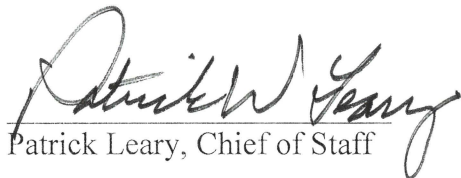




CITY COUNCIL TRANSMITTAL

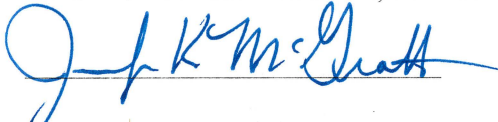

Patrick Leary, Chief of Staff

Date Received: August 19, 2019
Date sent to Council: August 19, 2019

TO: Salt Lake City Council
Charlie Luke, Chair

DATE: April 29, 2019

FROM: Jennifer McGrath, Interim Director Department of Community & Neighborhoods



SUBJECT: PLNPCM2018-00561 - Street Vacation near 538 E. 14th Avenue

STAFF CONTACT: Ashley Scarff, Principal Planner
801-535-7660, ashley.scarff@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Per Planning Commission's recommendation, adopt the ordinance to vacate a portion of City-owned right-of-way near 538 E. 14th Avenue.

BUDGET IMPACT: At the time of this transmittal, Real Estate Services indicated that fair market value for the subject area is approximately \$28.23 per square foot. If the vacation is approved by the Council and the property is sold to the applicants, approximately \$23,289.75 - \$31,758.75 would be paid into the General Fund.

BACKGROUND/DISCUSSION: Justin and Jodi Miller, owners of 538 E. 14th Avenue, are requesting that Salt Lake City vacates a portion of public right-of-way (park strip) that abuts their property. In 2006, the applicants received a Revocable Permit from the City that allowed them to replace an existing fence that encroached into the right-of-way on the east side of their lot. The permit was good for ten (10) years and there were no costs associated with it.

When the permit expired, the applicants found that the City had changed the policy related to encroachments onto public property, and would now charge them to lease the right-of-way. Instead of entering a lease agreement, the applicants chose to request that the City vacate and sell the area of encroachment. Existing improvements (6-foot fence, landscaping) currently occupy an area that measures 22.5 feet wide by 50 feet long, or 1,125 square feet. When Planning Staff

routed the proposal out for review by City Divisions, Engineering and Transportation both suggested that they could support the vacation if 6 feet (6') of width was reserved for a potential future sidewalk. The applicants agreed to amend their request to accommodate those comments, resulting in a revised area that measures 16.5 feet wide by 50 feet long, or 825 square feet. This would require them to remove all fencing and landscaping that falls within 6' of the back of the curb on H Street.

At the Planning Commission meeting on April 10th, 2019, Commissioner Lyon made a motion to make a positive recommendation to Council to approve the street vacation. He added a request that Council and Staff explore the option of vacating the entire area of encroachment (1,125 square feet versus 825 square feet), and placing an easement over the area where the City would like to reserve the right to build a sidewalk in the future. Under this scenario, the existing fencing and landscaping could remain in place until the City chose to add a sidewalk along the west side of H Street. Commissioner Lyon indicated that if this easement option was found to be unfeasible, the Commission supported the original requested vacation area of 825 square feet.

If approved by the City Council, 825 – 1,125 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value. The subject property and adjacent lots are zoned SR-1A Special Development Pattern Residential District with the exception of Kay Rees Park to the north, a City-owned park that is zoned FR-3 Foothills Residential District.

MASTER PLAN POLICIES

The proposal's compliance with applicable City master plans are evaluated on page 3 of the Planning Commission Staff Report (Exhibit 4B). The *Avenues Master Plan (1987)* does not include any specific policies related to street vacations or the sale of City-owned property to private property owners, but a section on Bicycle Paths and Pedestrian Circulation identifies all of H Street as a potential urban trail corridor. Staff finds that the amended request to allow for the potential future construction of a sidewalk on the west side of H Street is in accordance with objectives outlined in the Master Plan.

The *Salt Lake City Urban Design Element (1990)* includes a section titled Street as Elements of Open Space, with a Policy Concept that states, "Decline to vacate streets, alleys, and other public right-of-way unless it is demonstrated that the vacation will result in a public benefit." Though this proposal does not violate public policies, it does not have a stated public benefit. However, the property isn't needed for a public purpose, and the City would benefit financially from the sale of the land—proceeds would be placed in the General Fund.

PUBLIC PROCESS:

- A notice of petition and request for review was emailed to the Greater Avenues Community Council Chair on August 10th, 2018. No response was received.
- Letters were mailed to nearby property owners and tenants on August 10th, 2018. One inquiry was received, but no comment was provided.
- The Planning Commission held a public hearing on April 10th, 2019, and voted unanimously to forward a recommendation to vacate the subject area. No public comments were provided at the hearing.

RELEVANT ORDINANCES:

- Utah State Code §10-9a-609.5 establishes the power for cities to vacate streets upon the request of the governing body of a property owner.

The decision to vacate a street is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. The City Council adopted a street closure policy in 1999. These policies were evaluated in the Planning Commission Staff Report and considered by the Planning Commission. Analysis and Findings can be found on pages 2-3 and 9-10 of the Staff Report dated April 10th, 2019 (Exhibit 4B).

EXHIBITS:

1. Ordinance
2. Project Chronology
3. Notice of City Council Hearing
4. Planning Commission – April 10th, 2019 Public Hearing
 - A) Public Hearing Notice
 - B) Staff Report
 - C) Agenda and Minutes
5. Original Petition

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 - B. STAFF REPORT
 - C. AGENDA AND MINUTES
5. ORIGINAL PETITION

1. ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2019
(Partial street vacation of the public right-of-way on
14th Avenue adjacent to the property located at 538 East 14th Avenue)

An ordinance partially vacating the public right-of-way on 14th Avenue adjacent to the property located at 538 East 14th Avenue pursuant to Petition No. PLNPCM2018-00561.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on April 10, 2019, to consider the request made by the adjacent parcel property owners, Justin and Jodi Miller (the “Applicants”) (Petition No. PLNPCM2018-00561) to partially vacate a portion of 14th Avenue where it borders the Applicants’ property located at 538 East 14th Avenue; and

WHEREAS, at its April 10, 2019 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that the city’s interest in the portion of city-owned public right-of-way described below is not presently necessary for use by the public and that vacating a portion of that city-owned right-of-way will not materially injure the public interest or any person; and

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

SECTION 1. Vacating City-Owned Right-of-Way. That a portion of 14th Avenue adjacent to property located at 538 East 14th Avenue, which is the subject of Petition No. PLNPCM2018-00561, and which is more particularly described in Exhibit “A” attached hereto,

hereby is vacated and declared not presently necessary or available for public use.

SECTION 2. Reservations and Disclaimers. The above vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the city's water and sewer facilities. Said vacation is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2019.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2019.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: July 16, 2019

By: [Signature]
Allison Parks, Assistant City Attorney

EXHIBIT "A"

Legal description of property to be vacated on 14th Avenue adjacent to a corner property located at 538 East 14th Avenue

Beginning at a point on a fence line which is South 115.00 feet from the Northeast Corner of Lot 4, Block 190, Plat 'D', Salt Lake City Survey, and running thence East 16.50 feet along said fence line; thence South 50.00 feet to said fence line; thence West 16.50 feet along said fence line; thence North 50.00 feet to the point of beginning.

Containing 825 square feet, or 0.019 acres, more or less.

2. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2018-00561

August 1, 2018	Petition PLNPCM2018-00561 assigned to Ashley Scarff, Principal Planner, for staff analysis and processing.
August 10, 2018	Email sent to Recognized Community Organizations informing them of the petition.
August 10, 2018	Letters sent to nearby property owners and tenants informing them of the petition.
March 27, 2019	Planning Commission hearing notices posted on City and State websites and Planning Division list serve.
March 29, 2018	Public hearing notice sign posted on property.
April 10, 2019	Planning Commission reviewed the petition and held a public hearing. The commission voted unanimously to send a positive recommendation to the City Council.
April 24, 2019	Ordinance requested from City Attorney's office.
April 29, 2019	Transmittal was sent to the CAN Acting Director for review.

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2018-00561 Street Vacation** –

A request by Justin and Jodi Miller for the vacation of a portion of public right-of-way that abuts their property at 538 E. 14th Avenue. The purpose of the vacation is to reconcile the location of fencing and landscaping within the park strip. If approved by the City Council, approximately 825 – 1,125 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

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

If you have any questions relating to this proposal or would like to review the file, please call Ashley Scarff at 801-535-7660 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at ashley.scarff@slcgov.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

4. PLANNING COMMISSION
A. PUBLIC HEARING NOTICE



Salt Lake City Planning Division
451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission Wednesday, April 10, 2019, 5:30 p.m.
City and County Building 451 S State Street, Room 326

A public hearing will be held on the following matter. Comments from the Applicant, City Staff and the public will be taken.

Street Vacation at 538 E. 14th Avenue – A request by Justin and Jodi Miller for the vacation of a portion of public right-of-way that abuts their property at 538 E. 14th Avenue. The purpose of the vacation is to reconcile the location of fencing and landscaping within the park strip. If approved by the City Council, approximately 850 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value. The subject property is zoned SR-1A (Special Development Pattern Residential District) and is located in Council District 3, represented by Chris Wharton. (Staff Contact: Ashley Scarff at (801) 535-7660 or Ashley.scarff@slcgov.com) **Case number PLNPCM2018-00561**

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For additional meeting information, please see www.slcgov.com or call 801-535-7757; TDD 535-6220.



SALT LAKE CITY PLANNING DIVISION
451 S STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY UT 84114-5480

RETURN SERVICE REQUESTED

FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES

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STATE MAIL 03/28/2019

Salt Lake City Planning Division Ashley Scarff
PO BOX 145480
SALT LAKE CITY, UT 84114-5460

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4. PLANNING COMMISSION
B. STAFF REPORT



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Ashley Scarff, (801) 535-7660 or ashley.scarff@slcgov.com

Date: April 10th, 2019

Re: PLNPCM2018-00561: Street Vacation (park strip) near 14th Avenue & H Street

Street Vacation

PROPERTY ADDRESS: 538 E. 14th Avenue (address of applicant)

MASTER PLAN: Avenues Master Plan

ZONING DISTRICT: SR-1A Special Development Pattern Residential District

REQUEST: Justin and Jodi Miller, owners of 538 E. 14th Avenue, are requesting that Salt Lake City vacates a portion of public right-of-way (park strip) that abuts their property. In 2006, the applicants received a Revocable Permit from the City that allowed them to replace a fence that encroached into the right-of-way on the east side of their lot—the permitted encroachment was cost-free and good for ten (10) years. When the permit expired, the applicants found that the City had changed the policy related to encroachments onto public property, and would now charge them to lease the right-of-way.

Instead of entering a lease agreement, the applicants chose to request that the City vacate and sell the area of encroachment. If approved by the City Council, approximately 850 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value. The subject property and adjacent lots are zoned SR-1A Special Development Pattern Residential District with the exception of Kay Rees Park to the north, a City-owned park that is zoned FR-3 Foothills Residential District.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission forwards a positive recommendation to City Council for the request to vacate this portion of right-of-way adjacent to 538 E. 14th Avenue.

ATTACHMENTS:

- A. [Context Maps](#)
- B. [Site Photographs](#)
- C. [Application Materials](#)
- D. [Analysis of Standards](#)
- E. [Public Process and Comments](#)
- F. [Department Review Comments](#)

BACKGROUND

In the submitted narrative (Attachment C), the applicants claim that in 2004 when they purchased their home at 538 E. 14th Avenue there was a chain-link fence installed near the southeast corner of the lot. In 2006, they applied for a building permit to replace the chain-link fence with a cedar fence. It was at this time that they learned that the fenced-off area in their yard included a portion of City-owned right-of-way. They were directed to apply for, and were granted, a Revocable Permit to legalize the encroachment. The permit was good for a ten (10) year period and there were no costs associated with it.

In the spring of 2018, City Real Estate Services staff realized that the Millers' Revocable Permit had expired, and notified them that they needed to renew it. By this time, the City had changed their policy, and had begun to charge residents to lease portions of the right-of-way for encroachments. The Millers chose to request that the City vacate and sell them the portion of right-of-way that they occupy, rather than enter a lease agreement for it.

SCOPE OF REQUEST:

The applicants are requesting the vacation of a portion of park strip that abuts their property at 538 E. 14th Avenue. Existing improvements (6-foot fence, landscaping) currently occupy an area that measures approximately 23 feet wide by 50 feet long, or about 1,150 square feet. When Planning Staff routed the proposal out for review by City Divisions, Engineering and

Transportation both suggested that they could support the vacation if 6 feet (6') of width was reserved for a potential future sidewalk. The applicants agreed to amend their request to accommodate those comments, resulting in an area that measures approximately 17 feet wide by 50 feet long, or about 850 square feet. If the vacation is approved by the City Council and the City sells the property, the applicants would need to remove all fencing and landscaping that falls within 6' of the back of curb on H Street.



On this section of H Street, the right-of-way is approximately 84 feet wide, measured from front property line to front property line (the street itself is approximately 32 feet wide). There is a nearly continuous sidewalk on the east side of H Street for many blocks, but almost no sidewalks present on the west side of the street. The area is not part of a subdivision. If approved by Council, the applicant will be required to pay fair market value for the land. At the time that this report was published, Salt Lake City's Real Estate Services Division (part of Housing and Neighborhood Development) estimated that 850 square feet of City-owned property would cost \$23,995.50 (\$28.23/sf).

KEY CONSIDERATIONS:

Important considerations listed below have been identified through the analysis of the project.

1. **Utah State Code:** Section 10-9a-609.5 of the Utah Code Annotated establishes the power for cities to vacate streets upon the request of the governing body or a property owner. The City Council must determine that good cause exists for the vacation, and neither the public interest nor any person will be materially injured by the vacation. Aerial imagery shows that

encroachments consisting of accessory structures and fencing have existed in this portion of right-of-way since at least 1999. Owners of 538 E. 14th Avenue have been utilizing this area that is fenced off from public use for at least 20 years, and Staff finds that a transfer to private ownership would not be detrimental to public interest, especially since it would result in the applicant compensating the City for the property at a market rate.

2. **City Council Policies:** In 1999, the City Council adopted a street closure policy, which applies to street vacations. See Attachment D.
3. **City Master Plans:** The *Avenues Master Plan (1987)* does not include any specific policies or action items related to street vacations or the sale of City-owned property to private property owners. A section on Bicycle Paths and Pedestrian Circulation identifies all of H Street as a potential urban trail corridor, which the plan describes as bicycle paths and/or pedestrian trails that provide access to schools, parks, and open space amenities in the community, as well as major nearby destinations like the State Capitol, downtown, and Ensign Peak. The plan states that these corridors should receive priority for sidewalk installation or improvement. Currently, much of the east side of H Street contains sidewalks, while not many exist on the west side of the street. Even so, the applicants have agreed to amend the original vacation request to accommodate a potential future sidewalk on the west side of H Street—Staff finds that the amended request supports this section of the *Avenues Master Plan*.

The *Salt Lake City Urban Design Element (1990)* includes a section titled *Street as Elements of Open Space*, with a Policy Concept that states, “Decline to vacate streets, alleys, and other public right-of-way unless it is demonstrated that the vacation will result in a public benefit.” Though this proposal does not violate public policies, it does not have a stated public benefit. However, the property isn’t needed for a public purpose, and the City would benefit financially from the sale of the land—proceeds would be placed in the General Fund.

DISCUSSION:

The proposal has been reviewed according to Utah State Code, the City Council policies regarding street closures (Attachment D), and applicable city master plans, and staff finds that although there are no public policies that will be explicitly accomplished with the partial street vacation, it does not violate any public policies. Further, the city will benefit financially from the sale of the property to the applicant.

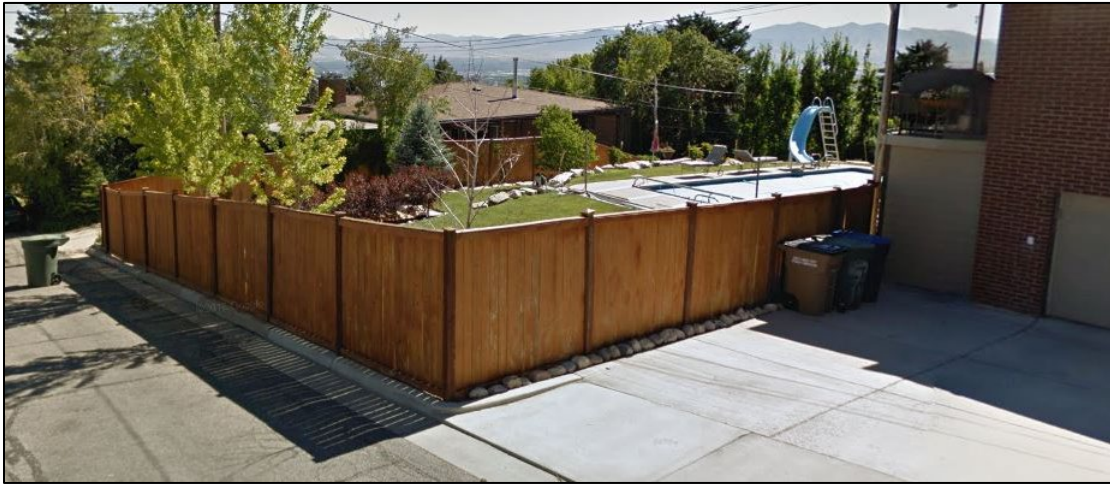
NEXT STEPS:

With a recommendation of approval or denial of the street vacation from the Planning Commission, the proposal will be sent to the City Council for a final decision by that body.

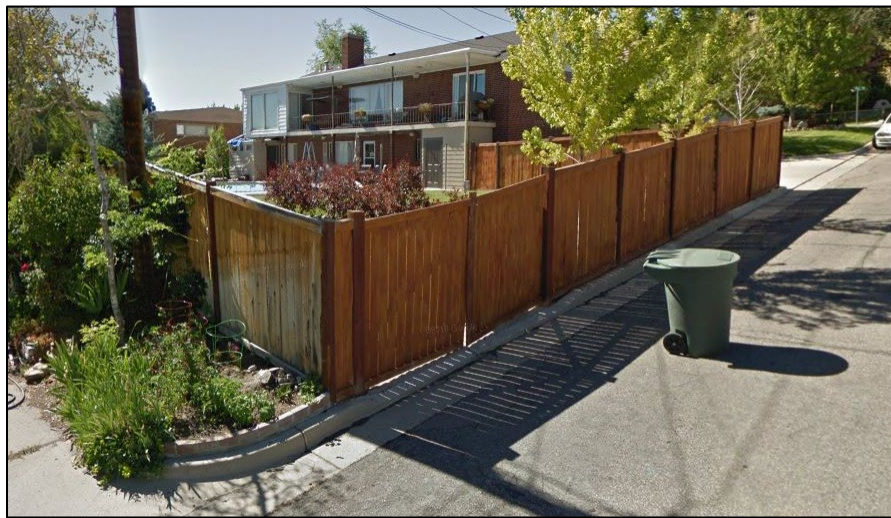
ATTACHMENT A: CONTEXT MAP



ATTACHMENT B: SITE PHOTOGRAPHS



View of subject area from the north—if vacation is approved, applicants would need to remove all encroachments that fall within 6 feet of the back of curb.



View of subject area from the south

ATTACHMENT C: APPLICATION MATERIALS

June 18, 2018

Planning Department
451 South State Street Room 215
Salt Lake City, UT 84101

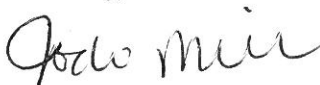
To whom it may concern,

We are applying for a Street Closure on the East border of our residence located at 538 E 14th Ave. When we purchased this house, in 2004, a chain-link fence was already installed in the South East corner of our lot. We elected to replace that with a cedar fence in 2007 and obtained a permit to do so. At the time of application, we learned that the fence was on city property, and so we obtained a free 10-year lease for the portion of city property inside the fence, approximately 1000 sqft. At the end of this lease, August 2017, we received a letter from the city that the lease was no longer free, and was in fact now going to cost fair-market value; at the time of this letter, roughly \$25,000.

For a variety of reasons, we believe the best option for us is to apply to purchase this property from the city, via a Street Closure. There are no utilities buried in this area, and no sidewalk. This land has been closed from public use for fifty plus years.

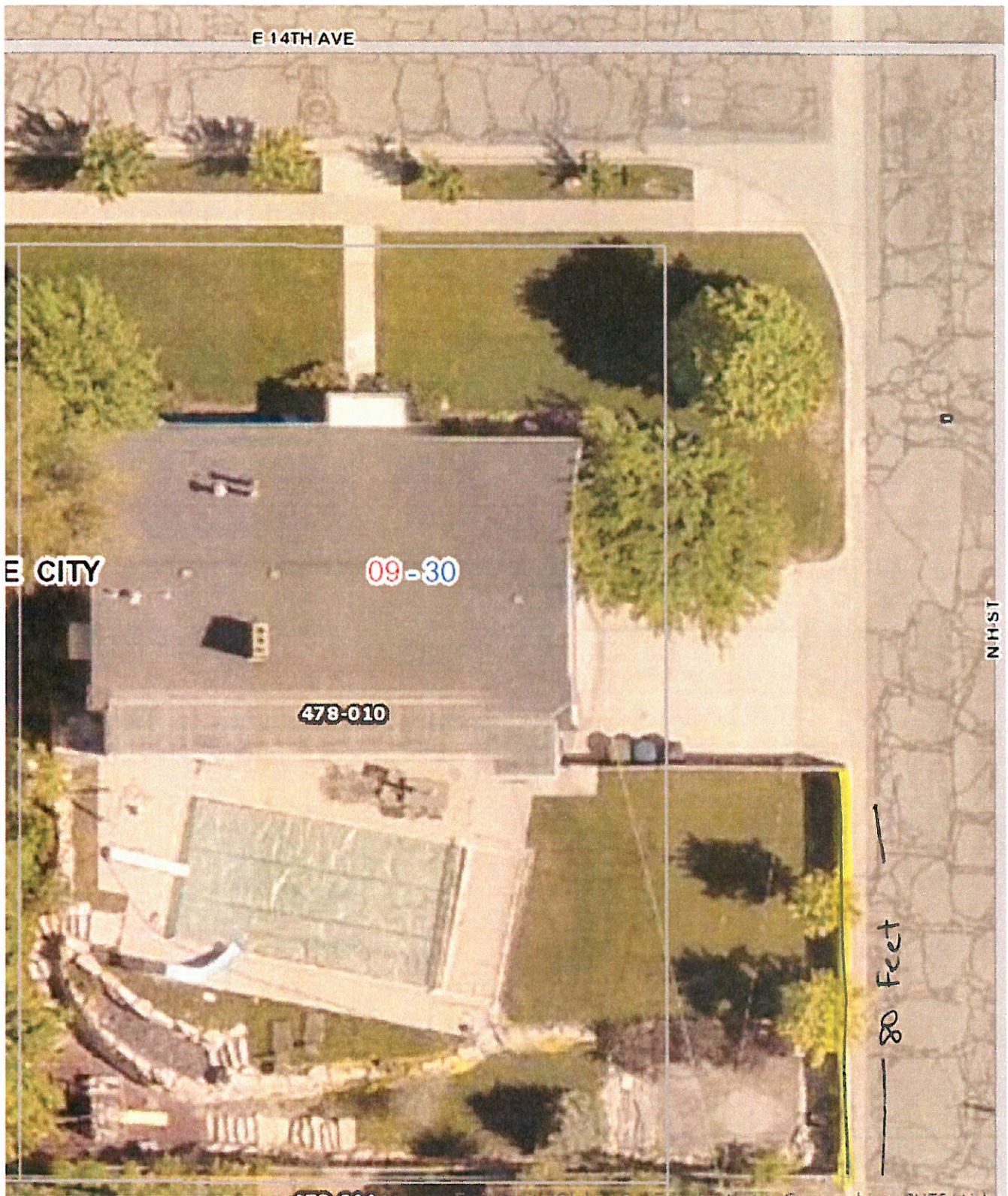
We appreciate your time in looking over our application and look forward in moving forward in the process. If you have any question you can contact Justin or Jodi at [REDACTED]

Sincerely,



Justin and Jodi Miller





ATTACHMENT D: ANALYSIS AND FINDINGS

In 1999, the City Council adopted a street closure policy that includes the following provisions:

1. **It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Analysis: The portion of right-of-way that the applicants have requested the City vacate does not contain any vehicular access ways—it is a part of the park strip that has been surrounded by a 6-foot fence for at least 10 years.

Finding: The proposed vacation would not deny vehicular or pedestrian access to any adjacent properties.

2. **The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.**

Analysis: If approved by the City Council, approximately 850 square feet of right-of-way would be declared surplus and sold at a fair market value to the applicant.

Finding: The City would give up ownership of this property and obtain fair market value for the sale of the property to the applicant.

3. **There should be sufficient public policy reasons that justify the sale and/or closure of a public street and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Analysis: As outlined in the ‘Key Considerations’ section above, the *Avenues Master Plan (1987)* does not include any specific policy direction when it comes to the vacation of City-owned right-of-ways. However, H Street is identified as a potential urban trail corridor, meant to facilitate bicycle and pedestrian connections throughout the community. Staff finds that the amended request, which provides adequate space for the City to construct a sidewalk in the future, supports this section of the Master Plan.

The *Salt Lake City Urban Design Element (1990)* indicates that the City should decline to vacate right-of-ways unless it will result in a public benefit. While there is no direct public benefit that would be gained, the City would benefit financially from the sale of the property to applicant.

Finding: The proposed right-of-way vacation does not conflict with the *Avenues Master Plan* but does not result in a direct public benefit per the *Salt Lake City Urban Design Element*. However, the property isn’t needed for a public purpose and the city would benefit from the sale of the land the proceeds from which would go into the General Fund.

4. **The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.**

Analysis: As an alternative to the proposal, the City and applicant could enter into

a lease agreement for the land occupied by and enclosed by the fencing and landscaping. All maintenance of the subject property would be by the lessee (the applicants) subject to required permits for any work. In exchange for exclusive use of the subject property, the lessee (the applicants) would be required to pay annual rent based on fair market value.

A second alternative is for the applicants to remove the fencing and landscaping from the public right-of-way. This would involve re-locating the fence so that it is entirely on private property, and landscaping the park strip in a way that complies with the Zoning Ordinance.

Finding: Alternatives to the requested vacation maintain City ownership of the 850 sf portion of public right-of-way and require the applicant to either enter into a lease agreement for the encroachment or re-locate the fence and landscape the park strip. From a Planning perspective, Staff finds that the right-of-way is very wide in this portion of the upper Avenues, which doesn't experience a lot of vehicular traffic. For these reasons, it is highly unlikely that this portion of H Street will ever need to be widened. In addition, 6 feet (6') of width would be reserved in case the City ever decides to construct a sidewalk on the west side of the street. Aerial imagery shows that there have been improvements that encroach into/prevent access to the public right-of-way in this area for 20+ years, and the City now has an opportunity to benefit financially from this occupation.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

Public Notice & Comments

- August 10, 2018 – Notice of the project was provided to the Greater Avenues Community Council Chair. No response was received.
 - On this date, letters were also mailed to property owners and residents within a 300 foot radius of the site. One neighbor called with general questions about the street vacation process, but he did not provide any comments.
- March 27, 2019 – Public hearing notices mailed for the Planning Commission meeting / Notice also posted on City & State web sites and emailed to Planning Division list serve
- March 29, 2019 – Public hearing notice sign posted at subject property

At the time that this report was published, no other public comments had been received. If any are submitted after this date, they will be forwarded to the Commission and included in the public record.

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Real Estate Services: The only comment RES has is the fee. Since this process takes a while to complete, we will be selling the land at current market value at time of disposition. Right now the 850 sq. ft. of land has an approximate value of \$28.23 per sq. ft. compared to 2017 at \$25.02.

Engineering / Transportation: Both of these Divisions commented that they would advise against selling land that would preclude ever having a public sidewalk run in the park strip to the east of the subject property. Both were comfortable with the vacation if 6 feet (6'), measured from the back of curb, was reserved for this purpose. The applicant agreed to reduce the requested area to be vacated by a 6' width.

Public Utilities: Planning Staff asked Public Utilities the feasibility of vacating the entire length of park strip on the east side of the subject property vs. only vacating the current area of encroachment. They indicated that the entire length of park strip cannot be vacated due to the existence of a water main that runs through the corner (can be seen in exhibit to right).

Public Utilities has no concerns with vacating the 850 sf of area described in this staff report.

Zoning: No comments received.

Fire: No comments received.



**4. PLANNING COMMISSION
C. AGENDA AND MINUTES**

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building

April 10, 2019, at 5:30 p.m.

(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR MARCH 27, 2019

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

1. **Street Vacation at 538 E. 14th Avenue** – A request by Justin and Jodi Miller for the vacation of a portion of public right-of-way that abuts their property at 538 E. 14th Avenue. The purpose of the vacation is to reconcile the location of fencing and landscaping within the park strip. If approved by the City Council, approximately 850 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value. The subject property is zoned SR-1A (Special Development Pattern Residential District) and is located in Council District 3, represented by Chris Wharton. (Staff Contact: Ashley Scarff at (801) 535-7660 or Ashley.scarff@slcgov.com) **Case number PLNPCM2018-00561**
2. **Conditional Use for a Group Home at 661 E 100 S** - A request by The Other Side Academy to operate a large group home at the above listed address. The site would be part of The Academy's campus located adjacent to the subject property, and would accommodate administrative and educational functions, as well as sleeping rooms for 164 individuals within the existing building. The subject property is located in the RMF-45 (Moderate/High Density Multi-Family Residential) zoning district within Council District 4, represented by Ana Valdemoros. (Staff contact: Mayara Lima at 801-535-7118 or mayara.lima@slcgov.com) **Case number PLNPCM2019-00104**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, April 10, 2019

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:06 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Maurine Bachman, Vice Chairperson Sara Urquhart; Commissioners Amy Barry, Adrienne Bell, Weston Clark, Carolynn Hoskins, Matt Lyon, Andres Paredes, Clark Ruttinger.

Planning Staff members present at the meeting were Nick Norris, Planning Director; Paul Nielson, Attorney; Ashley Scarff, Principal Planner; Mayara Lima, Principal Planner and Marlene Rankins, Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Carolynn Hoskins, Clark Ruttinger and Sara Urquhart. Staff members in attendance were Nick Norris, Ashley Scarff and Mayara Lima.

- **661 East 100 South** – Staff gave an overview of the proposal.
Q: Any exterior changes?
A: No
- **538 East 14th Avenue** – Staff gave an overview of the proposal.

APPROVAL OF THE MARCH 27, 2019, MEETING MINUTES. [5:33:20 PM](#)

MOTION [5:33:30 PM](#)

Commissioner Lyon moved to approve the March 27, 2019, meeting minutes. Commissioner Hoskins seconded the motion. Commissioners Lyon, Paredes, Ruttinger, Urquhart, Clark, Bell, Hoskins, Scheer and Barry voted “Aye”. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:34:02 PM](#)

Chairperson Bachman stated she had nothing to report.

Vice Chairperson Urquhart stated she had nothing to report.

REPORT OF THE DIRECTOR [5:34:13 PM](#)

Nick Norris, Planning Director, informed the commission regarding the City Council adopting the changes of the Design Review ordinance. Nick clarified what makes a project eligible and what the process is for the new ordinance changes. He also informed the commission regarding UTA replacing the track on 400 South and Main Street along with future projects.

[5:43:13 PM](#)

Street Vacation at 538 E. 14th Avenue – A request by Justin and Jodi Miller for the vacation of a portion of public right-of-way that abuts their property at 538 E. 14th Avenue. The purpose of the vacation is to reconcile the location of fencing and landscaping within the park strip. If approved by the City Council, approximately 850 square feet of the park strip would be vacated, declared surplus property, and sold to the applicants for a fair market value. The subject property is zoned SR-1A (Special Development Pattern Residential District) and is located in Council District 3, represented by Chris Wharton. (Staff Contact: Ashley Scarff at (801) 535-7660 or Ashley.scarff@slcgov.com) **Case number PLNPCM2018-00561**

Ashley Scarff, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a favorable recommendation to the City Council.

The Commission and Staff discussed the following:

- The City's current policy on revocable permits and encroachments

Justin and Jodi Miller, Applicants, reviewed the history of the property and were available for questions.

PUBLIC HEARING [5:51:33 PM](#)

Chairperson Bachman opened the Public Hearing; seeing no one wished to speak; Chairperson Bachman closed the Public Hearing.

The Commission, Staff and Applicant discussed the following:

- Whether there is a time limit to remove existing encroachments
- Clarification on which City division is responsible for monitoring the situation
- Discussion was made regarding the existing park strip
- Likelihood of adding a sidewalk on the west side of H Street in future
- The possibility of adding an easement over the vacated area to reserve the City's right to construct a sidewalk in the future

MOTION [6:00:24 PM](#)

Commissioner Lyon stated, based on the information in the staff report, public testimony, and discussion by the Planning Commission, I move that the Planning Commission forward a positive recommendation to the City Council to approve PLNPCM2018-00561 Street Vacation at 538 East 14th Avenue and with this recommendation that staff, and the City Council explore using an easement as an option.

Staff asked Commissioner Lyon for clarification on the easement request. He indicated that he would like staff and Council to consider the option of vacating the entire current area of encroachment but placing an easement over the area that is wide enough to accommodate the construction of a sidewalk, if the City chooses to do so in the future.

Commissioner Scheer seconded the motion. Commissioners Barry, Scheer, Hoskins, Bell, Clark, Urquhart, Ruttinger, Paredes and Lyon. The motion passed unanimously.

Commissioner Lyon stated that the Commission is fine with the request as originally proposed without the use of an easement, but would like the option to be explored.

[6:02:34 PM](#)

Conditional Use for a Group Home at 661 E 100 S - A request by The Other Side Academy to operate a large group home at the above listed address. The site would be part of The Academy's campus located adjacent to the subject property, and would accommodate administrative and educational functions, as well as sleeping rooms for 164 individuals within the existing building. The subject property is located in the RMF-45 (Moderate/High Density Multi-Family Residential) zoning district within Council District 4, represented by Ana Valdemoros. (Staff contact: Mayara Lima at 801-535-7118 or mayara.lima@slcgov.com) **Case number PLNPCM2019-00104**

Mayara Lima, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the proposal with the conditions listed in the staff report.

The Commission and Staff discussed the following:

- Whether there is a limited number of occupants in the ordinance
- Clarification on a large group home definition
- Number of people that are currently being accommodated on campus

Tim Stay, Representative of The Other Side Academy, reviewed the history, design details, and purpose of the Academy.

The Commission and Applicant discussed the following:

- Clarification on properties that will be part of the Academy
- Staff roles and supervision of residents
- Restrictions of travel for residents
- Residents average ages
- Current number of beds in existing space
- Percentage of Residents that graduate from the program
- Whether any of the rooms are handicap accessible
- Discussion was made whether there are violent residents

PUBLIC HEARING [6:31:35 PM](#)

Chairperson Bachman opened the Public Hearing;

Cindy Cromer – Provided history on the surrounding neighborhood.

Clay Josewski – Stated he is currently a resident and that the academy has given him a second chance at life.

Andrew Lewis – Stated he is a resident at the academy and that it has changed his life and given him hope to a better future.

Dave Durocher, Managing Director of The Other Side Academy – Provided information regarding how residents opt to join the program.

Seeing no one else wished to speak; Chairperson Bachman closed the Public Hearing.

The Commission and Applicant further discussed the following:

- Whether mentoring in a consolidated campus will be beneficial causing less impact on the community
- Cross accountability between the residents
- Outdoor spaces for resident use
- Whether there are smoking areas designated for residents
- Clarification on history of law enforcement and fire department issues

The Commission and Staff discussed the following:

- Knowledge of Mansonian Apartments and the future of the property
- Clarification on reasoning for waiving the 800 feet separation

MOTION [6:45:37 PM](#)

Commissioner Bell stated, based on the information presented, and the input received during the public hearing, I move that the Commission approve the request for Conditional Use for a Large Group Home at 661 East 100 South, as presented in petition PLNPCM2019-00104, with the conditions listed in the staff report.

Commissioner Barry seconded the motion. Commissioners Barry, Scheer, Hoskins, Bell, Clark, Urquhart, Ruttinger, Paredes and Lyon voted “Aye”. The motion passed unanimously.

The meeting adjourned at [6:47:52 PM](#).

5. ORIGINAL PETITION

June 18, 2018

Planning Department
451 South State Street Room 215
Salt Lake City, UT 84101

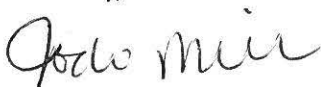
To whom it may concern,

We are applying for a Street Closure on the East border of our residence located at 538 E 14th Ave. When we purchased this house, in 2004, a chain-link fence was already installed in the South East corner of our lot. We elected to replace that with a cedar fence in 2007 and obtained a permit to do so. At the time of application, we learned that the fence was on city property, and so we obtained a free 10-year lease for the portion of city property inside the fence, approximately 1000 sqft. At the end of this lease, August 2017, we received a letter from the city that the lease was no longer free, and was in fact now going to cost fair-market value; at the time of this letter, roughly \$25,000.

For a variety of reasons, we believe the best option for us is to apply to purchase this property from the city, via a Street Closure. There are no utilities buried in this area, and no sidewalk. This land has been closed from public use for fifty plus years.

We appreciate your time in looking over our application and look forward in moving forward in the process. If you have any question you can contact Justin or Jodi at [REDACTED]

Sincerely,



Justin and Jodi Miller



E 14TH AVE

E CITY

09-30

478-010

NHST

— 80 Feet —

