



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: David J. Gellner, 801-535-6107, [david.gellner@slcgov.com](mailto:david.gellner@slcgov.com)  
Date: May 27, 2015  
Re: PLNPCM2015-00056

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## Alley Vacation

**PROPERTY ADDRESS:** High Street Alley between approx. 1411 South and High Ave. at approx. 1550 West  
**MASTER PLAN:** The Westside Master Plan  
**ZONING DISTRICT:** R-1/7000

**REQUEST:** This is a request by Hans Ehrbar, property owner, to vacate the platted High Street Alley located at the address and vicinity range noted above. The alley to be vacated is approximately 10 feet wide and 250 feet long. It would continue to remain undeveloped and be used for open space or agricultural purposes. The full proposal description provided by the applicant is included in Attachment C.

**RECOMMENDATION:** Based on the information in this staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to City Council for the request to vacate the High Street Alley between approx. 1411 South and High Ave. at approx. 1550 West, subject to the following conditions of approval:

1. A lot consolidation through the subdivision process is required to eliminate the creation of a landlocked parcel and to create a new lot that exceeds the maximum lot size in the R-1/7000 zoning district.
2. Compliance with all departmental comments.
3. The new parcel must be recorded with the Salt Lake County Recorder's Office
4. The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.
5. It is recommended that the process outlined for low-density residential disposition as outlined in 14.52.040.A be followed to vacate the alley based upon the historic low-density residential development and use of the property.

**ATTACHMENTS:**

- A. Vicinity Map & Recorded Plat
- B. Property Photographs
- C. Additional applicant Information
- D. Analysis of Standards
- E. Public Process and Comments
- F. Department Review Comments
- G. Motions

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

**Key Issue #1:**

Section 14.52.030 A.1 specifies “The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property.” All abutting property owners to the alley have signed a petition indicating support for vacating the alley. This item is addressed in Attachment D: Analysis of Standards – Key Issue #1.

**Key Issue #2:**

The alley vacation satisfies at least one of the policy considerations outlined in Section 14.52.020. This is outlined in Attachment D: Analysis of Standards – Key Issue #2.

**Key Issue #3:**

The proposed alley vacation would leave one parcel, owned by the applicant, as “landlocked”. A remedy to this issue would be the requirement to do a lot consolidation to eliminate this parcel. The lot consolidation would allow all of the factors outlined in Salt Lake City Code, Section 14.52.030B: Processing Petitions – Public Hearing and Recommendation from the Planning Commission to be met. A discussion of this issue is outlined in Attachment D: Analysis of Standards – Key Issue #3.

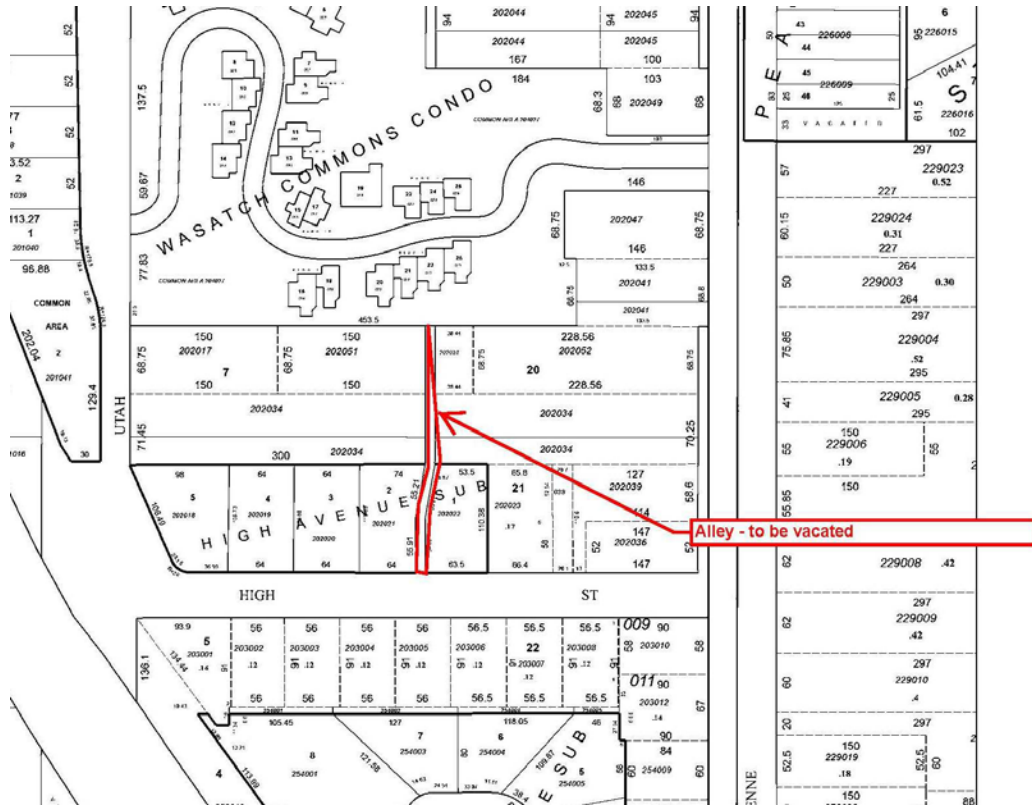
**Key Issue #4:**

The method of disposition is outlined in Section 14.52.040 – Method of Disposition outlines how the alley will be disposed of if the City Council approves the petition. This is outlined in Key Issue #4.

**NEXT STEPS:**

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

# ATTACHMENT A: VICINITY MAP & RECORDED PLAT





## **ATTACHMENT B: PROPERTY PHOTOGRAPHS**



Looking north at the platted High Street Alley where it intersects High Avenue between the properties located at 1554 W High Avenue and 1560 W. High Avenue. There is no physical evidence of curb cuts and a fence is built across the platted alleyway.

Part of a residential lot where the High Street Alley passes through – looking North. The rear fence on this property is built across the platted alleyway.







Looking east from 1425 S. Utah Street across vacant land owned by the applicant. The platted High Street Alley passes through this area from High Avenue (right side – back of houses on High Ave. are visible) to the Wasatch Commons Condominium complex on the left. Currently, the land is vacant and used for agricultural and open green space.

# ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION

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## Applicant Request Letter:

1. A letter explaining why you are requesting this alley vacation or closure.

It is requested that this alley be vacated because it has been functionally non-existent at least since 1997 when I moved into Wasatch Commons. Hans Ehrbar bought the two plots intersected by the alley in 2002 and 2010. Therefore this vacation will change only the legal, rather than actual, status of the alley. The alley does not provide necessary access for the City police, fire, transportation division, and other relevant City departments, and since Hans Ehrbar owns the three contiguous parcels 15-15-202-017, 15-15-202-033, and 15-15-202-034, this vacation does not result in any property being landlocked. When the properties owned by Hans Ehrbar were purchased in 2002 and 2010, the alley was already inaccessible via High St.

Parcels of land owned by Hans Ehrbar are currently interrupted by the alley, and vacation of the alley would make the properties contiguous. If the petition to vacate this alley is granted, the segments incorporated into parcels owned by Hans Ehrbar will remain undeveloped, and continue to be used for agricultural or open green space. It is possible that the parcel of land 15-15-202-027 at 1425 S Utah St, owned by Hans Ehrbar, may be developed into a Senior Housing variation of the existing Wasatch Commons Co-housing. If this parcel is developed, the land occupied by the alley and the adjacent land will remain undeveloped and used as green space or agricultural land.

2. A Sidwell map showing the area of the proposed alley vacation  
Attached
3. A written description with measurements of the proposed alley vacation or closure.

The segments of the alley which abut property owned by Hans Ehrbar are currently used for agricultural purposes. A segment of the alley runs behind 1424 Cheyenne St, but is separated from the alley by a parcel of land owned by Hans Ehrbar. The segment of the alley which runs between 1560 and 1554 High St is incorporated into the yard-space of 1554 High St property, and includes shrubs and storage sheds enclosed in a fence. The width of the alley is approximately 10ft, and the length of the alley spans approximately 250ft.

# Neighboring Property Owner Petition:

## PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:

Mans Ehrbar

Address of Applicant:

1411 Utah St #24 JLC, UT 84104

Date:

1/28/15

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

Print Name	Address	Signature	Date
Lynette Robinson	1560 High Ave		1/10/2015

Print Name	Address	Signature	Date
Christine Pinkerton		Christine Pinkerton	1/10/15

Print Name	Address	Signature	Date
Scott Hamnell	1424 Cleganna St		1/18/15

Print Name	Address	Signature	Date
Kathryn F. Albury	1411 Utah St. # 17,	Kathryn F. Albury	01/25/15

Print Name	Address	Signature	Date
MANS S. EHRBAR	1411 UTAH ST #24		1/28/15

Print Name	Address	Signature	Date

# **ATTACHMENT D: ANALYSIS OF STANDARDS & Key Issues Identified**

## **Key Issue # 1 – Petition Support**

Section 14.52.030 A.1 specifies “The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property.” All abutting property owners to the alley have signed a petition indicating support for vacating the alley. A copy of the petition is included in Attachment C of this report.

## **Key Issue # 2 - Policy Considerations**

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to close or vacate public alleys, the City considers whether or not the continued use of the property as a public alley is in the City’s best interest. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code.

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

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

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

- A. Lack of Use:** The City’s legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.
- B. Public Safety:** The existence of the alley 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 subject alley is proposed to be vacated due to lack of use (Item A). Although platted, the alley does not physically exist. There are fences that have been built across the alley blocking it from use. In addition, there is no curb cut where the alley intersects High Avenue to indicate that this alley was ever connected physically to the street.

The alley currently functions for community agricultural purposes (Item D). The applicant has indicated intent to continue this activity.



**Finding:** The proposed alley vacation complies with Policy considerations A and D above so this policy threshold has been met.

**a) Analysis Factors**

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

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

**1. The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property;**

**Discussion:** Staff requested input from pertinent City Departments and Divisions. Comments were received from Public Utilities and Building. Public Utilities had concerns about potentially leaving one parcel as “landlocked” through the vacation process. Their comments are included in Attachment F: Department Review Comments.

**Finding:** The appropriate City Departments and Divisions have reviewed this request. The concern brought up by Public Utilities and a solution to this issue is discussed below in Key Issue #3 – Lot Consolidation to Eliminate the Landlocked Parcel.

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

**Discussion:** The proposed alley vacation satisfies both the “Lack of Use” and “Community Purpose” policy considerations (see the discussion and findings above in a) Policy Considerations).

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

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

**Discussion:** Vacation of the subject alley will potentially “landlock” one parcel and may deny sole access or required off-street parking.

**Finding:** Incorporation of the “landlocked” parcel into the adjacent parcel directly to the west would eliminate this issue. This is discussed in Key Issue #3 – Lot Consolidation to Eliminate the Landlocked Parcel. A description of the exact parcel is included in Key Issue #3 – Lot Consolidation to Eliminate the Landlocked Parcel below.

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

**Discussion:** The vacation would leave one parcel “landlocked” and without access. A possible solution would be to combine parcels and eliminate the landlocked parcel.

**Finding:** Incorporation of the “landlocked” parcel into an adjacent parcel would eliminate this issue. This is discussed in Key Issue #3 – Lot Consolidation to Eliminate the Landlocked Parcel below.

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;**

**Finding:** The proposed alley vacation meets this standard.

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

**Discussion:** There are no opposing abutting property owners. None of the abutting property owners currently have a permit or are anticipating construction of a garage.

**Finding:** The proposed alley vacation meets this standard.

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

**Discussion:** The entire alley would be vacated.

**Finding:** The proposal meets this standard.

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

**Discussion:** This is addressed in Key Issue #3 – Lot Consolidation to Eliminate the Landlocked Parcel below.

**Finding:** The proposed alley vacation meets this standard if a lot consolidation were to take place.

### **Key Issue # 3 - Lot Consolidation to Eliminate the “Landlocked” Parcel**

The alley vacation would leave one parcel ‘landlocked’, that is to say without direct access to it. The specific parcel is identified by parcel # 15152020510000 and is 0.30 acres according to City and County Records. It is addressed as 1427 S. Utah Street and is owned by the applicant, Hans Ehrbar. It is bisected by the platted alley. The owner has indicated a willingness to consolidate this parcel with one he also owns directly to the west identified by parcel ID # 15152020170000 and addressed as 1425 S. Utah Street. The parcel is 0.20 acres in size according to City and County records. All properties adjacent to the alley are zoned R-1/7000 Single-Family Residential. The following provisions apply to properties in the R-1/7000 zoning district:

**21A.24.060 – G – Maximum Lot Size** - With the exception of lots created by a subdivision or subdivision amendment recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed ten thousand five hundred (10,500) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

**Discussion:** Combining the 2 parcels through a lot consolidation process would eliminate the creation of a “landlocked” parcel. The consolidation would result in a single parcel of 0.50 acres or approximately 21, 800 square feet in size. The maximum lot size for the R-1/7000 zone is 10,500 square feet (approximately 0.24 acres). However, a lot in excess of the maximum lot size may be created through a subdivision process subject to Standards 1-3 outlined above.

An examination of the GIS information in the City database revealed that there are numerous parcels on both the same block face and within the vicinity of the subject property that exceed the 10,500 square foot parcel limit. The parcel immediately to the south (owned by the applicant) encompasses 0.96 acres (approx. 41,800 sf). Numerous parcels on Cheyenne Street to the east and north are approximately 0.5 acres in size. These existing parcels have a similar width to the potentially consolidated parcel.

**Finding:** A consolidated parcel would be compatible with the larger parcels on the same block face and within the overall vicinity of the subject property in terms of lot width to depth ratio and overall size. Staff is recommending approval conditioned upon a lot consolidation process taking place through the subdivision process.

#### **Key Issue # 4 – Method of Disposition**

The method of disposition for City Owned Alleys is outlined in Section 14.52.040 – Method of Disposition. This section addresses how the alley will be disposed of if the City Council approves the petition.

##### **14.52.040: METHOD OF DISPOSITION:**

If the city council grants the petition, the city owned alley property will be disposed of as follows:

- A. Low Density Residential Areas: If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "low density residential use" shall mean properties which are zoned for single-family, duplex or twin home residential uses.
- B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other nonresidential 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.
- C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)

In this case, the alley passes through properties zoned R-1/7000 and terminates at property zoned SR-3 – Special Development Pattern Residential. While SR-3 is considered a medium density residential district, the use of the property is for a condominium development, which is not specifically listed in 14.52.040.A pertaining to Low Density Residential Areas. For all intents and purposes the condominium development has developed as and does function as a low density residential area. As such, staff feels that it would be appropriate to characterize the area as such in dealing with the question of property disposition and allow the alley to be vacated. The ultimate method of disposition will be determined by City Council if the petition to vacate the alley is approved. This is a matter outside of the purview of the Planning Commission, but is mentioned here for the benefit of the Commission and the public.

# **ATTACHMENT E: PUBLIC PROCESS AND COMMENTS**

## **PUBLIC PROCESS AND INPUT**

### **Notice of the Planning Commission Public Hearing**

- Public hearing notice mailed on April 9, 2015
- Public hearing notice posted on the property on April 9, 2015
- Public notice posted on the City and State websites and sent via the Planning Division list serve on April 9, 2015
- The applicant requested that the item be continued for one month until the May 27<sup>th</sup> PC meeting in order to allow the Community Council another opportunity to provide comment.
- Public hearing notice mailed on May 14, 2015
- Public notice posted on the City and State websites and sent via the Planning Division list serve on May 14, 2015
- Public hearing notice posted on the property on May 15, 2015

Several inquiries from property owners and the general public were received by staff in relation to this petition. Inquiries were generally related to understanding the petition and the process for such a request. There were also inquiries as to what, if any, future plans were being considered for the property where the alley would pass through and what effect the vacation would have on those plans.

### **Community Council**

The proposed project is located within the Glendale Community Council boundary. The following is a chronology of events as they relate to the Community Council:

- Notice of the petition and a request for review was sent to the Chair of the Glendale CC on February 17, 2015.
- The CC discussed the alley vacation at a regularly-scheduled meeting held on April 15, 2015. The CC voted to table/continue their vote on the petition in order to receive additional public input.
- On April 16, 2015 the applicant requested a one-month postponement of the Planning Commission hearing in order to allow the CC another opportunity to discuss the request.
- The Glendale Community Council discussed the petition at their regularly-scheduled meeting held on May 20, 2015.
- By unanimous vote, the Glendale Community Council voted to forward a positive recommendation for the alley vacation with a recommendation that the vacated area go to the adjacent property owners.
- There was discussion as to the long-term and immediate implications that vacating would have on the adjacent property owners. Staff was provided with a copy of a letter dated 05/19/2015 from two of the adjacent property owners that signed the original petition in support of the vacation indicating that they might have changed their position on the matter. Neither of those parties was present at the CC meeting. Staff is contacting those owners for additional clarity in regard to this matter.



# **ATTACHMENT F: DEPARTMENT REVIEW COMMENTS**

## **Zoning:**

Issues and resolutions to the potential problem of creating a “landlocked” parcel are discussed in Attachment D: Analysis of Standards.

## **Public Utilities:**

In reviewing this petition it appears that this alley vacation will land lock two existing parcels. Salt Lake City Public Utilities could possibly allow the vacation if the petitioner would combine the parcels into one lot. I understand that the land is being used for agricultural purposes currently but by vacating the alley any future utilities would not be accessible to a portion of the properties.

## **Transportation:**

No comments received.

## **Sustainability:**

No comments received.

## **Building:**

No comments received.

## **Fire:**

No comments received.

# **ATTACHMENT G: MOTIONS**

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## **Consistent with Staff Recommendation:**

Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to vacate the High Street Alley between approx. 1411 South and High Ave. at approx. 1550 West, subject to the following conditions of approval:

1. A lot consolidation through the subdivision process is required to eliminate the creation of a landlocked parcel and to create a new lot that exceeds the maximum lot size in the R-1/7000 zoning district.
2. Compliance with all departmental comments.
3. The new parcel must be recorded with the Salt Lake County Recorder's Office
4. The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.
5. It is recommended that the process outlined for low-density residential disposition as outlined in 14.52.040.A be followed to vacate the alley based upon the historic low-density residential development and use of the property.

## **Not Consistent with Staff Recommendation:**

Based on the testimony, plans presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to vacate the High Street Alley between approx. 1411 South and High Ave. at approx. 1550 West.