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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** April 10, 2007

**SUBJECT:** Petition No. 400-06-05 – A request by M. Kiphibane, requesting the vacation and closure of the alley property located at 740 South Goshen Street (approximately 1075 West) in Block 3 of Seventh South Subdivision as a public right-of way.

**STAFF REPORT BY:** Jennifer Bruno, Policy Analyst

**AFFECTED COUNCIL DISTRICTS:** District 2

**ADMINISTRATIVE DEPT:** Community Development  
**AND CONTACT PERSON:** Doug Dansie, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

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## POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance vacating the alley generally located at 740 South Goshen Street, between Goshen Street and 1075 West.

Or

2. **["I move that the Council"]** Not adopt an ordinance vacating the alley generally located at 740 South Goshen Street, between Goshen Street and 1075 West.

And/or

3. **["I further move that the Council"]** request that half of the subject alleyway be deeded to each abutting property owner, pursuant to the advice of the City Attorney.

Or

4. **["I further move that the Council"]** request that the full width of the alleyway be deeded to the petitioner.

## FOLLOW-UP INFORMATION:

During the Council work session briefing, the Council discussed the issue of disposition of this alley property. Council requested that the City Attorney investigate the matter and issue an opinion on whether the property owner to the south has legal claim to the subject alley, even though the property is technically outside of the boundaries of the subdivision. The Attorney's Office has since indicated that they believe the property owner to the south does have legal claim, as there is no physical barrier between this property owner and the subject alleyway, and as the property owner to the south has been using the alleyway for secondary access to their property. The Attorney's Office therefore recommends that the alleyway be disposed of in the typical fashion, with half of the alleyway being deeded to each abutting property owner.

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The following information was provided previously for the Council Work Session on February 6, 2007. It is provided again for your reference.

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## KEY ELEMENTS:

- A. In this case the major policy issue before the Council, in addition to the alley vacation decision, is whether or not to deed the entire alleyway to the petitioner, as is requested (and as is recommended by Planning Staff), or to follow the typical alleyway vacation procedure, which is to deed half to the alleyway to each abutting property owner.
1. Typically an alleyway that is vacated is divided equally between the two adjacent property owners. If the property owners wish to deed the entire alley to one property owner or the other, this is done through a private transaction after the alley vacation process.
  2. It is Planning Staff's position that because the property owner to the south is not a part of the subdivision in which the subject alleyway is a part, and have access to their lot through other means than the alleyway, they have no legal claim to the alleyway.
  3. The property owner to the north is technically the only abutting property owner *in the subdivision*.
  4. The property owner to the South has expressed an interest in splitting the alleyway.
  5. Planning Staff indicates in the Council Transmittal that in a subdivision situation (as this is), it has been City practice to distribute the alleyway to the abutting owners in the subdivision, and not other abutting owners if they are outside the subdivision. Council Staff has asked for past examples of this situation, and Planning Staff has provided an example of this situation, dated May of 1995.
    - i. The ordinance (no. 32 of 1995) states "title to the vacated property shall be quit-claimed to the abutting properties in the Country Club Place Subdivision from which the alley was dedicated."
    - ii. The Council may wish to discuss this example further, to determine if there were factors that made this determination more clear (abutting property outside of the subdivision may or may not have had access to the alleyway).
  6. See Matters at Issue for a further analysis of this situation.
- B. Key points in the Administration's transmittal are the following:
1. The petitioner is requesting that Salt Lake City close the alleyway located in Block 3 of the Seventh South Subdivision as a public right-of-way. The subject alley runs directly south of the petitioner's property, located at 740 South Goshen Street (approximately 1075 West). The petitioner would like to combine the full alleyway with his lot in order to expand a single-family residential dwelling.
  2. The alley was part of the original Seventh South Subdivision, platted in 1893. The majority of the alleyway (running north-south) was vacated in 1962. The subject alleyway runs east-west.
  3. The property to the north of the subject alleyway (the petitioner's property) is part of the original subdivision.
  4. The property directly to the south of the subject alleyway is not part of the original subdivision. The abutting property owner to the south has indicated (in statements at the Planning Commission hearing and in the letter dated April 6, 2006 in the

- transmittal) that she has been using the alleyway as an alternate access point for her back yard.
5. The abutting property owner directly to the South has expressed a desire to either not vacate the alleyway, or split the alleyway between the abutting north and south properties. The Planning Commission and staff is recommending that the alleyway be deeded only to the abutting property owner to the north, as they are the only abutting property owner inside the subdivision, and are therefore the only abutting property owner with a legal claim (see the Matters at Issue section of this staff report, page 2, for detail).
  6. The Planning staff report notes the following findings:
    - i. Closing the subject alley would not deny sole access to any adjacent property.
    - ii. The applicant is willing to purchase the southern half of the property at fair market value (see Budget Related Facts, below, for detail).
    - iii. No abutting property owner, with legal standing, intends to build a garage requiring access from the alley property.
  7. Planning staff evaluated the application per Salt Lake City Code Section 14.52.020 "Method of Disposition" and determined that the alley meets Standard C, which states that "the continuation of the alley does not serve as a positive urban design element."
- C. 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.
- D. The street property requested for closure is approximately 15 feet wide and 138 feet long (2,070 square feet).
- E. All necessary City departments and divisions reviewed the petition and no negative comments were received. Public Utilities did note that it is within the floodplain which will ultimately affect the development of the property.
- F. On March 24, 2006 the Poplar Grove Community Council reviewed the request. They supported the vacation as long as the adjacent landowners were in support. It was noted in their letter to Planning that they assumed that Planning would not have submitted the petition to them for consideration unless all property owners were in support. Information was provided to the contrary by the abutting property owner to the south (see below), at the Planning Commission hearing, after the Poplar Grove Community Council heard the petition.
- G. On June 28, 2006, the Planning Commission held a public hearing. The property owner to the south spoke at the hearing and expressed an interest in obtaining half of the alley to straighten the property line and provide a secondary access to her property. She stated that her preference was not to have the alley vacated at all, but that if it is, she would prefer to receive a part of it to maintain her secondary access. Minutes from the hearing indicate that Planning staff clarified that the Planning Commission is responsible only to decide whether or not the alley is needed for public use, and that the disposition issue can be determined at the time of the City Council Public Hearing. However, the motion adopted by the Planning Commission did address to whom the alleyway should be deeded. The Planning Commission voted to forward a favorable recommendation to the City Council to "vacate and close the subject alley and deed it to the applicant with the following conditions:

1. That the proposed method of disposition of the alley property shall be consistent with the method expressed in Section 14.52.020.
2. That prior to any building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventy South Subdivision, including the alley property. "

H. Planning Staff has indicated in subsequent conversations with Council Staff that the intent of the Planning Commission was not to decide to whom the subject alleyway should be deeded, even though the motion language does state the intent to deed the alleyway to the petitioner. The ordinance drafted by the Attorney's Office is deliberately silent on the issue of to whom the alleyway should be deeded.

I. 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. State Code states the following with regard to alley or street vacations. The Council may wish to discuss in particular, subsection 2 below, with regard to the potential options for the eventual deeding of this alleyway, since the Planning Commission's recommendation appears to be at odds with this statute.

**"72-5-105. Highways, streets, or roads once established continue until abandoned -- Temporary closure.**

(1) All public highways, streets, or roads once established shall continue to be highways, streets, or roads until abandoned or vacated by order of a highway authority having jurisdiction or by other competent authority.

(2) (a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road assessed to each of the adjoining owners."

2. Currently neither the City Code (14.52.010), nor the Council's Official Policy on Alley Vacations and Street Closures defines exactly how an alley is to be divided after vacation in different situations (abutting residential properties in different subdivisions, abutting residential properties in the same subdivision, etc.).

a. The Council may wish to discuss and incorporate an official policy statement on the matter and/or request that the Attorney's Office provide a draft ordinance or policy statement for Council consideration.

b. Staff's experience is that typically in the case of an alley vacation, 1/2 of the alleyway is deeded to each abutting property owner.

c. Planning Staff has provided an example (Ordinance no. 32 of 1995) in which an alleyway was vacated and deeded only to the abutting property owners in the subdivision from which the alleyway was dedicated (see Key Elements, A.5.).

3. The Council may wish to also consider the adopted policy statement below (in section A.3.iii.3. of the Master Plan and Policy Considerations, Council Policy for Processing Alley Closure Petitions) "The Council...will be sensitive to potential uses of the property for rear access to residences and for accessory uses..."

4. Should the Council elect to limit the legal claim to receive property to only those within the same subdivision, this could be further clarified in City ordinance or policy.
5. A letter from the Assistant City Attorney, dated February 8, 1983 (submitted to Council Staff by the petitioner after the Council received the Administration's Transmittal), addressed to Property Management regarding a previous petition about the same alleyway, states the following:
  - “The alleyway was dedicated as a part of the Seventh South Subdivision...therefore, upon vacation of the alley, ownership of the entire alley will revert to the Abbots (*staff note: the previous owners of the petitioner's property*) rather than the usual instance of each abutting owner receiving one-half interest.”
  - Council Staff notes that State Statute may have been different as of the date of the letter. Current State Statute appears to support the opposite conclusion.

### **POTENTIAL OPTIONS FOR COUNCIL CONSIDERATION:**

1. Ask the attorney's office for a formal review of the petition and issue a formal legal opinion with regard to how the alley should be disposed of, in accordance with current State statute.

And/or

2. Close the alley and deed the entire alley to the petitioner (may conflict with current state statute and may conflict with past practice).

And/or

3. Close the alley and deed 1/2 of the alley to the petitioner and 1/2 of the alley to the property owner to the south (conflicts with Planning Staff's recommendation and may also conflict with past practice).

And/or

4. Ask that the Administration incorporate the official City alley disposition practice into City code.

Or

5. Do not close the alley.

### **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. 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

- B. The West Salt Lake Master Plan (1995) indicates that unused alleys in residential neighborhoods are an undesirable neighborhood element and invite burglary and vandalism, in addition to the problems that lack of maintenance can cause. The Master Plan further states that unused alleys should be encouraged to be vacated through an initiation of a petition for vacation by the abutting property owners.
- C. The Open Space Master Plan identifies the Jordan River Parkway (which is nearby the subject alleyway) as an open space corridor, but does not identify the subject alleyway as a future trail or access point.
- D. 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.

## **BUDGET RELATED FACTS:**

- A. The Administration's transmittal notes that the applicant has stated an intent to purchase the southern half of the alleyway for fair market value. Typically payment is only required for vacated and closed alleyways acquired by non-residential abutting property owners. In this case, the applicant will be deeded the northern half of the alleyway (as per the typical residential alleyway disposition procedure) and will purchase the southern half. Property Management has indicated that the reason it was determined that the petitioner would pay for the southern half is because of the "extra" 7.5 feet that they are receiving because they are the only abutting property owner within the subdivision, and the added value that this

will create for their property. The Administration's transmittal does not indicate how much the City will receive for this half of the alleyway (approximately 1,000 square feet).

## **CHRONOLOGY:**

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

- February 13, 2006                      Petition submitted by property owner.
- June 28, 2006                          Planning Commission Hearing.
- July 19, 2006                          Ordinance requested from City Attorney.
- July 20, 2006                          Ordinance received from City Attorney.
- January 12, 2007                      Transmittal received in City Council Office.

cc:     Lyn Creswell, Sam Guevara, DJ Baxter, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Louis Zunguze, George Shaw, Doug Wheelwright, Cheri Coffey, Doug Dansie, Barry Esham, Marge Harvey, Lehua Weaver, Sylvia Jones, Jan Aramaki, Cindy Lou Rockwood, Janice Jardine

File Location: Community and Economic Development Dept., Planning Division, Street Closures, Maylaykhone Kiphibane, 740 South Goshen (Block 3 of Seventh South Subdivision)

This ad is also being e-mailed

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN THAT ON** Tuesday, April 10, 2007 at 7:00 p.m. a public hearing will be held in Room 315, Council Chambers, City County Building, 451 South State, Salt Lake City, Utah, before the Salt Lake City Council to receive public comment and consider adopting an ordinance vacating an alley generally located at 740 South Goshen Street between Goshen Street and 1075 West pursuant to Petition No. 400-06-05. (M. Kiphibane)

All persons interested and present will be given an opportunity to be heard in this matter.

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

By order of the Salt Lake City Council, this 13th day of March, 2007.

KENDRICK COWLEY  
CITY RECORDER

(P 07-4)

Publish: March 19, & 26 & April 2 & 9, 2007  
C5357671L07  
Sent to NAC 3-14-07

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

**CITY COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer **DATE:** December 21, 2006

**FROM:** Louis Zunguze, Community Development Director

**RE:** Petition 400-06-05 by Maylaykhone Kiphibane, 740 South Goshen Street, requesting that the City vacate and close the alley property located in Block 3 of Seventh South Subdivision as a public right-of-way

**STAFF CONTACT:** Doug Dansie, Principal Planner, at 535-6182 or doug.dansie@slcgov.com

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

**DISCUSSION:**

**Issue Origin:** Maylaykhone Kiphibane, property owner at 740 South Goshen Street, is requesting that the City vacate the alley located in Block 3 of Seventh South Subdivision as a public right-of-way. The alley to the rear (west) of the Kiphibane property (740 Goshen) has already been vacated. The subject alley runs along the southeast border of the Seventh South Subdivision. Maylaykhone Kiphibane owns all of the lot adjacent to the alley to the north and would like to combine the alleyway with that lot in order to construct a single-family residential dwelling.

**Analysis:** Staff evaluated the application per Salt Lake City Code Section 14.52.020 "Method of Disposition" and determined that the alley meets Standard C, which states that "the continuation of the alley does not serve as a positive urban design element." Department/Division comments were solicited and no negative recommendations were received.

Chapter 14.52 of the City Code establishes criteria for evaluating the public's interest in an alley. Based on the analysis and findings discussed in the Staff Report (see pages 4-7 of Attachment 4b), Staff recommends that the alley be vacated.

City Council policy indicates that should a residentially zoned alley such as the subject property be vacated, it is divided equally between the two adjacent landowners in accordance with Utah State Code Section 72-5. Traditionally, if the two property owners wish to further alter the resulting lot lines/alley division (to deed all of the alley to one property owner or the other), they have done so through private transaction after the alley has been vacated.

***Master Plan Considerations:*** Two Master Plan documents are applicable to this area. First, the land use policy document that guides development in this area is the West Salt Lake Master Plan adopted in 1995. The Plan indicates that unused alleys in residential neighborhoods are an undesirable element and invite burglary and vandalism. It also states that a lack of maintenance of alleys is a problem. The Master Plan indicates that unused alleys should be encouraged to be vacated through an initiation of a petition for vacation by the abutting property owners (page 8, *West Salt Lake Master Plan*).

Second, the Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The subject alley property has not been designated for a future trail in the Open Space Master Plan, nor does it provide access to the adjacent Jordan River Parkway, which is identified as an Open Space corridor.

#### **PUBLIC PROCESS:**

This request was reviewed by the Poplar Grove Community Council on March 24, 2006. They supported the vacation as long as adjacent land owners were amenable. Letters were mailed to adjacent property owners outlining the alley vacation proposal on March 31, 2006.

In a letter to the Planning Commission (see Attachment 4B, Exhibit 5) and at the Planning Commission Public Hearing held June 28, 2006, the owner of the property to the south of the alley, Ms. Gudmundson, expressed an interest in obtaining half of the alley to straighten out the property line and provide a second access from Goshen Avenue to her property. She stated that she does not want the alley vacated, but if the alley is vacated, she would prefer to receive part of the vacated land to maintain secondary access to her property.

The proposed alley closure was reviewed by the Planning Commission at a Public Hearing on June 28, 2006. The Planning Commission voted to forward a favorable recommendation to the City Council to vacate the subject alley and to deed it to the applicant with the following conditions:

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

2. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property. (The combination of lots is not directly related to the alley vacation; however, the consolidation will be necessary to eliminate lot lines in order to create the desired lot configuration that will allow the property owners to receive a building permit for the proposed home.)

#### **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.

Chapter 2.58 of the Salt Lake City Code defines a process for identification of surplus real property and provides guidelines for disposal of same based on the highest and best economic return to the city, stating that sales of city real property shall be based, whenever possible, on competitive sealed bids.

Section 10-8-8 of Utah State Code indicates that a municipal legislative body may lay out, establish, open, alter, widen, narrow, extend, grade, pave, or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports, parking lots, or other facilities for the parking of vehicles off streets, public grounds, and pedestrian malls and may vacate the same or parts thereof, as provided in this title.

Section 10-8-8.5 states that the action of the governing body vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein by the governing body, but the right of way and easements therein, if any, of any lot owner and the franchise rights of any public utility shall not be impaired.

Section 72-5 states that title to vacated or abandoned highways, streets, or roads shall vest to the adjoining record owners, with 1/2 of the width of the highway, street, or road assessed to each of the adjoining owners.

**COMMUNITY AND ECONOMIC DEVELOPMENT  
COUNCIL SUBMITTAL CHECKLIST**

**Petition 400-06-05;** Maylaykhone Kiphibane, 740 S. Goshen Street, requesting that the City close the alley property located in Block 3 of Seventh South subdivision, as a public right-of-way and declare the alley as surplus property

**Date:** 7/26/06

**Supervisor Approval:** Cheri Coffey 7/26/06

**Division Director Approval:** [Signature]

**Contact Person:** Doug Dansie

**Phone No.** 535-6182

- Initiated by
- City Council
  - Property Owner
  - Board / Commission
  - Mayor
  - Other

Contact Person  
Maylaykhone Kiphibane

**Completed Check List attached:**

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

**Public Process:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Community Council (s) | <input type="checkbox"/> City Web Site            |
| <input checked="" type="checkbox"/> Public Hearings       | <input type="checkbox"/> Flyers                   |
| <input checked="" type="checkbox"/> Planning Commission   | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission     | <input type="checkbox"/> Newspaper Advertisement  |
| <input type="checkbox"/> HAAB review                      | <input type="checkbox"/> City Television Station  |
| <input type="checkbox"/> Board of Adjustment              | <input type="checkbox"/> On location Sign         |
| <input type="checkbox"/> City Kiosk                       | <input type="checkbox"/> City Newsletter          |
| <input type="checkbox"/> Open House                       | <input type="checkbox"/> Administrative Hearing   |
| <input type="checkbox"/> Other                            |   |

**Compatible with ordinance:** Section 14.52

**Modifications to Ordinance:** None

**Approvals / Input from Other Departments / Divisions**

<u>Division</u>	<u>Contact Person</u>
<input type="checkbox"/> Airport:	
X Attorney:	<u>Melanie Reif</u>
<input type="checkbox"/> Business Licensing:	
X Engineering:	<u>Craig Smith</u>
X Fire:	<u>Brad Larson</u>
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
X Permits / Zoning:	<u>Ken Brown</u>
X Police:	<u>J.R. Smith</u>
X Property Management:	<u>John Spencer</u>
<input type="checkbox"/> Public Services:	
X Public Utilities:	<u>Brad Stewart</u>
X Transportation:	<u>Barry Walsh</u>
<input type="checkbox"/> Zoning Enforcement:	
<input type="checkbox"/> RDA:	

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5. Original Petition

# **1. Chronology**

## **Chronology**

- February 13, 2006      Petition 400-06-05 submitted by property owner.
- March 20 – Apr. 4, 2006   Requested department input.
- March 24, 2006      Input requested from the Poplar Grove Community Council.
- March 31, 2006      Letters mailed to adjacent property owners.
- June 13, 2006      Notices mailed.
- June 28, 2006      The Planning Commission held a public hearing and voted to transmit a favorable recommendation to the City Council.
- July 19, 2006      An ordinance was requested from the City Attorney.
- July 20, 2006      An ordinance was received from the City Attorney.

## **2. Proposed Ordinance**

### **3. City Council Public Hearing**

**a. Notice**

**b. Mailing List**

## **a. Notice**

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is currently reviewing **Petition 400-06-05**, an application by Maylaykhone Kiphibane, 740 S. Goshen Street, requesting that the City close the east/west alley property located in Block 3 of Seventh South subdivision, as a public right-of-way and declare the alley as surplus property.

As part of their study, the City Council is holding an advertised Public Hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

**DATE:** April 10, 2007

**TIME:** 7:00 P.M.

**PLACE:** Room 315  
City and County Building  
451 South State Street  
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Doug Dansie at 535-6182 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If you are the owner of a rental property, please inform your tenants of this hearing.

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.

## **b. Mailing List**

15111340050000  
CORNEJO, JAVIER R &  
717 S 1100 W  
SALT LAKE CITY UT 84104

15111340100000

15111340130000  
SALT LAKE CITY  
451 S STATE ST # 225  
SALT LAKE CITY UT 84111

15111340150000  
LONG, RONALD D; ET AL  
2719 W 9800 S  
SOUTH JORDAN UT 84095

15111340180000  
KIPHIBANE, MALAYKONE  
2128 W 14400 S  
BLUFFDALE UT 84065

15111340190000  
GUDMUNDSON, KATHERINE R  
752 S GOSHEN ST  
SALT LAKE CITY UT 84104

15111340310000  
ABBOTT, LAWRENCE L & HELEN N;  
726 S GOSHEN ST  
SALT LAKE CITY UT 84104

15111340330000  
CHADWICK, JOHN L  
743 S 1100 W  
SALT LAKE CITY UT 84104

*Kris Reddy  
900 Carolan Ave  
Burlingame CA 94010*

*Mike Harman  
1044 W 400 S  
SLC UT 84104*

*Doug Dausie  
451 S. State St. #406  
SLC UT 84111*

#### **4. Planning Commission Hearing**

- a. Original Notice and Postmark
- b. Staff Report: June 28, 2006
- c. Agenda: June 28, 2006
- d. Minutes: June 28, 2006

**a. Original Notice and Postmark**

Jug Dausie  
451 S. State St.  
#406

## NOTICE OF HEARING

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, hearing 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 three (3) 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. Salt Lake City Corporation complies with 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 535-6021.

The next Planning Commission meeting will be held on July 12, 2006. For additional information, please visit [www.slcgov.com/ced/planning](http://www.slcgov.com/ced/planning)

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, June 28, 2006, 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 14, 2006.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
  - a. Acknowledgement of Commissioner Seelig's service
4. **PUBLIC NOTICE AGENDA** Salt Lake City Property Conveyance Matters (Staff – Doug Wheelwright at 535-6171 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com), Karryn Greenleaf at 483-6769 or [karryn.greenleaf@slcgov.com](mailto:karryn.greenleaf@slcgov.com), or John Spencer at 535-6398 or [john.spencer@slcgov.com](mailto:john.spencer@slcgov.com))
  - a. One World Café and Salt Lake City Property Management—Owners of the One World Café are requesting that Property Management approve a lease agreement to allow use of a portion of 300 East Street right of way for outside dining purposes. The property is located at 41 South 300 East Street, between the building and the sidewalk. The abutting property is zoned R-MU. Property management staff intends to approve the lease request.
  - b. Liberty Midtown Partners and Salt Lake City Property Management—Liberty Midtown Partners are requesting that Property Management approve a lease agreement to allow overhead roof eave encroachments to extend over the street right of way of 300 East Street. The abutting property located at 225 South 300 East Street is zoned R-MU. The Property Management staff intends to approve the lease request.
  - c. Sugar House Coffee and Salt Lake City Property Management—Owners of Sugar House Coffee are requesting that Property Management approve a lease agreement to allow use of a portion of the street right of way on 2100 South Street to be used for outside dining purposes. The abutting property located at 2106 South Highland Drive is zoned CSHBD-1. Property Management staff intends to approve the lease agreement request.
  - d. Russell C. and Naoma D. Hansen and Salt Lake City Public Utilities Department—The Hansen's are requesting that Public Utilities approve the release of a right of way easement which is no longer needed which effects the Hansen property, located at 3596 East Monza Drive in un-incorporated Salt lake County. Public Utilities staff intends to approve the release of the easement request.
  - e. RAL, Inc. and Salt Lake City Public Utilities Department—RAL, Inc. is requesting that Public Utilities approve a release of a right of way easement which is no longer needed which effects the RAL, Inc. owned property located at 6255 Canyon Cove Court in Holladay City. Public Utilities staff intends to approve the release of easement request.
  - f. Scott D. Anderson and Salt Lake City Public Utilities Department—Mr. Anderson is requesting that Public Utilities approve a standard use permit to allow continued encroachment into a Public Utilities owned easement over property located at 3230 East Bengal Blvd., in Sandy City. Public Utilities staff intends to approve the standard use permit as requested.
5. **PUBLIC HEARINGS**
  - a. **Petition 410-06-13** — A request by Rick Graham, Director of Public Services, for Conditional Use Planned Development approval to develop the Sorenson Unity Center located at approximately 1383 South 900 West in a PL (Public Lands) Zoning District. This project must be reviewed by the Planning Commission because the development proposes more than one principal building on a single parcel. (Staff – Marilynn Lewis at 535-6409 or [marilynn.lewis@slcgov.com](mailto:marilynn.lewis@slcgov.com))
  - b. **Petition 400-06-10** – A petition initiated by Mayor Anderson requesting to amend provisions of the Salt Lake City Zoning Ordinance to clarify processes and procedures relating to the review of projects subject to the City-wide Compatible Residential Infill Development standards adopted by Ordinance 90 of 2005 and Ordinance 26 of 2006. (Staff – Joel Paterson at 535-6141 or [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com))
  - c. **Petition 400-04-22** — A petition initiated by Mayor Anderson to amend the Salt Lake City Zoning Ordinance relating to specialty housing facilities, including group homes, transitional victim homes, transitional treatment homes and residential substance abuse homes. Specifically, the petition is to amend the definitions of these specialty housing types, and clarify standards for spacing requirements, criteria approval, and potential revocation of conditional uses once approval is granted. (Staff – Elizabeth Giraud at 535-7128 or [elizabeth.giraud@slcgov.com](mailto:elizabeth.giraud@slcgov.com))
  - d. **Revisions to Petition No. 410-06-09 (planned development) and 480-06-04 (preliminary condominium)** — A request by Howa Capital to consider revisions to the planned development site plan and preliminary condominium plans that were approved by the Planning Commission on April 26, 2006, for property located generally on the east and west sides of 300 West Street, between 500 and 600 North Streets. (Staff – Sarah Carroll at 535-6260 or [sarah.carroll@slcgov.com](mailto:sarah.carroll@slcgov.com))
  - e. **Petition 410-06-05** — A request by Bruce Manka for a planned development to modify minimum yard requirements to allow encroachments for proposed second-story balcony structures and the roofs of lower-level patios at approximately 650 North 300 West Street. The property is located in a RMF-35 (Residential Multi-Family) and a MU (Mixed Use) Zoning District. (Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))
  - f. **Petition 410-06-15** — A request by Architectural Nexus, representing ARUP, for conditional use approval to allow additional building height from 45 feet to 53 feet and 6 ½ inches for a proposed mechanical building addition located in the Research Park (RP) Zoning District at approximately 500 South Chipeta Way. (Staff – Ray McCandless at 535-7282 or [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com))
  - \* g. **Petition 400-06-05** — A request by Maylaykone Kiphiibane to vacate the remaining east/west portion of an alley located at approximately 740 South Goshen Street and to declare the property surplus. The property is in an R-1/5000 Zoning District. (Staff – Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com))
  - h. **Petition 410-06-01 and 490-06-29** — A request by Nathan Anderson representing West Capitol Hill, LLC for Planned Development and Preliminary Subdivision approval for the construction of an eight-unit residential development located at 701 North 300 West and 314 West 700 North in the MU (Mixed Use) Zoning District. (Staff – Wayne Mills at 535-6173 or [wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com))
6. **UNFINISHED BUSINESS**

**b. Staff Report: June 28, 2006**

**DATE:** June 22, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Doug Dansie, Principal Planner

**RE:** Staff Report for the June 28, 2006 Planning Commission Meeting

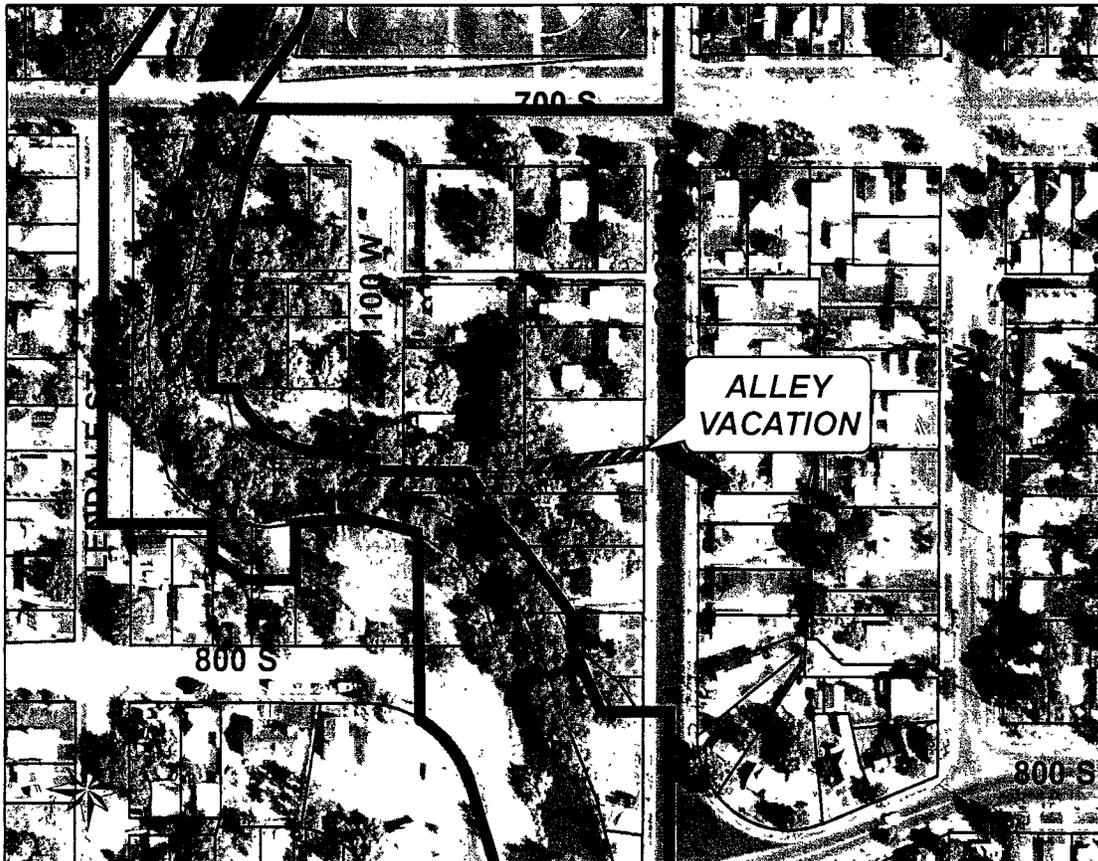
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**CASE#:** 400-06-05

**APPLICANT:** Maylaykhone Kiphibane

**STATUS OF APPLICANT:** Adjacent land owner

**PROJECT LOCATION:** 740 S. Goshen Street



**PROJECT/PROPERTY SIZE:** Approximately 0.05 acres  
**COUNCIL DISTRICT:** District 2, Council Member Van Turner  
**PROPOSED USE(S):** Alley vacation

**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 and OS Open Space

**SURROUNDING LAND USES:**  
**North** Single Family Residential  
**South** Single Family Residential  
**East** Single Family Residential  
**West** Single Family Residential

**REQUESTED ACTION/PROJECT DESCRIPTION:**

Maylaykhone Kiphibane is requesting that the City close the alley property located in Block 3 of Seventh South subdivision, as a public right-of-way and declare the alley as surplus property. (Exhibit 1).

The subject right-of-way runs along the southeast corner of the block. Maylaykhone Kiphibane owns all of the lot adjacent to the alley, and should the alley closure request receive approval, the alley property would become part of the adjacent lot to the north. The property owner to the south is not part of the original platted subdivision and has no legal claim on the alley. The alley to the rear of the property has already been vacated. Consistent with City Council policy, residential alleys are divided between the two adjacent landowners, however, since there is only one adjacent land owner in this instance, half the alley would be deeded to the adjacent landowner to the north and the other half would be sold to the petitioner at fair market value.

**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 West Salt Lake Master Plan adopted in 1995. The plan indicates that unused alleys in residential neighborhoods are an undesirable element and invite burglary and vandalism. It also states that a lack of maintenance of alleys is a problem. The master plan indicates that unused alleys should be encouraged to be closed through an initiation of such action by the abutting property owners. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The subject alley property has not been designated for a future trail in the Open Space Master Plan, nor does it provide access to the adjacent Jordan River Parkway which is identified as an Open Space corridor.

#### **SUBJECT PROPERTY HISTORY:**

The alley was part of the original plat of the Seventh South Subdivision. The majority of the alley (north south portion) was vacated in 1962. The portion of the alley subject to this petition, (east-west) is on the south side of the subdivision and there is only one lot within the original subdivision that is adjacent to the alley.

#### **ACCESS:**

The alley as reflected on the plat runs west from Goshen Avenue. Access to the alley property is accessed from Goshen Avenue.

#### **COMMENTS, ANALYSIS AND FINDINGS:**

##### **1. COMMENTS**

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

- a) **Transportation:** The Transportation Division has no objections pending approval of property owners and relocation of an adjacent drive.
- b) **Building Services:** No objection.
- c) **Police:** No objection.
- d) **City Engineering:** No objection.
- e) **Property Management:** Property Management has no objection.
- f) **Fire:** The Fire Department has no objection.
- g) **Public Utilities** has no objection but notes that it is within the flood plain which will ultimately affect the development of the property.
- h) **Airport** has no objection to the alley closure but will require avigation easement for new construction.
- i) **Poplar Grove Community Council** supported the petition assuming property owners were in support.
- j) **Parks Division:** No objections were received.

In addition, all owners of property located in the block within which the subject alley property is located were notified of the proposed closure in a letter dated March 28, 2006 (Exhibit 5). One comment in opposition to the proposal was received to date.

## 2. 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. If an alley is next to or abuts properties which are zoned for multi-family (3 or more units) residential use or other non-residential uses, the City typically retains title to the surplus property until the land is sold at fair market value or other acceptable compensation is provided. All proceeds or revenue from the sale of any real property sold by the city is deposited in a surplus property account within the capital improvements fund of the general fund. City Council has the authority to allocate disbursements of these funds.

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

### **Section 14.52.02 of Salt Lake City Code: Salt Lake City Council policy considerations for closure, vacation or abandonment of City owned alleys.**

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

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

**D. Community Purpose.** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

**Discussion:** The requested alley closure satisfies policy considerations **B and C**. The applicant notes in a letter (Exhibit 1, the alley has never been used or maintained and it becomes a settlement for dangerous insects and rodents which can become a public health issue. Furthermore, the applicant questions the validity of the alley to serve a positive public purpose since the land consists of undisturbed earth and low growing weeds. The neighboring property owner to the south has been using the alley as a driveway, however, they have no legal standing to use the alley since their parcel is outside the original subdivision and they have other forms of access available to their property. Planning Staff, therefore, is of the opinion that the alley property in its current condition does not serve as a positive urban design element (Exhibit 6).

**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, and as required by Section 14.52.02 of the City Code.

**Section 14.52.030 (B) of Salt Lake City Code: Public Hearing and Recommendation from the Planning Commission.**

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

- 1. The City police department, fire department, transportation division, and all other relevant City departments and divisions have no objection to the proposed disposition of the property;**

**Discussion:** Staff requested input from pertinent City departments and/or divisions. Comments were received from the Public Utilities, Fire Department, Building Services, Engineering Division, Division of Transportation, Police Department, Airport and Property Management. These comments are attached to this staff report as Exhibit 3.

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

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

**Finding:** The petition meets policy consideration C as required in Section 14.52.020 of the Code and as outlined above.

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

**Discussion:** It has been the City's policy not to close an alley if it would deny a property owner required access to the rear of their lot. Since the applicant owns all of the property abutting the alley and the property would become part of the internal circulation system of the consolidated lot, this consideration would not be an issue if the alley were vacated. The adjacent property owner to the south has used the alley, but is not part of the original subdivision and technically has no claim to use the alley for access to their property. The property owner to the south has other options for accessing their property. The property to the south is two separate parcels. A home is on the southern parcel and the northern parcel (adjacent to the alley) is vacant. Access would be available to the northern parcel with the creation of a new drive approach. Both parcels share the same street address.

**Finding:** Closing the alley will not deny sole access to an owner of property adjacent to the alley.

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

**Discussion:** Should the alley be vacated, the applicant will combine all of their property, including the alley property by deed.

**Finding:** The proposed alley closure 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 does not provide access to the adjacent Jordan River Parkway and may not otherwise be integrated to a city trail system.

**Finding:** The proposed disposition of the alley property will not result in a use that is inconsistent with pertinent or applicable policies of the City.

**6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;**

**Discussion:** The applicant owns the property abutting the subject alley and there are no existing or proposed garages that require access from the alley. The adjacent property owner to the south has no legal standing to use the alley because their property is outside the original subdivision. The property owner to the south has other opportunities for access available to their vacant and developed land.

**Finding:** No abutting property owner, with standing, 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:** The larger alley (all other portions) has been vacated. This is the only portion of the alley remaining that is not vacated.

**Finding:** The applicant's request is to vacate the entire alley consistent with City preference.

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

**Discussion:** The subject alley property will be entirely encompassed by the applicant's development on this block and integrated into the site plan for the proposed residential use. The adjacent property owner to the south has been using the alley but has no legal claim to the alley because they are outside the original subdivision.

**Finding:** The alley is not necessary for actual or potential rear access to residences or for accessory uses other than the petitioner's property.

**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.

**Discussion:** The property is not zoned commercial or high density residential; the adjacent properties are zoned for single family homes.

**Finding:** The applicant is entitled by Council policy to half the alley. It is proposed that the petitioner be required to pay fair market value for the other half of the alley property.

## **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 applicant with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt lake City Ordinance.
2. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property.

Doug Dansie  
Principal Planner

Attachments:    Exhibit 1 - Petition to Vacate Alley  
                      Exhibit 2 - Description of Alley  
                      Exhibit 3 – Departmental/Division Comments  
                      Exhibit 4 - Community Council  
                      Exhibit 5 - Letter to Property Owners and responses  
                      Exhibit 6 - Photographs

**Exhibit 1**  
**Petition to Vacate Alley**



# Alley Vacation or Closure

OFFICE USE ONLY

Petition No.	400-06-05
Receipt No.	Amount: 202.73
Date Received:	2/8/06
Reviewed By:	M. Lewis
Project Planner:	

SALT LAKE CITY PLANNING

Address of Subject Property: 740 S Goshen St Salt Lake City, UT

Name of Applicant: Malaykone Kiphibane Phone: 801-347-5077

Address of Applicant: 850 S Edison St #A SLC, UT 84111

E-mail Address of Applicant: nong000001@yahoo.com Cell/Fax: cell: 347-5077

Applicant's Interest in Subject Property:

Name of Property Owner: Malaykone Tair Kiphibane Phone: 347-5077

Address of Property Owner: 851 S Edison St #A

Email Address of Property Owner: nong000001@yahoo.com Cell/Fax: 347-5077

Are there any multi-family residential uses (three or more dwelling units) or non residential uses that abut the alley?  
Yes  No

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 \_\_\_\_\_  
Or authorized agent

February 08, 2006

To Whom It May Concern:

I, Malaykhone Tair Kiphibane, am the owner of a property located on 740 South Goshen Street Salt Lake City, UT 84111. I would like to request to vacate or close the South side of the property.

I believe that fifteen feet of the alley belongs to the Seventh South subdivision. Therefore, I submit an application along with the city plat map which shows that the alley was taken out from property of the 740 South Goshen Street.

My intention is to close the alley for the purpose of making it a private right of way for continued use. Also, the alley has never been used or maintained. It becomes a settlement for dangerous insects and rodents, which can become a public health issue. Therefore, I would like to take care of it in order to maintain a clean neighborhood.

I would like to claim the entire fifteen feet of the alley. Please consider my request and feel free to contact my husband at 801-347-5077. Thank you so much.

Sincerely,

*Malaykhone Kiphibane*

Malaykhone Kiphibane

REMARKS

**Petition No.** 400-06-05

*By* Maylaykhone Kiphibane

Is requesting an Alley Vacation or  
Closure located at 740 South Goshen  
Street.

*Date Filed* \_\_\_\_\_

*Address* \_\_\_\_\_

**Exhibit 2**  
**Description of Alley**

VTDI 15-11-134-018-0000	DIST 13		TOTAL ACRES	0.22
KIPHIBANE, MALAYKONE	TAX CLASS	UPDATE	REAL ESTATE	27700
		LEGAL	BUILDINGS	0
		PRINT P	TOTAL VALUE	27700

2128 W 14400 S

BLUFFDALE UT

84065492128 EDIT 1

FACTOR BYPASS

LOC: 732 S GOSHEN ST

EDIT 1 BOOK 9192 PAGE 8517 DATE 09/27/2005

SUB: 7TH SOUTH SUB

TYPE UNKN PLAT

02/08/2006 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOT 1 S 1/2 OF LOT 27 & ALL LOT 28 BLK 3 SEVENTH SO SUB

TOGETHER WITH 1/2 OF VACATED ALLEY ABUTTING ON W

9192-8515

PFKEYS: 1=VTNH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

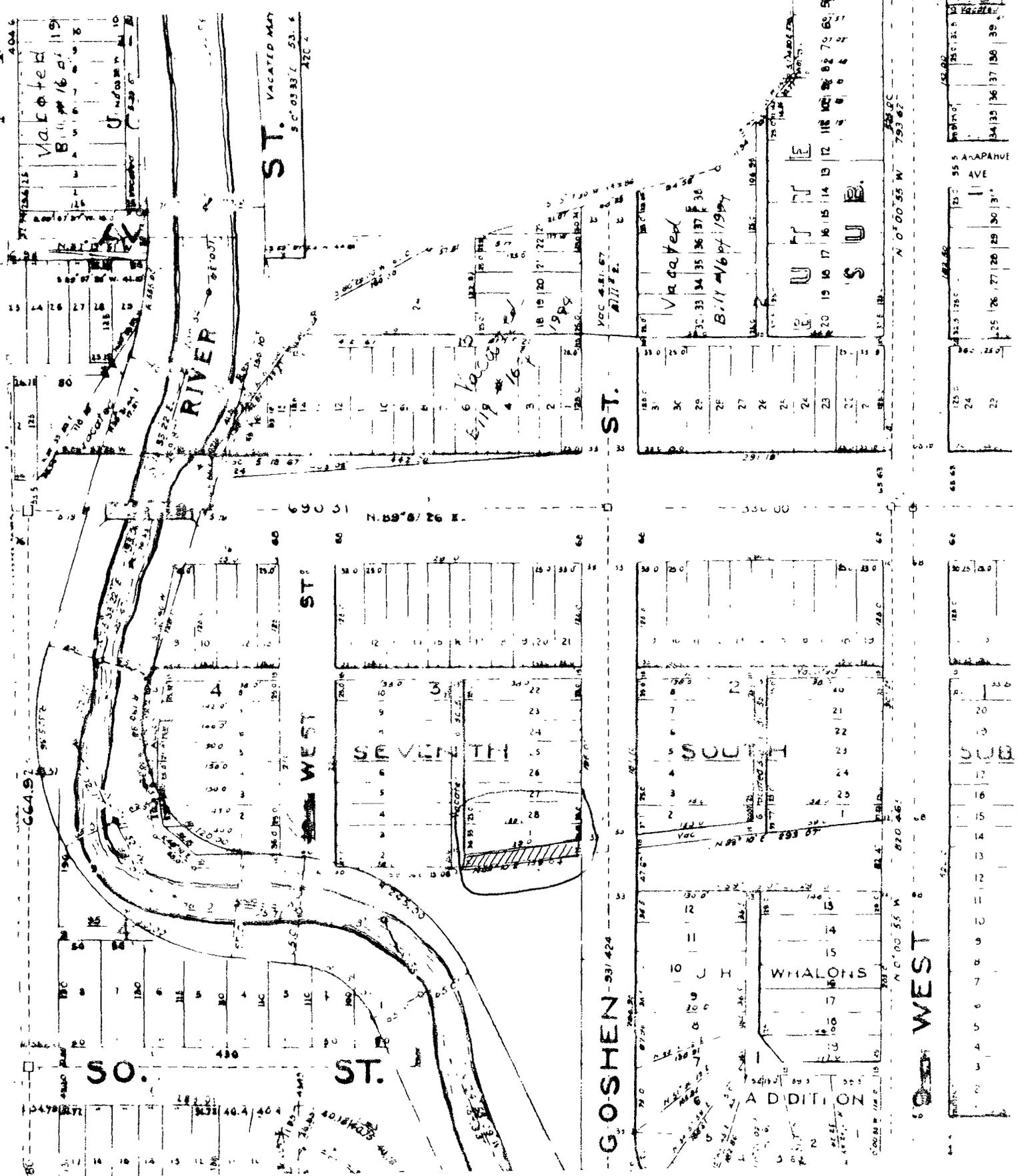






E. Bartlett, W. H. Leverick, Peter C. Winne and Joseph Dozier, is bounded and described as  
 , thence running West 1084 ft., thence S. 12° 40' W. 128.1 ft., thence S. 7° 38' W. 90.8 ft., thence S. 0° 02' W. 50  
 thence N. 83° 10' E. 498.58 ft., thence East 80 ft., thence S. 0° 02' W. 352.77 ft., thence East 165 ft., thence  
 "C", Salt Lake City Survey, and that I have by authority of the owners thereof subdivided the  
 sion", and that the same has been correctly staked out on the ground as represented hereon, an  
 the provisions of an ordinance passed by the City Council May 13<sup>th</sup> 1892 and at the time wa

imensions of parcels of land designated for public use, to wit:  
 ng, running North & South; Gosben Ave, 66 ft. wide and 346 ft. long, running North & So



Vacated  
Bill # 16 of 119

ST. VACATED MAY  
5 C 03 33 7 53. 4  
250. 4

Vacated  
Bill # 16 of 119

U R T E  
S U B

ST.

ST.

SEVENTH

SOUTH

GOSHEN - 93/424

WALONS

A DDITION

WEST

120.0	120.0
24	24
22	22

25	26	27	28	29	30	31
32	33	34	35	36	37	38
39	40	41	42	43	44	45

120.0	120.0
24	24
22	22

SUB

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
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**Exhibit 3**  
**Departmental/Division Comments**

Not one bit

**From:** Dansie, Doug  
**Sent:** Monday, March 20, 2006 1:56 PM  
**To:** Smith, Craig  
**Subject:** RE: Petition 400-06-05: vacation of an alley generally located at 740 South Goshen Street.

There are no other adjoining property owners in the subdivision (besides the petitioner) – do you have any objection to all of the alley going to the one property owner (through both vacation and sale of the property)?

Doug

**From:** Smith, Craig  
**Sent:** Monday, March 20, 2006 1:51 PM  
**To:** Dansie, Doug  
**Subject:** RE: Petition 400-06-05: vacation of an alley generally located at 740 South Goshen Street.

Doug, I have reviewed the petition 400-06-05 a petition to vacate an alley located approximately 740 South Goshen Street. Engineering has no interest in this alley and recommends it be split among the adjoining property owners.

---

Doug - -

I have no concerns  
(Larry Wiley)

---

Doug,

I do not have any concerns with this alley vacation request.

J.R. Smith  
SLCPD  
Community Action Team

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Doug,

Thank you for sending the review request for the above referenced alley vacation at 740 South and approximately 1080 West. This location is just inside the Salt Lake City airport influence zone "H", an area with height restrictions. An avigation easement is required in this zone only for new construction. There are no known impacts on operations at the Salt Lake City International Airport.

--Allen McCandless, Planning Manager

---

Doug,

While SLC Public Utilities has no objections to the vacation of the alley it is important that the Mr. Kiphibane be aware that this property or the vacant lot adjacent to it may not be developable. It is solidly in a FEMA flood zone A1 (100 year frequency). The abbreviated rule is that nothing habitable or mechanical can be built at or below the flood elevation.

Interestingly, while I was writing you this note Mr. Kiphibane's house plans came to my desk. He seems to be aware of a flood issue, but it will require a certified survey by a licensed land surveyor to establish the true property elevation. The FEMA zones are in USGS coordinates, the house and property will be required to be shown in the same coordinate system.

In addition to the flood zone issue Mr. Kiphibane's plans show a basement. This is an area of known high groundwater. Basements are only allowed if a professional geotechnical study demonstrates that the highest expected annual groundwater elevation is a couple of feet below the lowest finished floor. It is unlikely that this property will have a basement even if the flood zone elevation issue can be satisfied.

My intent is not to be harsh with proposed house, but to protect this and future owner's of the property from heavy financial losses associated with wet basements or flooding. Also, SLC has adopted the FEMA flood management rules as ordinance. Approvals have to meet the guidelines or it puts all city properties at risk of loosing their subsidized FEMA flood insurance.

I will discuss these issues with Mr. Kiphibane, but will you also mention that these are very large issues that threaten the viability of this project.

Thanks,

Brad

This is a copy of our GIS map showing the flood zone (the hashed area):  
Dear Mr. Dansie and Mr. Stewart,

Salt Lake County's nearest flood control facility is south of the proposed easement vacation. We also do not show any storm drain mains in this area. The County would not oppose vacating the easement. I am copying several other people with this reply that may want a better understanding of these issues.

As stated in Mr. Stewart's response, FEMA requires "the lowest livable space" of residential structures to be above the 100 year flood elevation. This definition extends to basements or even garages that could be finished or remodeled into living space. Failure to comply with this, and other NFIP development requirements could result in suspension of national flood insurance policies for City residents.

The City should also be made aware of a discrepancy between the currently effective FEMA Flood Maps and recently produced surveys throughout the county. There is a vertical shift of approximately 3 feet between the current effective maps and the preliminary revised flood maps for SL County. This is due to a change in the datum reference. The FEMA Flood Maps issued through May 15, 2002 use the NAD 1927 - NGVD 1929 datum which is about 3 feet lower than the preliminary maps (or recent surveys) which use the NAD 1983 - NAVD 1988 datum. The lowest living space of any residential structure must be above the adjusted flood elevation.

In general, State law requires County Government to mitigate flood hazards and County Ordinance (Title 17, Chapter 08) lists sixty different creeks, canals and piped systems identified as "County Wide" flood control facilities. Any activity of any kind that has the potential to interfere with, damage or destroy these facilities is required to obtain a County Flood Control Permit. County standards also require a twenty foot setback from the top of the bank (or outside edges of piped or culvert systems) so that Crews can use heavy equipment to maintain these facilities. To learn more about the County's Flood Control Permit Program, please visit <http://www.pweng.slco.org/flood/html/permits.html>.

sincerely,

Donald "Chris" Springer, Permit Specialist  
Salt Lake County Public Works Engineering  
2001 South State Street, Suite N3100  
Salt Lake City, Utah 84190-4600  
(801) 468-2779 (Office)  
(801) 468-2586 (FAX)

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Doug,

The Fire Department has no objection to the above named petition.

Thank you.

Brad Larson  
Deputy Fire Marshal  
Salt Lake City Fire Department  
801-799-4162 office  
801-550-0147  
[bradley.larson@slcgov.com](mailto:bradley.larson@slcgov.com)

-----Original Message-----

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March 21, 2006

Doug Dansie, Planning

Re: Petition 400-06-05 to vacate an alley at 740 South Goshen Street for Maylaykhone Kiphibane.

The division of transportation review comments and recommendations are as follows:

We have reviewed this alley closure under another Name and petition. See letter attached.

Sincerely,  
Barry Walsh

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
Scott Weiler, P.E.  
John Spencer, Property Management  
Lex Traughber, Planning  
File

September 21, 2005

Lex Traughber

Planning Division

451 South State St, Rm. 406

Salt Lake City, Utah 84111

Re: Petition # 400-05-28 Alley Closure and Vacation by Helen N. Abbott at 726 So. Goshen Street.

Dear Lex:

The City Transportation Division has completed its review of Petition # 400-05-28 Alley Closure and Vacation. Review comments are as follows:

The Transportation Division recommends approval of the proposed alley vacation and closure subject to the following:

1. The applicant must have approval from all abutting property owner for the alley vacation and closure. The two properties on the north side 726 and 732 South (Abbott properties) and the south side of the alley 750 and 752 So.
2. There is an existing drive approach that needs to be removed and relocated in coordination with future development of this vacant lot.
3. All utilities and utility easements shall remain as required and approved by the entity concerned.

Please feel free to call me at 535-6630 if you have any questions about these comments.

Sincerely,

Barry D. Walsh

Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.

Scott Weiler, P.E.

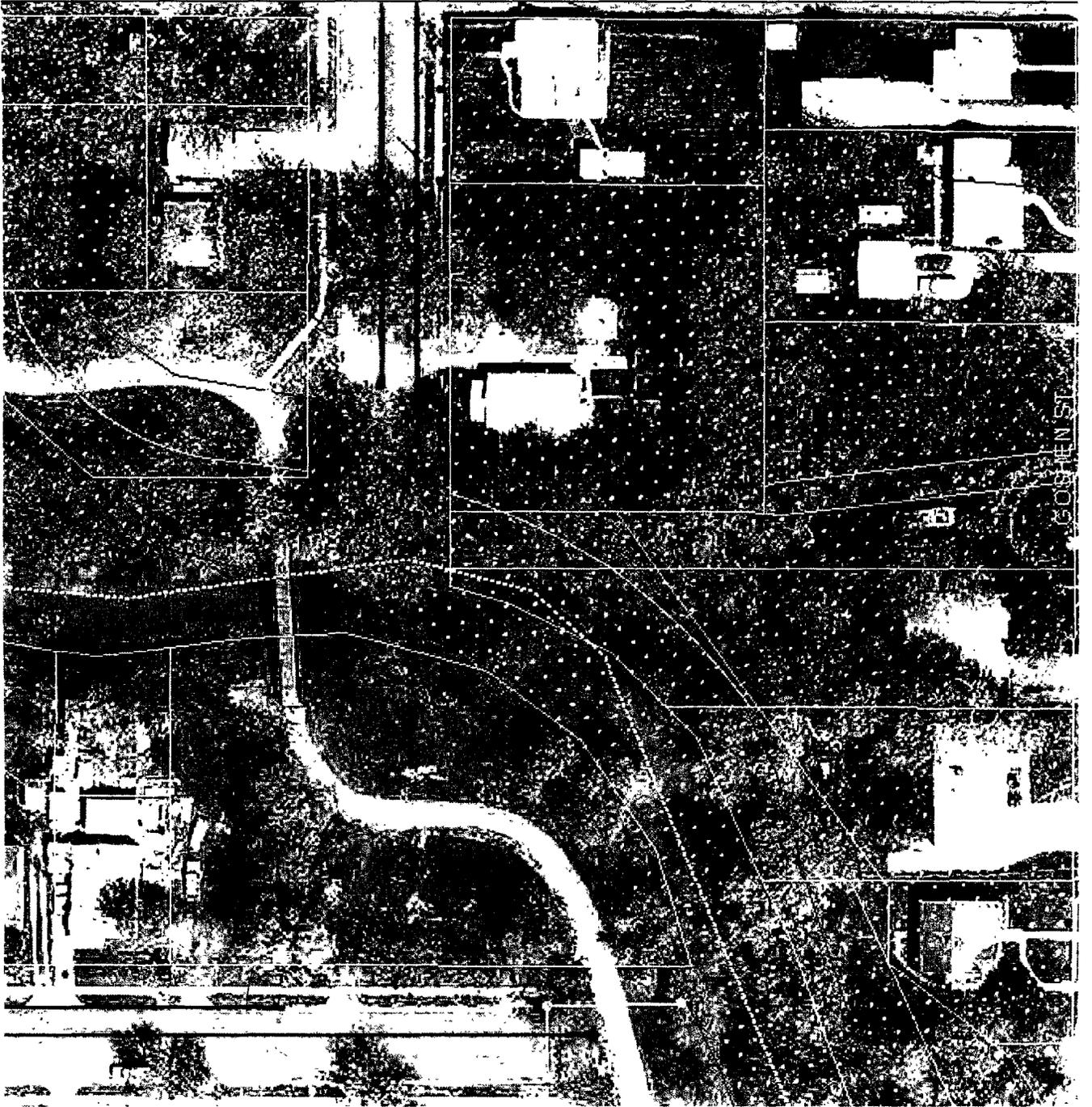
Lynn Curt, Surveyor

Craig Smith, Engineering

Brad Larson, Fire

Peggy Garcia, Utilities

File



**Exhibit 4**  
**Community Council**

**Alley Vacation / Closure  
Community Council / Citizen Group Input**

TO: Mike Harman, Chair Poplar Grove Community Council,  
1044 West 300 South SLC, UT 84104

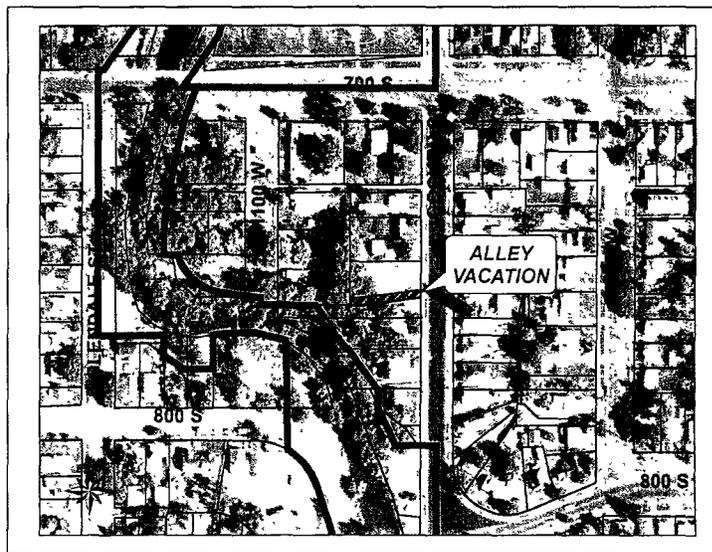
FROM: Doug Dansie, Planning Division Staff

DATE: March 24, 2006

RE: **Petition 400-06-05:** vacation of an alley generally located at 740 South Goshen Street.

Maylaykhone Kiphibane is requesting the Salt Lake City approve an Alley Vacation / Closure for the alley located at approximately 740 South Goshen Street between Goshen and approximately 1075 West. As part of this process, the applicant is required to solicit comments from the Poplar Grove 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 also present information at the meeting.

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. 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 attend the meeting to answer any questions and listen to the comments made by the Community Council members if so desired.

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 [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com).

If you have any questions, please call me at 535-6182 or via e-mail.



Doug,

I apologize for the delay in getting this to you. The Poplar Grove Community Council did discuss this petition as voted to support the vacation of the alley generally located at 740 South Goshen Street. Some of the issues discussed included how alleys are used for criminal activity, and not maintained properly by the city. Members of the council were concerned that all property owners that were effected were in agreement with this petition, and the assumption was that this petition would not have even been considered if there were property owners that were not in favor of this action. If that assumption is incorrect, then the Community Council would want to reconsider their support.

If you need any additional information, please let me know.

Mike Harman  
(801) 521-6908

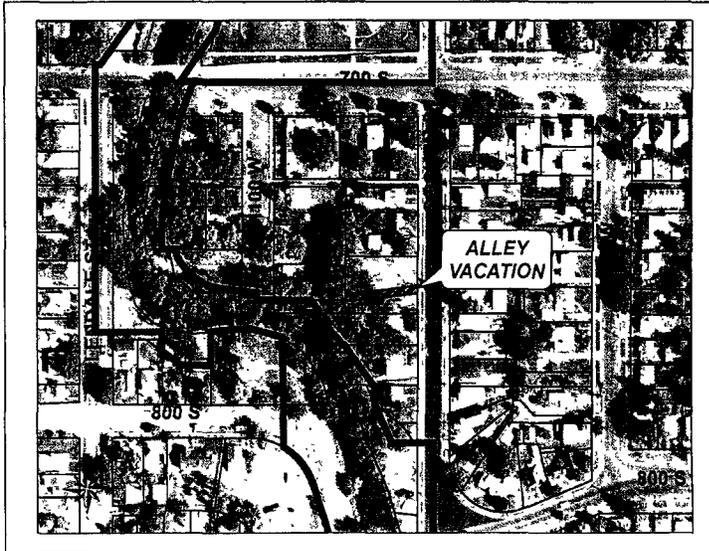
**Exhibit 5**  
**Letter to Property Owners and responses**

March 28, 2006

Dear Property Owner:

The Salt Lake City Planning Commission has received **petition 400-06-05** from Maylaykhone Kiphibane requesting an alley to be vacated at 740 South Goshen Street.

The City's formal process for relinquishing its interest in an alley next to or abutting single-family residential property is called an ***Alley Vacation***. If the City determines that it should vacate an alley, the land is typically distributed to the owners of property, within the original subdivision, abutting the alley. In this instance, there is only one property owner within the subdivision adjacent to the alley (the other adjacent property owner is outside the originally platted subdivision.)



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 closure. The applicant and other interested parties will have an opportunity to address the members of the boards and present any additional information and/or concerns they may have regarding the request. Once the Planning Commission has reviewed the request, their recommendation will then be forwarded to the City Council for consideration.

The intent of this letter is to notify you of the proposed disposition of a City owned alley and request initial comments concerning this issue. Please send any comments you may have in writing to the Planning Division before April 14, 2004. If you have any questions, feel free to call me at 535-7625.

Thank you,

Doug Dansie  
Principal Planner  
451 S. State Street, Room 406  
Salt Lake City, UT 84111  
[doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)

REDDY, KRIS 900 CAROLAN AVE BURLINGAME, CA 94010-2633	KIPHIBANE, MALAYKONE 2128 W 14400 S BLUFFDALE, UT 84065-4921	CORNEJO, JAVIER R & MARIA A; JT 717 S 1100 W SALT LAKE CITY, UT 84104-1441
MONTOYA, GUY 720 S 1100 W SALT LAKE CITY UT 8410-1440	PERSEVERE LLC 730 S 1100 W SALT LAKE CITY UT 84104-1440	CHADWICK, JOHN L 743 S 1100 W SALT LAKE CITY UT 84104-1441
CASIAS, FRANCES; TR 1055 W 700 S SALT LAKE CITY UT 84104-1414	WHARFF, DAVID R 1105 W 700 S SALT LAKE CITY UT 84104-2409	MILLER, LINDA L 726 S GLENDALE ST SALT LAKE CITY UT 84104-2412
ABBOTT, LAWRENCE L & JT 726 S GOSHEN ST SALT LAKE CITY UT 84104	GUDMUNDSON, KATHERIN 752 S GOSHEN ST SALT LAKE CITY UT 84104	HOBBS, CHARLES J & N 756 S GOSHEN ST SALT LAKE CITY UT 84104
MOSES, JOHN W & ROCIO; JT 764 S GOSHEN ST SALT LAKE CITY UT 84104	SALT LAKE CITY PROPERTY MANAGEMENT 451 S STATE ST225 SALT LAKE CITY UT 84111-3102	SALT LAKE CITY CORPORATION 451 S STATE ST225 SALT LAKE CITY UT 84111-3102
SALT LAKE CITY CORPOPROPERTY MANAGEMENT 451 S STATE ST225 SALT LAKE CITY UT 84111-3102	LONG, RONALD D; ET A 2719 W 9800 S SOUTH JORDAN UT 84095-3346	

April 06, 2006

To: Salt Lake City Corporation:

Regarding the petition 400-06-05 requesting the vacating of the alley at 740 South Goshen St., I would like to voice my opposition.

This alley is used to gain access to my back yard. This alley has been used many times over the past years and is still in continuous use.

I would like to be informed of any public hearings involving this matter so that I can attend and have my issues heard.

Thank you,

Kathy Gudmundson  
Property Owner at 752 Goshen St.

**Exhibit 6**  
**Photographs**



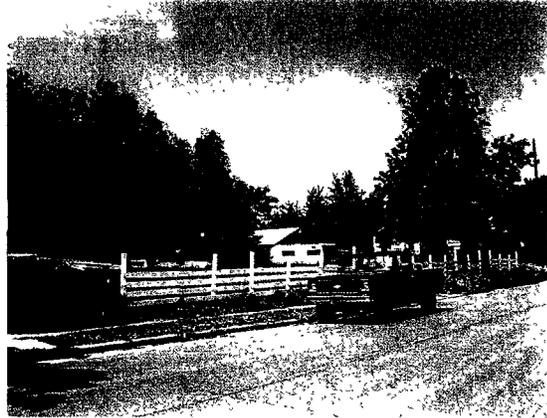
**740 Goshen**



**740 Goshen**



**Entry to alley**



**alley entry behind truck**



**752 Goshen (vacant portion)**



**752 Goshen (vacant)**



752 Goshen (home and vacant) 752 Goshen home

## **c. Agenda**

**THIRD AMENDED  
AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, June 28, 2006, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in the Third Floor Break Room. 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 14, 2006.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
  - a. Acknowledgement of Commissioner Seelig's service
4. **PUBLIC NOTICE AGENDA** Salt Lake City Property Conveyance Matters (Staff – Doug Wheelwright at 535-6178 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com), Karryn Greenleaf at 483-6769 or [karryn.greenleaf@slcgov.com](mailto:karryn.greenleaf@slcgov.com), or John Spencer at 535-6398 or [john.spencer@slcgov.com](mailto:john.spencer@slcgov.com))
  - a. One World Café and Salt Lake City Property Management—Owners of the One World Café are requesting that Property Management approve a lease agreement to allow use of a portion of 300 East Street right of way for outside dining purposes. The property is located at 41 South 300 East Street, between the building and the sidewalk. The abutting property is zoned R-MU. Property management staff intends to approve the lease request.
  - b. Liberty Midtown Partners and Salt Lake City Property Management—Liberty Midtown Partners are requesting that Property Management approve a lease agreement to allow overhead roof eave encroachments to extend over the street right of way of 300 East Street. The abutting property located at 225 South 300 East Street is zoned R-MU. The Property Management staff intends to approve the lease request.
  - c. Sugar House Coffee and Salt Lake City Property Management—Owners of Sugar House Coffee are requesting that Property Management approve a lease agreement to allow use of a portion of the street right of way on 2100 South Street to be used for outside dining purposes. The abutting property located at 2106 South Highland Drive is zoned CSHBD-1. Property Management staff intends to approve the lease agreement request.
  - d. Russell C. and Naoma D. Hansen and Salt Lake City Public Utilities Department—The Hansen's are requesting that Public Utilities approve the release of a right of way easement which is no longer needed which effects the Hansen property, located at 3596 East Monza Drive in un-incorporated Salt lake County. Public Utilities staff intends to approve the release of the easement request.
  - e. RAL, Inc. and Salt Lake City Public Utilities Department—RAL, Inc. is requesting that Public Utilities approve a release of a right of way easement which is no longer needed which effects the RAL, Inc. owned property located at 6255 Canyon Cove Court in Holladay City. Public Utilities staff intends to approve the release of easement request.
  - f. Scott D. Anderson and Salt Lake City Public Utilities Department—Mr. Anderson is requesting that Public Utilities approve a standard use permit to allow continued encroachment into a Public Utilities owned easement over property located at 3230 East Bengal Blvd., in Sandy City. Public Utilities staff intends to approve the standard use permit as requested.
5. **PUBLIC HEARINGS**
  - a. **Petition 410-06-13** — A request by Rick Graham, Director of Public Services, for Conditional Use Planned Development approval to develop the Sorenson Unity Center located at approximately 1383 South 900 West in a PL (Public Lands) Zoning District. This project must be reviewed by the Planning Commission because the development proposes more than one principal building on a single parcel. (Staff – Marilynn Lewis at 535-6409 or [marilynn.lewis@slcgov.com](mailto:marilynn.lewis@slcgov.com))
  - b. **Petition 400-06-10** – A petition initiated by Mayor Anderson requesting to amend provisions of the Salt Lake City Zoning Ordinance to clarify processes and procedures relating to the review of projects subject to the City-wide Compatible Residential Infill Development standards adopted by Ordinance 90 of 2005 and Ordinance 26 of 2006. (Staff – Joel Paterson at 535-6141 or [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com))
  - c. **Petition 400-04-22** — A petition initiated by Mayor Anderson to amend the Salt Lake City Zoning Ordinance relating to specialty housing facilities, including group homes, transitional victim homes, transitional treatment homes and residential substance abuse homes. Specifically, the petition is to amend the definitions of these specialty housing types, and clarify standards for spacing requirements, criteria approval, and potential revocation of conditional uses once approval is granted. (Staff – Elizabeth Giraud at 535-7128 or [elizabeth.giraud@slcgov.com](mailto:elizabeth.giraud@slcgov.com))
  - d. Revisions to **Petition No. 410-06-09 (planned development)** and **480-06-04 (preliminary condominium)** — A request by Howa Capital to consider revisions to the final 480-06-04 petition plan and preliminary condominium plans that were approved by the Planning Commission on April 26, 2006, for property located generally on the east and west sides of 300 West Street, between 500 and 600 North Streets. (Staff – Sarah Carroll at 535-6260 or [sarah.carroll@slcgov.com](mailto:sarah.carroll@slcgov.com))
  - e. **Petition 410-06-05** — **ISSUES ONLY HEARING** A request by Bruce Manka for a planned development to modify minimum yard requirements to allow encroachments to support secondary balcony structures and the roofs

**POSTPONED**  
**POSTPONED**

- of lower-level patios at approximately 650 North 300 West Street. The property is located in a RMF-35 (Residential Multi-Family) and a MU (Mixed Use) Zoning District. (Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))
- f. **Petition 410-06-15** — A request by Architectural Nexus, representing ARUP, for conditional use approval to allow additional building height from 45 feet to 53 feet and 6 ½ inches for a proposed mechanical building addition located in the Research Park (RP) Zoning District at approximately 500 South Chipeta Way. (Staff – Ray McCandless at 535-7282 or [ray.mccandless@slcgov.com](mailto:ray.mccandless@slcgov.com))
  - g. **Petition 400-06-05** — A request by Maylaykone Kiphiibane to vacate the remaining east/west portion of an alley located at approximately 740 South Goshen Street and to declare the property surplus. The property is in an R-1/5000 Zoning District. (Staff – Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com))
  - h. **Petition 410-06-01 and 490-06-29** — A request by Nathan Anderson representing West Capitol Hill, LLC for Planned Development and Preliminary Subdivision approval for the construction of an eight-unit residential development located at 701 North 300 West and 314 West 700 North in the MU (Mixed Use) Zoning District. (Staff – Wayne Mills at 535-6173 or [wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com))

## 6. UNFINISHED BUSINESS

## **d. Minutes**

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, June 28, 2006**

Present for the Planning Commission meeting were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Prescott Muir, Kathy Scott, Jennifer Seelig and Matthew Wirthlin. Peggy McDonough was excused from the meeting.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Doug Dansie, Principal Planner; Elizabeth Giraud, Senior Planner; Marilyn Lewis, Principal Planner; Ray McCandless, Principal Planner; Wayne Mills, Senior Planner and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Prescott Muir, Kathy Scott and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright, Marilyn Lewis, Ray McCandless, Doug Dansie, and Wayne Mills.

**DINNER**

A quorum was present at dinner, but no significant discussion was held.

**MEETING**

**PUBLIC HEARINGS**

**Petition 400-06-05** — A request by Maylaykone Kiphiibane to vacate the remaining east/west portion of an alley located at approximately 740 South Goshen Street and to declare the property surplus. The property is in an R-1/5000 Zoning District.  
*(This item was heard at 8:47 p.m.)*

Chairperson Noda recognized Doug Dansie as staff representative. Mr. Dansie presented a brief background to the petition. He displayed the original Seventh South Subdivision which was platted in 1893 with the alley included in the subdivision. Mr. Dansie stated that no department had issues with the vacation of the alley although some raised concern regarding the existing flood plane. He included that because the parcel on the south of the subject alley was not originally included in the subdivision, full rights to the alley belong to the parcel to the north. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to vacate and close the subject alley and to deed it to the applicant with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property.

Commissioner Diamond requested clarification regarding the position of the land owner to the south of the subject alley.

Mr. Dansie stated that the land owner to the south is in opposition. Mr. Wheelwright clarified that another public hearing will be held at the City Council meeting to determine who receives the property, as the Planning Commission is responsible only to whether or not the alley is needed for public use.

Chairperson Noda recognized the applicant, Maylaykhone Kiphibane. Ms. Kiphibane stated her desire to vacate the property to eventually build a home with the adjacent lot. She stated that the alley should belong to the subdivision in order to be efficiently maintained.

Commissioner Forbis requested additional information from the applicant regarding the potential flood plane on the property.

Ms. Kiphibane stated her awareness of the flood plane.

Chairperson Noda requested comments from community council chairs and the public.

Kathy Gudmundson, property owner of the south lot, stated that she uses the alleyway at times to access the rear of her property. She stated that when she signed the petition requesting a vacation of the alleyway, she had the understanding that the alley would be split to straighten out the property line. Ms. Gudmundson also stated that she would be interested in purchased the property if possible.

Ms. Kiphibane stated that her first option, if they alleyway is divided, would be to buy the alley; as it is part of the subdivision.

Hearing no further comment, Chairperson Noda closed the public hearing.

**Based on the analysis, findings identified in the Staff Report, and the Staff recommendation, Commissioner Scott made a motion to forward a favorable recommendation to vacate and close the subject alley and to deed it to the applicant with the following conditions:**

- 1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.**
- 2. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property.**

**The motion was seconded by Commissioner Chambless. All voted "Aye". The motion passed.**

The meeting adjourned at 9:20 p.m.

---

Cindy Rockwood, Planning Commission Secretary

## **5. Original Petition**



# Alley Vacation or Closure

OFFICE USE ONLY	
Petition No.	400-06-05
Receipt No.	Amount: 202.73
Date Received:	2/8/06
Reviewed By:	M. Lewis
Project Planner:	

SALT LAKE CITY PLANNING

Address of Subject Property: 740 S Goshen St Salt Lake City, UT

Name of Applicant: Malaykone Kiphirine Phone: 801-347-5077

Address of Applicant: 250 S Edison St #A SLC, UT 84111

E-mail Address of Applicant: nong000001@yahoo.com Cell/Fax: 347-5077

Applicant's Interest in Subject Property:

Name of Property Owner: Malaykone Jane Kiphirine Phone: 347-5077

Address of Property Owner: 251 S Edison St #A

Email Address of Property Owner: nong000001@yahoo.com Cell/Fax: 347-5077

Are there any multi-family residential uses (three or more dwelling units) or non residential uses that abut the alley?  
Yes  No

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



**Petition No.** 400-06-05

By Maylaykhone Kiphibane

Is requesting an Alley Vacation or  
Closure located at 740 South Goshen  
Street.

*Date Filed* \_\_\_\_\_

*Address* \_\_\_\_\_

**PETITION CHECKLIST**

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>2/13/06</u>	<u>DBH</u>	Petition delivered to Planning
<u>2/16/06</u>	<u>DB</u>	Petition assigned to: <u>Doug Dansie</u>
<u>6/28/06</u>	<u>DB</u>	Planning Staff or Planning Commission Action Date
<u>7/25/06</u>	<u>DB</u>	Return Original Letter and Yellow Petition Cover
<u>7/25/06</u>	<u>DB</u>	Chronology
<u>7/28/06</u>	<u>DB</u>	Property Description (marked with a post it note)
<u>NA</u>	<u>N</u>	Affected Sidwell Numbers Included
<u>7/25/06</u>	<u>DB</u>	Mailing List for Petition, include appropriate Community Councils
<u>7/25/06</u>	<u>DB</u>	Mailing Postmark Date Verification
<u>7/25/06</u>	<u>DB</u>	Planning Commission Minutes
<u>7/24/06</u>	<u>DB</u>	Planning Staff Report
<u>7/25/06</u>	<u>DB</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>7/28/06</u>	<u>AC</u>	Ordinance Prepared by the Attorney's Office
<u>7/28/06</u>	<u>DB</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Doug Dansie</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office