-07-03

Craig,

Please review the attached alley vacation request and prepare a response to Ana for my review.

Thanks,
Scott

-----Original Message-----
From: Adams, Jeff
Sent: Friday, April 20, 2007 1:51 PM
To: Weiler, Scott
Subject: Emailing: PETITION-3400-07-03

The message is ready to be sent with the following file or link attachments:

PETITION-3400-07-03

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Valdemoros, Ana

PUBLIC UTILITIES

From: Brown, Jason
Sent: Monday, April 30, 2007 12:56 PM
To: Valdemoros, Ana
Cc: Garcia, Peggy
Subject: Petition #400-07-03 Alley Vacation requested at 2204 South 1000 East Street
Categories: Program/Policy

Ana,

Public Utilities has reviewed the above mentioned petition and according to our records there are no sewer, water or storm drain pipes located within the alley. For this reason Public Utilities is not opposed to the vacation of the alley.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE

Development Review Engineer
Salt Lake City Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
(801) 483-6729
(801) 483-6855 fax
jason.brown@slcgov.com

Valdemoros, Ana

PUBLIC UTILITIES

From: Rokhva, Parviz
Sent: Wednesday, May 02, 2007 4:29 PM
To: Valdemoros, Ana
Cc: Beard, Robert; Lust, David; Valente, Art; Graham, Rick; Rokhva, Parviz
Subject: FW: Alley Vacation petition 400-07-03
Categories: Program/Policy

We have no issues with this petition.
Thanks Parviz

From: Beard, Robert
Sent: Wednesday, May 02, 2007 10:09 AM
To: Rokhva, Parviz
Cc: Aguilar, Joseph
Subject: RE: Alley Vacation petition 400-07-03

I went up and took a look at this and it doesn't impact us in any way. The alley is already blocked off by one of the home owners.

Robert

From: Rokhva, Parviz
Sent: Friday, April 27, 2007 4:24 PM
To: Beard, Robert; Padilla, John; Lust, David; Valente, Art
Cc: Rokhva, Parviz
Subject: FW: Alley Vacation petition 400-07-03

Bob and Dave ,
Please get the detail from Ana and inspect these locations and see if we would have any concerns . Notice the date it is due. Once done please E-mail back to me on what you have found out.
Thanks Parviz

From: Graham, Rick
Sent: Friday, April 27, 2007 3:28 PM
To: Rokhva, Parviz
Subject: FW: Alley Vacation petition 400-07-03

Any conflict created for you if this alley is vacated?

From: Valdemoros, Ana
Sent: Thursday, April 19, 2007 5:30 PM
To: Boskoff, Nancy; Clark, Luann; Dinse, Rick; Creswell, Lyn; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Pack, Russ; Querry, Chuck; Rutan, Ed; Williams, Matthew; Zunguze, Louis
Subject: Alley Vacation petition 400-07-03

All,

The Planning Division is currently reviewing Petition #400-07-03 Alley Vacation requested by Zacary Parrish at 2204 South 1000 East Street. The proposal calls for the vacation of the alley west of his property between Lincoln

Street and 1000 East Street; and Elm Avenue and Sugarmont Drive in the R-1-5000 (Single-Family Residential District). Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have by May 4, 2007. If you would like to review the details of this alley vacation, please notify me by April 27, and I will forward the information to you for your comments.

If you have any questions, please email me or contact me at 535-7236

Thank you.

Ana F. Valdemoros
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-7236

Valdemoros, Ana

From: Walsh, Barry
Sent: Thursday, April 26, 2007 11:11 AM
To: Valdemoros, Ana
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Spencer, John; Askerlund, Dave
Subject: Pet 400-07-03 Alley Vac
Categories: Program/Policy

April 26, 2007

TRANSPORTATION

Ana Valdemoros, Planning

Re: Petition 400-07-03, Alley Vacation request at 2204 South 1000 East.

The division of transportation review comments and recommendations are for approval of the proposed alley vacation as follows:

The alley that runs north / south between the Sugarmont Drive RR easement and the east west alley has no vehicular access except to 2187 So Lincoln St. and 2188 So. 1000 E. The remaining east / west alley is a dead end along 2188 South 1000 E. and 980 E. Elm etc. that is being used by abutting properties and is fenced etc.

Due to the dead end status and the approval signatures of all abutting properties, we recommend that all of the alley be vacated to private owner ship and that the remaining alley that is needed for vehicular access be designated as a private access easement to those few abutting properties as needed.

Final vacation is subject to approval of all utilities and utility easements shall remain as required and approved by the entity concerned.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
John Spencer, Property Management
Dave Askerlund, Police
File

Valdemoros, Ana

PERMITS

From: Butcher, Larry
Sent: Saturday, May 05, 2007 6:39 AM
To: Valdemoros, Ana
Cc: Goff, Orion
Subject: Alley Vacation / 2204 South 1000 East / 400-07-03
Categories: Program/Policy

Ana:

All properties either have existing street access for parking or potential access from the alley to the north. I have no additional comments.

Larry

GEORGE G. SHAW, AICP
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. "ROCKY" ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

M E M O R A N D U M

Date: October 4, 2007

To: Melanie Reif, City Attorney's Office

From: Ana Valdemoros, Associate Planner

Re: **Petition #400-07-03, Vacation of a North/South Alley between 1000 East and Lincoln Street; and Elm Avenue and Sugarmont Drive**

Attached is the copy of the new ordinance you drafted for this petition with new corrections required by Joel Paterson, my former supervisor. Please review and make corrections and provide new ordinance for this alley vacation by October 9.

If you have any questions, please contact me at extension 7236.

Thank you.

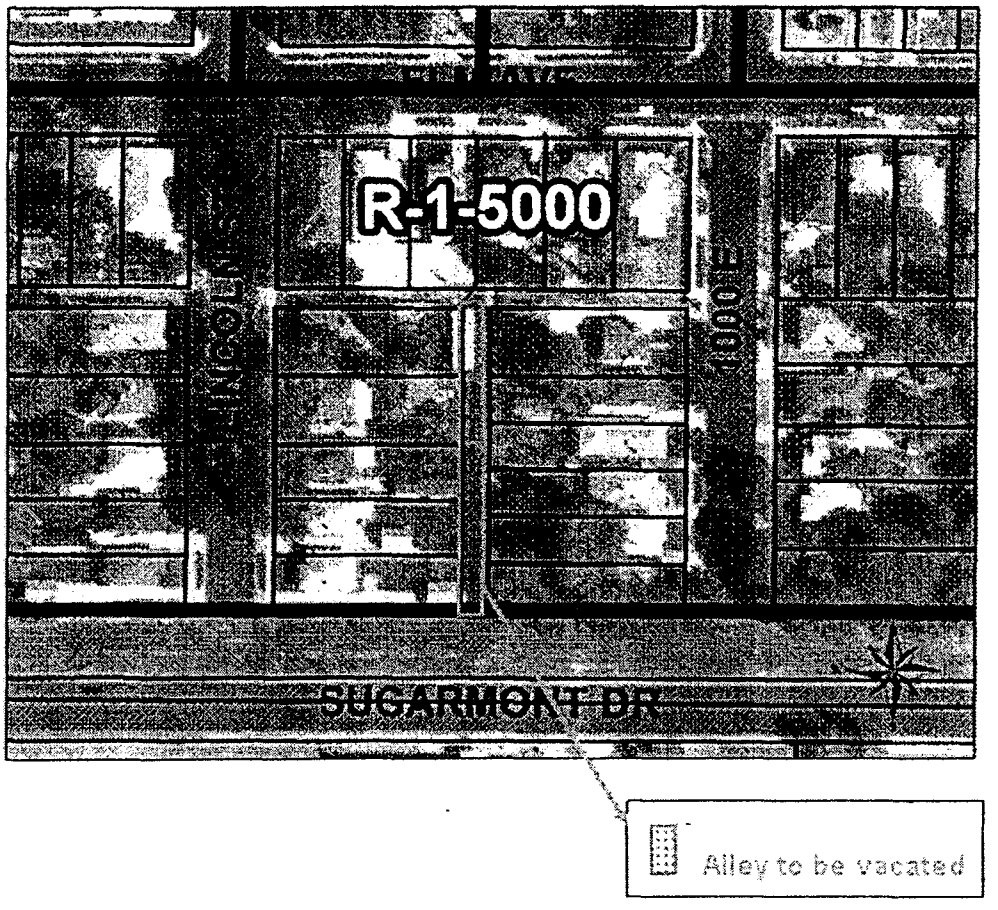
Exhibit D
Communication with the Community Council

Valdemoros, Ana

From: Valdemoros, Ana
Sent: Thursday, April 19, 2007 12:32 PM
To: Valdemoros, Ana
Subject: Petition 400-07-03: Vacation of the alley
Categories: Program/Policy
Attachments: image001.jpg

TO: Philip Carlson, Sugar House Community Council Chair

FROM: Ana F. Valdemoros, Salt Lake City Planning Division
DATE: April 19, 2007
RE: **Petition 400-07-03:** Vacation of the alley located between 1000 East Street and Lincoln Street; and Elm Avenue and Sugarmont Drive.



The Salt Lake City Planning Division is reviewing an alley vacation request by Zacary K. Parrish. The alley is located on the west side of his property on 2204 South 1000 East Street; between 1000 East and Lincoln Street and Elm Avenue and Sugarmont Drive.

The entire block is zoned R-1-5000 (Single-Family Residential District) It abuts 11 properties, all single family residences. All abutting property owners have signed in favor of the request. The alley has not been used as an alley for approximately forty years as it is fenced off and mature trees and vegetation are grown in some parts of it.

As part of the alley vacation process, the applicant is required to solicit comments from the Community Council. The alley is located on the Sugarhouse Community Council. **If you consider this matter to merit an official presentation from staff in your next Community Council meeting of May 2, 2007 please reply to me by April 27 so that I can prepare for this presentation.** However, you might feel that this alley vacation that does not merit a staff presentation and in such case, **we would appreciate a written response including comments from the Community Council within 14 (fourteen) days after the project was presented to them**. This will satisfy the applicant's requirement to solicit comments from the Community Council.

The City Council uses the following criteria to make their decision. The Community Council and the public are welcome to respond using the same criteria:

1. The request is made due to one of the following concerns: Lack of Use; Public Safety; Urban Design; Community Purpose;
2. Vacating the alley will not deny sole access or required off-street parking to any adjacent property;
3. Vacating the alley will not result in any property being landlocked;
4. Vacating the alley will not result in a use of the alley property 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;
5. No opposing abutting property owner (if any) 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;
6. Vacating the Alley furthers the City preference for disposing of an entire alley, rather than a small segment of it;
7. The alley is not necessary for actual or potential rear access to residences or for accessory uses.

Please submit your response no later than May 16, so that a staff report can be complete and sent to the Planning Commission for their review. Comments submitted after the staff report is done, can be submitted directly to the City Council, via the Planning Division, for the City Council's review.

Dates to remember:

April 27: Request Planning staff to present the project at the next Community Council meeting of May 2.

May 16: Submit written response including citizen input collected at the May 2 Community Council meeting.

Thank you for your cooperation. If you have any questions, please contact me at 535-7236 or via e-mail.

Ana

Ana F. Valdemoros
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-7236

Valdemoros, Ana

From: PhilipCarlsonSHCC@Storycupboard.com
Sent: Friday, April 20, 2007 8:57 AM
To: Valdemoros, Ana
Cc: SHCC, Secratary
Subject: Re: Petition 400-07-03: Alley Vacation

Ana,
Thank you for letting us know about this. Alley vacations are important to the SHCC. This one does look pretty clear cut from the information you sent. The council does need to vote on any issue before I can sign off on anything for the council, so let's plan 10 minutes at the May 2nd meeting. (Our deadline for agenda items was the 17th, but I talked to our secratary who is being flexible with me!) I will be assigning a trustee to work on the issue. That person will likely contact you and the petitioner.

Thanks again,
Philip Carlson, Chair SHCC
801-694-2478 cell

Valdemoros, Ana

From: SugarHouse@yahoogroups.com on behalf of Lynne Olson [lynneolson@msn.com]
Sent: Monday, April 23, 2007 10:16 AM
To: SugarHouse@yahoogroups.com
Subject: Re: [SugarHouse] Re: Alley Vacation

I think that the City only requires compensation when the public property - street or alley- is acquired for a commercial development. In the past, SHCC has made a recommendation to City decision makers that the same policy should be applied to residential property owners, who benefit from increasing the size and value of their lots.
SHCC has been instrumental before in suggesting new policies to the City, and this is such an instance. I imagine that the City Planner could offer more information.
Lynne

----- Original Message -----
From: Dave & Shelley Mulder
To: SugarHouse@yahoogroups.com
Sent: Monday, April 23, 2007 10:05 AM
Subject: Re: [SugarHouse] Re: Alley Vacation

how is the value of the property determined? I wonder if the city has informed the applicant that there is a price tag involved and if so are different size lots appraised differently. I am in favor of the open space donation but I wonder if everyone involved is aware of that practice. lynn, do you know of the last time this policy was enacted and is it policy i.e. something the shcc has put in writing and voted on, or was it part of the individual negotiations with each request. if the latter, perhaps a presentation to the shcc is in order, not on the topic of whether or not to vacate, but to insure that the monetary issues are clear. if the city has made this monetary expectation clear to the applicant, then no presentation is necessary, in my opinion, but if the donation precedent is not common knowledge, someone is going to have to inform the property owners. I certainly would like to avoid a presentation if possible, but all parties should have access to all pertinent information. dave mulder

----- Original Message -----
From: Lynne Olson
To: SugarHouse@yahoogroups.com
Sent: Monday, April 23, 2007 9:36 AM
Subject: Re: [SugarHouse] Re: Alley Vacation

The only question I have is in regard to the monetary value of the public property. The value of the neighbors private property will increase at the expense of the public open space. In the past, SHCC has been consistent in requesting that the new owners of the land pay for it.with a donation to the City's open space fund.
Lynne

----- Original Message -----
From: David Holbrook
To: SugarHouse@yahoogroups.com
Sent: Monday, April 23, 2007 5:04 AM
Subject: Re: [SugarHouse] Re: Alley Vacation

Based on the info presented. The alley doesn't exist, the neighbors are happy, no reason to spend any time at the meeting. I say we support the vacation.

On 4/22/07, **Philip Carlson** <PhilipCarlsonSHCC@storycupboard.com>

wrote:

For thoses having difficulty finding this alley here's the description I got:

Petition 400-07-03: Vacation of the alley located between 1000 East Street and Lincoln Street; and Elm Avenue and Sugarmont Drive.

This alley should run north and south from the rail spur on Sugarmont ti another mid-block alley that should run between Lincoln and 10th (this alley is also built on and fenced off). I am guessing that the new property lines will just follow the fence lines, but the real issue is should we vacate or not? It seems to me that we should, or allready have, by not enforcing our public property rights, we might as well get so dough out of it and let everyone have the property they've been using.

Here's my question: Should we have the normal full hearing on this?

Right now the planning department is trying to get out of making a presentation, and it seems to me that it is unnessisary in this case. I didn't even get contact information on the petitioner from the planner. Do we really need, or want, the normal practice, or can we just adopt a letter approving the vacation (or not) at our next community council meeting during the LU&Z Report, with little to no debate? The letter should, in my opinion, make it clear that alley vacations are important to the SHCC and that our handling this one with little input from staff and neighbors is unique and is not setting a precident.

Let me know what you think. If you can't find the alley (the alley's ghost) give me a call!

Thanks, Philip

--- In SugarHouse@yahoogroups.com, "Dave & Shelley Mulder" <dwmphd@...> wrote:
>
> philip- I also looked for the alley and found none. I have no objection but am wondering how the "non-alley" will be divided given that buildings are already there. I think alleys usually are divided equally between adjoining properties (the deed to my house had that arrangement years ago), but if buildings are already there, the results of vacating could be interesting indeed. however, I don't see that as an argument to objecting to the vacating. dave m
> ----- Original Message -----
> From: Philip Carlson<mailto:PhilipCarlsonSHCC@...
> To: SugarHouse@yahoogro ups.com<mailto:SugarHouse@ yahoogroups.com
> Sent: Saturday, April 21, 2007 6:45 PM
> Subject: [SugarHouse] Alley Vacation
>
>
> Sarah and I looked at the "alley" that is being vacated. I am nearly
> always opposed to alley vacations, but there is no alley here! I'll
> redirect the e-mail I got from the planning department, it should be
> more readable than the previously posted forward. The whole length of
> the alley is already fenced and built on. It's apparantly been anarchy
> there! If anyone is opposed to vacation here, please let me know ahead
> of time so we can squeese this in to the LU&Z report section. (The
> planning department actually suggested we just approve this without a
> presentation!) Let me know if you have any concerns.
>
> Thanks,
> Philip
> 801-694-2478 cell
>

Thanks -
Make it a great Day
Dave H

Messages in this topic (0) **Reply** (via web post) | **Start a new topic**

Valdemoros, Ana

From: Valdemoros, Ana
Sent: Tuesday, April 24, 2007 3:41 PM
To: 'PhilipCarlsonSHCC@Storycupboard.com'
Subject: RE: Petition 400-07-03: Alley Vacation

Categories: Program/Policy

Hi Philip,

I have not been contacted by your secretary yet. Do you still want City staff about this alley vacation at your meeting next Wednesday?

Thanks,

Ana

Ana F. Valdemoros
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-7236 O
(801) 535-6174 F
-----Original Message-----
From: PhilipCarlsonSHCC@Storycupboard.com [mailto:PhilipCarlsonSHCC@Storycupboard.com]
Sent: Friday, April 20, 2007 8:57 AM
To: Valdemoros, Ana
Cc: SHCC, Secratary
Subject: Re: Petition 400-07-03: Alley Vacation

Ana,
Thank you for letting us know about this. Alley vacations are important to the SHCC. This one does look pretty clear cut from the information you sent. The council does need to vote on any issue before I can sign off on anything for the council, so let's plan 10 minutes at the May 2nd meeting. (Our deadline for agenda items was the 17th, but I talked to our secratary who is being flexible with me!) I will be assigning a trustee to work on the issue. That person will likely contact you and the petitioner.

Thanks again,
Philip Carlson, Chair SHCC
801-694-2478 cell

Valdemoros, Ana

From: PhilipCarlsonSHCC@StoryCupboard.com
Sent: Tuesday, April 24, 2007 9:39 PM
To: Valdemoros, Ana
Subject: RE: Petition 400-07-03: Alley Vacation

Yes, as of now, we would like staff input at our May 5th meeting, please plan on it. There are a couple questions brought up in in-formal discussion on the issue. 1st is there any cost to the homeowners for the vacation? 2nd is there any policy on open space loss?

I'm going to forward (redirect) an email string to you. If you'd like to comment on the issues you can send them to our group. This one looks to me like we should approve it without much debate, so I'm hoping to be able to cancel the staff appearence.

Thanks,
Philip

Quoting "Valdemoros, Ana" <Ana.Valdemoros@slcgov.com>:

> Hi Philip,
>
> I have not been contacted by your secretary yet. Do you still want
> City staff about this alley vacation at your meeting next Wednesday?
>
> Thanks,
>
> Ana
>
> Ana F. Valdemoros
> Associate Planner
> SLC Planning Division
> 451 S State St, Rm 406
> Salt Lake City, UT 84111
> (801) 535-7236 O
> (801) 535-6174 F
> -----Original Message-----
> From: PhilipCarlsonSHCC@Storycupboard.com
> [mailto:PhilipCarlsonSHCC@Storycupboard.com]
> Sent: Friday, April 20, 2007 8:57 AM
> To: Valdemoros, Ana
> Cc: SHCC, Secratary
> Subject: Re: Petition 400-07-03: Alley Vacation
>
> Ana,
> Thank you for letting us know about this. Alley vacations are
> important to the SHCC. This one does look pretty clear cut from the
> information you sent. The council does need to vote on any issue
> before I can sign off on anything for the council, so let's plan 10
> minutes at the May 2nd meeting. (Our deadline for agenda items was
> the 17th, but I talked to our secratary who is being flexible with
> me!) I will be assigning a trustee to work on the issue. That person
> will likely contact you and the petitioner.
>
> Thanks again,
> Philip Carlson, Chair SHCC
> 801-694-2478 cell
>

Valdemoros, Ana

From: Valdemoros, Ana
Sent: Wednesday, April 25, 2007 2:09 PM
To: 'PhilipCarlsonSHCC@Storycupboard.com'
Cc: Coffey, Cheri; Paterson, Joel
Subject: Petition #400-07-03 Alley Vacation
Categories: Program/Policy

Philip,

I will plan on being there at 7 pm next Wednesday May 2. Unless you have already done so, I will contact the applicant to let him know he is expected to be there to present the information. Please let me know if you have already contacted the applicant. I will be there to answer questions on City regulations, policies and processes about alley vacations and also to take notes on the comments raised by this Community Council.

I have attached the Community Council input letter for this project which outlines the community council's role in the review of the project and identifies the criteria the decision making bodies will use to determine whether to approve the request.

Please let me know of any changes or other concerns and please send me the finalized agenda for May 2.

Thank you,

Ana

Ana F. Valdemoros
Associate Planner
SLC Planning Division
451 S State St. Rm 406
Salt Lake City, UT 84111
(801) 535-7236 O
(801) 535-6174 F

Alley Vacation / Closure
Community Council / Citizen Group Input

TO: Philip Carlson, Chair Sugar House Community Council

FROM: Ana F. Valdemoros, Planning Division Staff

DATE: April 25, 2007

RE: Petition # 400-07-03 Vacation of alley located between 1000 East and Lincoln Street, and Elm Avenue and Sugarmont Drive

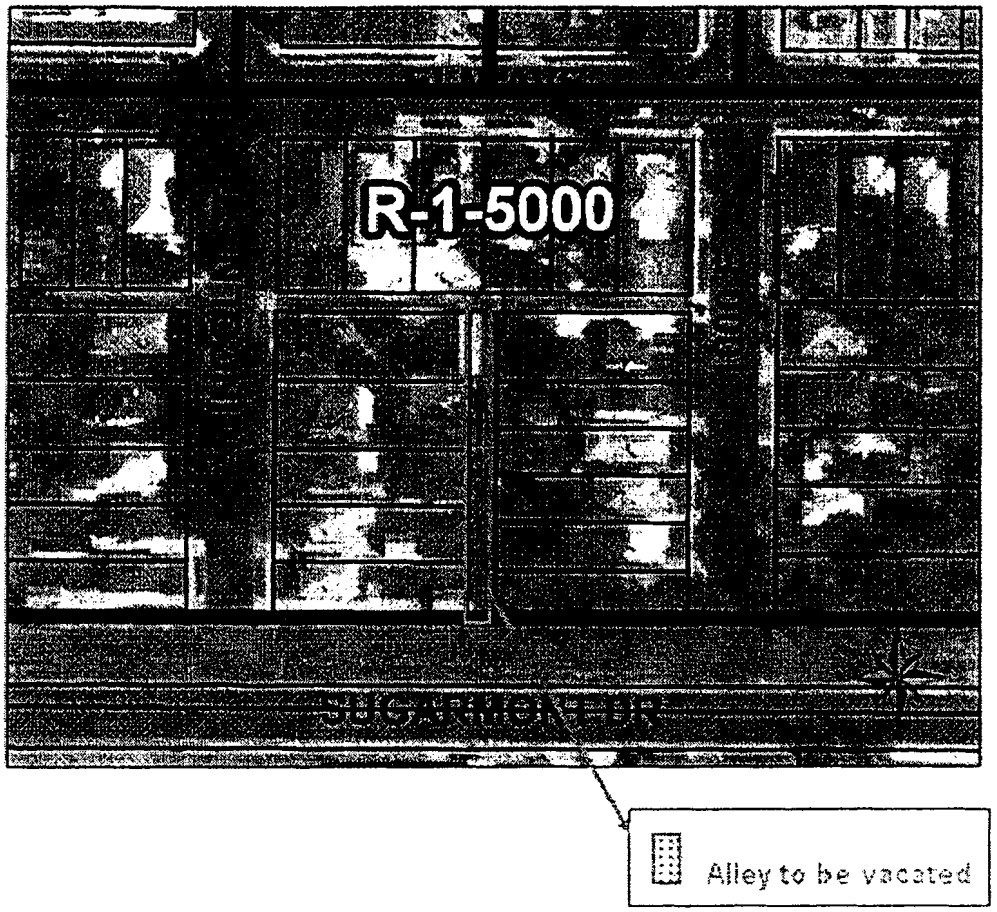
Zacary Parrish is requesting Salt Lake City approve an Alley Vacation for the alley located at approximately 2204

South 1000 East between Lincoln Street and 1000 East and Elm Avenue and Sugarmont Drive. As part of this process, the applicant is required to solicit comments from the Sugarhouse Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not as important to the City Council as relevant issues that are raised by the community council.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will present information at the meeting. Planning Staff may attend to clarify regulations, policies, and processes.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. Where a project is located within the boundaries of more than one Community Council or where the project is within six hundred feet of the boundaries of other Community Councils, the Planning Division will hold an Open House. Community Council Chairs will be notified of the meeting and asked to notify the members about the meeting. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the City Council. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the City Council, via the Planning Division, for their review prior to the City Council Public Hearing. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the City Council will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

1. The request is made due to one of the following concerns: Lack of Use; Public Safety; Urban Design; Community Purpose.
2. Vacating the alley will not deny sole access or required off-street parking to any adjacent property.
3. Vacating the alley will not result in any property being landlocked
4. Vacating the alley will not result in a use of the alley property 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;
5. No opposing abutting property owner (if any) 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;
6. Vacating the Alley furthers the City preference for disposing of an entire alley, rather than a small segment of it
7. The alley is not necessary for actual or potential rear access to residences or for accessory uses.



Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at ana.fvaldemoros@slcgov.com.

If you have any questions, please call me at (801) 535-7236 or via e-mail.

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant, met with the _____ Community / Neighborhood Council on _____. Approximately _____ people attended the meeting. Those in attendance made the following comments relating to the project.

_____

_____

_____

In general, was the group supportive of the project? _____

Signature of the Chair or Group Representative

_____

Ana F. Valdemoros
Associate Planner
SLC Planning Division
451 S State St, Rm 406
Salt Lake City, UT 84111
(801) 535-7236 O
(801) 535-6174 F

Valdemoros, Ana

From: PhilipCarlsonSHCC@StoryCupboard.com
Sent: Wednesday, April 25, 2007 4:08 PM
To: Valdemoros, Ana
Cc: Coffey, Cheri; Paterson, Joel
Subject: Re: Petition #400-07-03 Alley Vacation

Ana,
Here's a link to our agenda:

http://sugarhousecouncil.com/wiki/index.php/SHCC_Meeting_Agenda%2C_May_2%2C_2007

I didn't get contact information on Mr. Parrish, but it looks pretty cut and dried.

My council is interested to know if there are financil obligations for the homeowners, and if the homeowners are aware of the costs.

Thanks,
Philip

May 16, 2007

To Whom It May Concern:

The Sugar House Community Council (SHCC) supports the alley vacation requested in petition #400-07-03.

This support is unusual and should not be seen as setting a precedent. This alley was, apparently, really vacated in the 1930's or 40's but missed some bureaucratic step.

Thank you,

Philip Carlson, Chair, SHCC
1917 E. 2700 South
SLC, UT 84106
801-486-9448

Exhibit E
Letter to Neighbors on Block

April 23, 2007

Re: # Petition 400-07-03 Alley Vacation request by Zacary Parrish at 2204 East 1000 South Street.

Dear Property Owner:

The Salt Lake City Planning Division is reviewing a request to vacate the alley that runs in a north-south direction located between Lincoln Street and 1000 East Street, and between Elm Avenue and Sugarmont Drive. The subject alley also connects to an east-west 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 May 7, 2007. If you have any questions, feel free to contact me at (801) 535-7236 or by e-mail at ana.fvaldemoros@slcgov.com.

Thank you,

Ana F. Valdemoros
Planning Division

SALT LAKE CITY CORPORATION
PLANNING DIVISION
CORRECTION OF ALLEY VACATION PETITION #400-07-03

May 31, 2007

Re: Petition # 400-07-03 Alley Vacation request by Zacary Parrish at 2204 South 1000 East Street

Dear Property Owner:

The Salt Lake City Planning Division would like to rectify the address of a letter sent to you in April 23, 2007 about an Alley Vacation request by Zachary Parrish. The applicant's correct address is 2204 South 1000 East and **NOT** 2204 East 1000 South as written in the previous letter. We apologize for the inconvenience. Please contact Ana F. Valdemoros if you have any questions at (801) 535-7236 or ana.fvaldemoros@slcgov.com

Exhibit F
Photographs

South/north view of alley

North/south view of alley

5. PLANNING COMMISSION

C. Minutes

June 27, 2007

Petition 400-07-03— a request by Jennifer and Zachary Parrish to vacate the entire alley that runs North/South between approximately Lincoln Street and 1000 East and Elm Avenue and Sugarmont Drive. The subject alley is located in the R-1-5000 (Single Family Residential) Zoning District.
(This item was heard at 8:58 p.m.)

Chairperson McDonough recognized Ana Valdemoros as staff representative.

Ms. Valdemoros noted that the request was to vacate an alleyway and that the alleyway had never been officially vacated but had also never been developed by the City. Ms. Valdemoros stated that several property owners had already developed portions of the alleyway, building storage structures on the land.

Commissioner De Lay asked if all abutting property owners had signed a form supporting the request.

Ms. Valdemoros noted that this was true.

Chairperson McDonough invited the applicant forward to speak.

Zachary Parrish, the applicant, was present to speak but noted that he had no further comments to add to the staff report.

Chairperson McDonough opened the public hearing to Community Council and the public at 9:01 p.m.

There was no one present to speak to the petition; therefore, Chairperson McDonough closed the public hearing.

Regarding Petition 400-07-03, Commissioner Scott made a motion to forward a positive recommendation to the City Council based upon the analysis and findings of fact, testimony of the applicant, and subject to condition number one as listed in the staff report:

1. The proposed method of disposition of the alley property shall be consistent with Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Commissioner McHugh seconded the motion. All voted "Aye". The motion passed unanimously.

UNFINISHED BUSINESS

There was no further business.

The meeting adjourned at 9:02 p.m.

Cecily Zuck, Senior Secretary

6. ORIGINAL PETITION

Alley Vacation or Closure

OFFICE USE ONLY	
Petition No.	400-07-03
Receipt No.	2005529 Amount: 200.00
Date Received:	3-27-07
Reviewed By:	Nole Walkington
Project Planner:	

SALT LAKE CITY PLANNING

Address of Subject Property: 2204 S. 1000 E. SLC, UT

Name of Applicant: Zacary K. Parrish Phone: (801) 662-1093 (fax)

Address of Applicant: 2204 S. 1000 E. SLC, UT

E-mail Address of Applicant: zbluesman@gmail.com Cell/Fax:

Applicant's Interest in Subject Property: owner (husband)

Name of Property Owner: Jennifer Fraser Phone: (801) 662-1094

Address of Property Owner: 2204 S. 1000 E. SLC, UT.

Email Address of Property Owner: parrish@MGPCLAW.COM Cell/Fax:

Are there any multi-family residential uses (three or more dwelling units) or non residential uses that abut the alley?
Yes ☐ No ☑ SIDWELL: 16-20-137-016

If yes, have the property owners been notified about the City's "close and sell" method of disposition (As defined in the attached process information sheet)? Yes ☐ No ☐

Please include with the application:

1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
2. The name, address and Sidwell number of all property owners on the block must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **Payment in the amount to cover first class postage for each address for two mailings is due at time of application.**
3. The name, address and signatures of all owners of property abutting the subject alley who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.**
4. A property ownership map (known as a Sidwell map) showing the area of the subject alley. On the map, please:
   - **a.** Highlight the subject alley.
   - **b.** Indicate with a colored circle or dot the property owners who support the petition.
5. A legal description of the subject alley may be required.
6. **If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.**
7. **Filing fee of $200.00, due at time of application.**

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition

Sidwell maps & names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Signature of Property Owner Jennifer Parrish ZACARY K. PARRISH
Or authorized agent

Jul 2005

Please answer the following questions. Use an additional sheet if necessary.

Please explain why you are requesting this alley vacation or closure and include the expected end result of the action, such as the alley becoming a private right-of-way for continued use or being closed off. If the applicant is not a property owner adjacent to the alley, please include the applicant's interest in the petition.

The Alley WAS physically VACATED forty years ago. The existing fence line splits it down the middle. This action will not result in ANY change of usage.

Please explain how the proposed petition satisfies at least one of the following City policy considerations:

A. Lack of Use. The City's legal interest in the property appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist or is unusable as a public right-of-way;
B. Public Safety. The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
C. Urban Design. The continuation of the alley does not serve as a positive urban design element; or
D. Community Purpose. The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

A) The alley hasn't existed for 40 years.

ALLEY VACATION OR CLOSURE PROCESS

WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. These alleys were used to provide rear access to buildings for coal delivery, garbage pickup and other services. They also allowed access to garages built toward the rear of a lot. Today, the City is officially the owner of these alleys.

In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley. This typically occurs as the result of a petition from a property owner abutting the subject alley. When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multi-family residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

PROCESS

- A complete application with all the required information listed on the application, the appropriate fees, and postage shall be submitted to the Planning Division located in the City & County Building, 451 South State Street, Rm. 406, Salt Lake City, Utah 84111. Prior to filing an application, the applicant should meet with City staff to discuss their plan and clarify any questions regarding the submittal requirements. Upon receipt of an application, the City administration will determine whether or not the petition is complete and assign a petition number for processing. When a petition is submitted for an alley closure, the petitioner should contact the Division of Property Management at 535-6447 to discuss the value of the land.
- Following receipt of an application, the project planner will contact the appropriate neighborhood organization(s) to schedule a meeting for the applicant to explain the proposed alley vacation or closure. A written verification of the meeting must be submitted to receive an administrative determination that the petition is complete.
- The project planner assigned to the petition will send the petition materials to other relevant City departments and divisions for their review. Each department or division will prepare a written report of its findings and recommendations. The project planner will then compile these findings and evaluate the effect of the vacation or closure upon the provisions of applicable master plans, the Zoning Ordinance, and other applicable objectives and regulations of the City.
- A public hearing will be scheduled before the Planning Commission to receive input on the request. The project planner will present the petition, and identify any issues raised during the review process. The applicant and other interested parties will have the opportunity to address the Planning Commission and present any additional information and/or concerns they may have. Following the public hearing, the Planning Commission will make a recommendation to the City Council on the closure and/or vacation petition and subsequent disposition of the property. The Planning Commission's recommendation shall be based on an analysis of the following:

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. The petition meets at least one of the policy considerations included in this application;
3. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
4. Granting the petition will not result in any property being landlocked;
5. Granting the petition will not result in a use of the alley property 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;
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;
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

- Upon receipt of the Planning Commission report and recommendation, the City Council will consider the request to vacate or close the subject alley. After a public hearing, the City Council will make a decision on vacating or closing the alley. If approved, an ordinance is adopted and the alley is vacated or closed.

For additional information on application requirements or specific alley vacation or closure requirements please contact the Salt Lake City Planning Division at (801) 535-7757.

Petition to Vacate or Close an Alley

Petitioner: Zachary K. Parrish

Address: 2204 S. 1000 E. SLC, Ut

Date: 3/13/07

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name and Address	Signature	Date
Kristi Johnson 2187 Lincoln		3-13-07 ✓
Kim Wentworth 2203 So. Lincoln St		3-13-07 ✓
Karen S. Wheeler 2196 S. 1000 E.		Mar. 13, 2007 ✓
M.B. RAHIMZADEH 2188 So 1000 E.		3-13-07 ✓
Edith R. Long 2208 So. 10th East		3/15/07 ✓
Maxine Dunlap 2207 Lincoln St		3/14/07 ✓
[illegible] Castro 2197 So 10th East		3/16/07 ✓
Paul Taylor 2200 S. 1000 E.		3/16/07 ✓
John Carlisle 2195 S. Lincoln		3/19/07 ✓
E.K Robinson 2197 Lincoln		3-25-07 ✓
Jennifer F. Parrish 2204 S. 1000 E.	Jennifer F. Parrish	3/25/07 ✓

REMARKS

Petition No. 400-07-03

By Zacary K. Parrish

Alley Vacation

Date Filed 03/27/2007

Address 2204 South 1000 East

PETITION NO. 400-07-03

PETITION CHECKLIST

Date	Planner Initials	Supervisor Initials	Director Initials	Action Required
			GS	Petition Delivered to Planning
4/3/07	AV		GS	Petition Assigned to Ana Valdemoros
6/27/07	AV		GS	Planning Staff or Planning Commission Action Date 6/27/07
11/9/07	AV		GS	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
10/8/07	AV		GS	Table of Contents
10/8/07	AV		GS	Chronology
10/8/07	AV		GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold –(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
10/8/07	AV		GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
3/22/07	AV		GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
6/12/07	AV		GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezonings and Master Plan Amendments (proof of publication or actual publication)
6/11/07	AV		GS	Planning Commission Staff Report
10/8/07	AV		GS	Planning Commission Minutes and Agenda
3/27/07	AV		GS	Yellow Petition Cover and Paperwork Initiating Petition application (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
				Date Set for City Council Action: _____ Petition filed with City Recorder's Office