

October 29, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00925**



REQUEST:

A request for an administrative interpretation regarding the complying lot status of the property located at approximately 1225 S Legacy View Street (Tax ID 14-11-427-011). The status of the lot is being questioned in response to a proposal from Utah Department of Transportation (“UDOT”), a state agency, seeking to acquire a portion of land from the subject property. The applicant is also requesting determination of the conforming status of the existing on-site parking area located at the easternmost extent of the parcel, as a result of the proposed land acquisition. The subject property is located in the M-1 (Light Manufacturing) zoning district.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 1225 S Legacy View Street (Tax ID 14-11-427-011) would be recognized by Salt Lake City as a legal complying lot with a legal noncomplying parking lot and landscaping as a result of the proposed land acquisition by UDOT. Any new development or improvements on the subject property shall comply with the underlying zoning district and other applicable zoning regulations.

FINDINGS:

The subject property is located in the M-1 zoning district and meets the existing M-1 zoning district development standards for minimum lot size and lot width. The use of the subject property was first established in 2001 for manufacturing and has continued the same use to date.

Chapter 21A.62 of the Salt Lake City Zoning Ordinance defines a “lot” as follows:

A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and the subdivision regulations of the city.

The property was created and documented through a subdivision, known as Legacy Industrial Park (Entry No. 7189827 in Book 12-P, Page 344), recorded on December 28, 1998 (see Attachment A). Based on documents obtained from the Salt Lake County Recorder’s Office, the subject parcel was subsequently deeded a strip of land to further increase the overall lot size. A Special Warranty Deed recorded on May 14, 2001 (Entry No. 7894922 in Book 8456, Page 6090) describes the subject property as follows (see Attachment B):

All of Lot 13, LEGACY INDUSTRIAL PARK, according to the official plat thereof, on file and of record in the office of the Salt Lake County Recorder.

ALSO:

A strip of land situated in the Southeast quarter of Section 11, Township 1 South, Range 2 West, Salt Lake Base and Meridian, in Salt Lake County, Utah, more particularly described as follows:

Commencing at the Southeast cornering of said Section 11; thence North 89 deg. 55'44" West along the South line of said Section 11 a distance of 40.00 feet; thence North 00 deg. 01'23" East a distance of 1164.85 feet to the point of beginning; thence North 89 deg. 58'37" West to a distance of 50.00 feet; thence North 00 deg. 01'23" East a distance of 360.00 feet; thence South 89 deg. 58'37" East a distance of 50.00 feet; thence South 00 deg. 01'23" West a distance of 360.00 feet to the point of beginning.

UDOT's proposed widening project and perpetual easement would reduce the lot size of the subject property, and encroach into the parking lot and yard area landscaping (see Attachment C). As a result, the subject property may become noncomplying with certain zoning standards, such as the parking lot and landscaping. Acquisition of interest in land by a State agency for public purposes would not affect the existing complying status of the subject property based on the construed exemption found in Subsection 21A.02.050.B as follows:

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this title:

- 1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.*

Based on the foregoing information, staff has determined that the City recognizes the subject parcel located at approximately 1225 S Legacy View Street would be a legal complying lot with a legal noncomplying parking lot and landscaping as a result of the proposed land acquisition by UDOT. Any new development or improvements on the subject property shall comply with the underlying zoning district and other applicable zoning regulations.

If you have any questions regarding this interpretation, please contact Linda Mitchell at (801) 535-7751 or by email at linda.mitchell@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <https://www.slc.gov/planning/applications/> along with information about the applicable fee.

Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT		US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Dated this 29th day of October 2019 in Salt Lake City, Utah.



Linda Mitchell
Principal Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations

Attachments:

- A. Legacy Industrial Park Subdivision Map
- B. Special Warranty Deed
- C. UDOT's Proposed Land Acquisition and Perpetual Easement (Exhibit A & B)
Vicinity Map

ATTACHMENT B

Recorded at Request of: METRO NATIONAL TITLE
File Number: 28227

Mail Tax notice to:
PILKINGTON LEASING CO.
4088 WEST 1820 SOUTH
SALT LAKE CITY, UT 84104

7894922
05/14/2001 12:23 PM 13.00
Book - 0456 Pg - 6090-6091
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
METRO NATIONAL TITLE
BY: ZJH, DEPUTY - WT 2 P.

7894922

SPECIAL WARRANTY DEED

Parcel ID # 14-11-427-001, 009

5600 WEST L.L.C., a Utah limited liability company GRANTOR
of 1132 SOUTH 500 WEST, SALT LAKE CITY, UTAH 84101, COUNTY OF
SALT LAKE, STATE OF UTAH, hereby CONVEYS and WARRANTS BY
THROUGH AND UNDER IT ONLY TO:

PILKINGTON LEASING CO., a Utah corporation GRANTEE
of 4088 WEST 1820 SOUTH, SALT LAKE CITY, UT 84104 for the sum
of TEN AND 00/100'S DOLLARS AND OTHER GOOD AND VALUABLE
CONSIDERATION, the following described tract(s) of land in Salt
Lake County, State of Utah:

All of Lot 13, LEGACY INDUSTRIAL PARK, according to the
official plat thereof, on file and of record in the office of
the Salt Lake County Recorder.

ALSO:

A strip of land situate in the Southeast quarter of Section 11,
Township 1 South, Range 2 West, Salt Lake Base and Meridian, in
Salt Lake County, Utah, more particularly described as follows:

Commencing at the Southeast corner of said Section 11; thence
North 89 deg. 55'44" West along the South line of said Section
11 a distance of 40.00 feet; thence North 00 deg. 01'23" East a
distance of 1164.85 feet to the point of beginning; thence
North 89 deg. 58'37" West a distance of 50.00 feet; thence
North 00 deg. 01'23" East a distance of 360.00 feet; thence
South 89 deg. 58'37" East a distance of 50.00 feet; thence
South 00 deg. 01'23" West a distance of 360.00 feet to the
point of beginning.

EXCEPTING AND RESERVING unto UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation, its successors and assigns, forever, all
minerals and all mineral rights of every kind and character now
known to exist or hereafter discovered underlying the Property,
including without limiting the generality of the foregoing, oil
and gas and rights thereto, together with the sole, exclusive
and perpetual rights to explore for, remove and dispose of said
minerals by any means or methods suitable to the Grantor, its
successors and assigns, but without entering upon or using the
surface of the Property, and in such manner as not to damage
the surface of the Property, or to interfere with the use
thereof by the Grantee, its successors and assigns.

SUBJECT TO:

County and/or City Taxes not delinquent; Bonds and/or Special
Assessments not delinquent and Covenants, Conditions,
Restrictions, Rights-of-Way, Easements, Leases and Reservations
now of Record.

BR8456PG6090

WITNESS, the hand(s) of said grantor(s), this 11th day of MAY, 2001.

5600 WEST L.L.C.

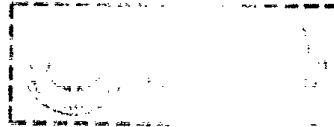
BY: *Douglas K. Anderson*

STATE OF UTAH, County of SALT LAKE) ss.

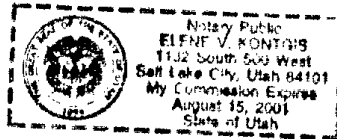
On this date, May 11, 2001, personally appeared before me Douglas K. Anderson, who being by me duly sworn did say that he a MANAGER/MEMBER of 5600 WEST L.L.C. the limited liability company that executed the above and foregoing instrument and that said instrument was signed on behalf of said company by authority of its by-laws (or by authority of a resolution of its board of managers/members) and said Douglas K. Anderson acknowledged to me that said limited liability company executed same.

NOTARY SEAL NOT LEGIBLE
- CO RECORDER -

Eileen J. Korte
Notary Public

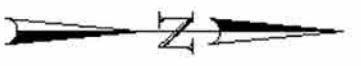
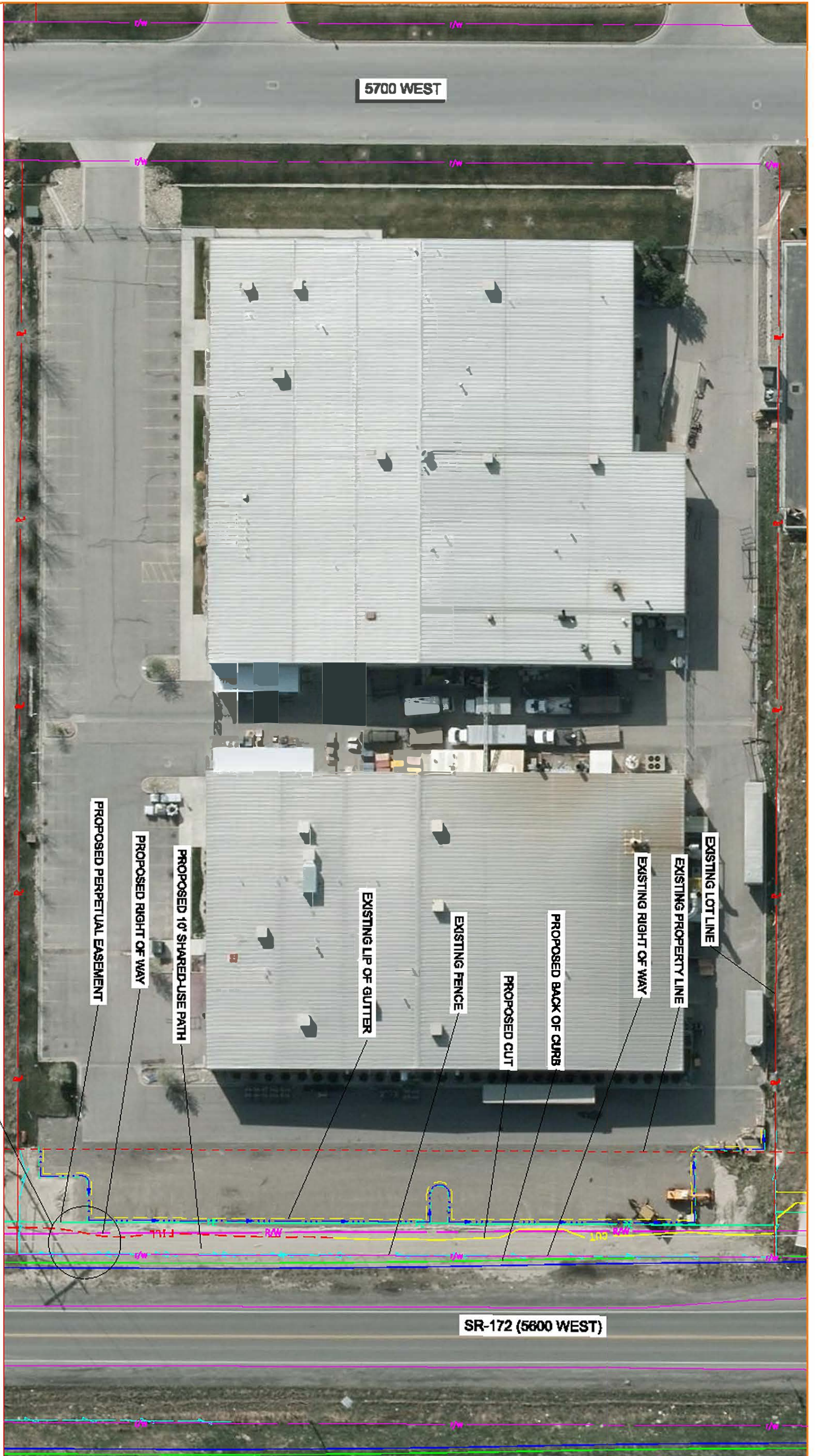


My commission expires:
Residing in: SALT LAKE CITY, UTAH



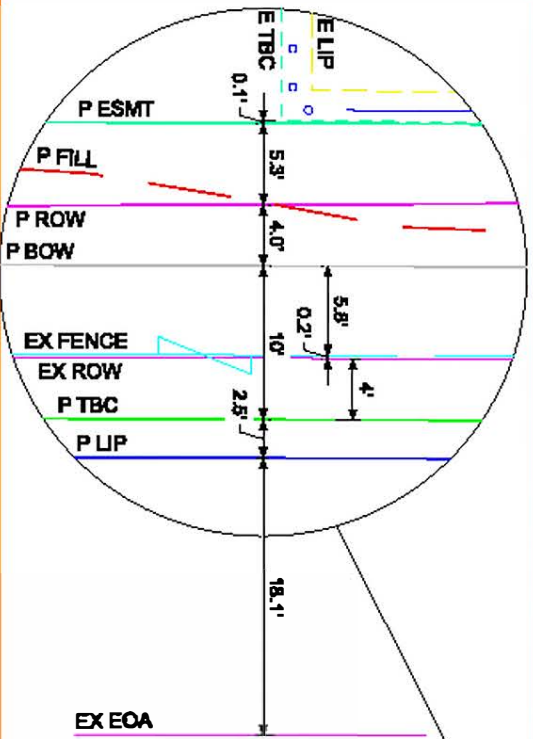
BK8456PG6091

ATTACHMENT C



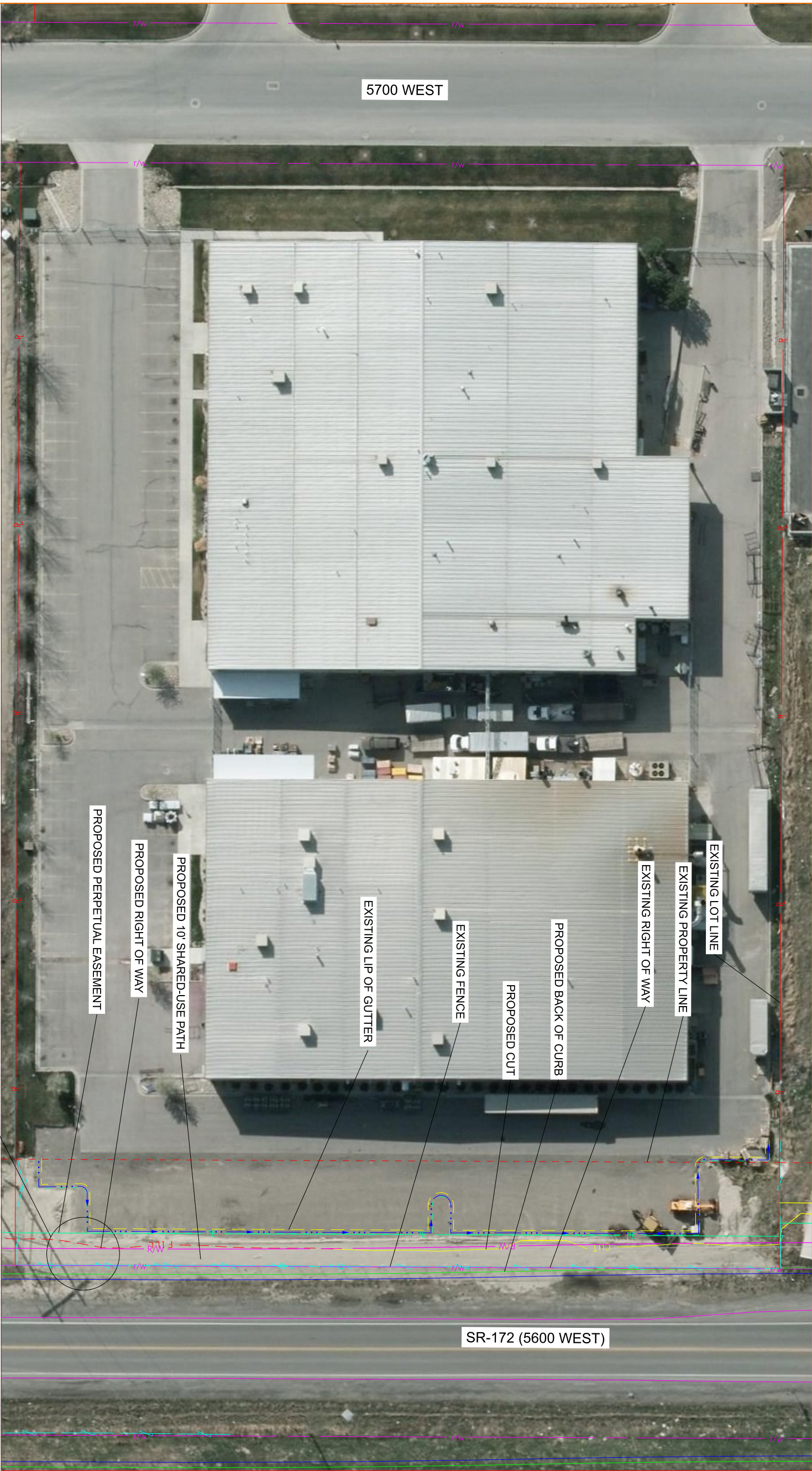
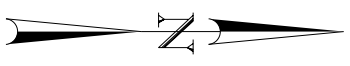
LEGEND

	EXISTING EDGE OF ASPHALT
	PROPOSED LIP OF GUTTER
	PROPOSED BACK OF CURB
	EXISTING RIGHT OF WAY
	EXISTING FENCE
	PROPOSED BACK OF WALK
	PROPOSED RIGHT OF WAY
	PROPOSED FILL
	PROPOSED PERPETUAL EASEMENT
	EXISTING BACK OF CURB
	EXISTING FLOWLINE
	EXISTING LIP OF GUTTER
	EXISTING PROPERTY LINE
	EXISTING LOT LINE
	PROPOSED CUT



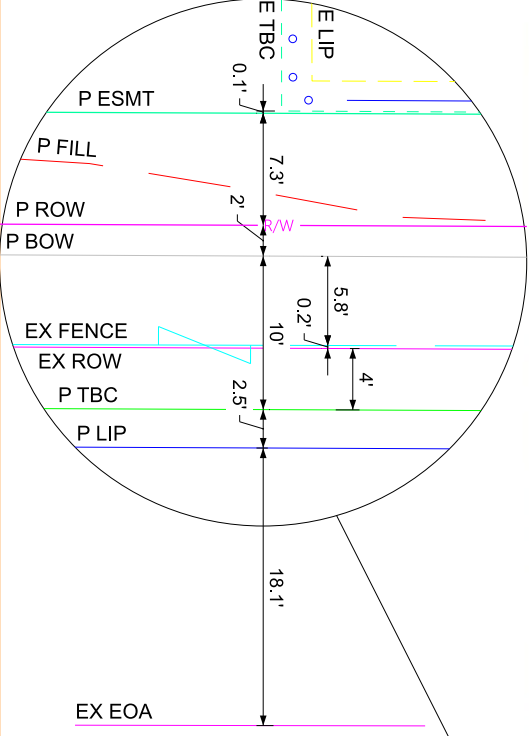
5600 W. RAILROAD CROSSING

EXHIBIT A
NOT FOR CONSTRUCTION
6-14-2019



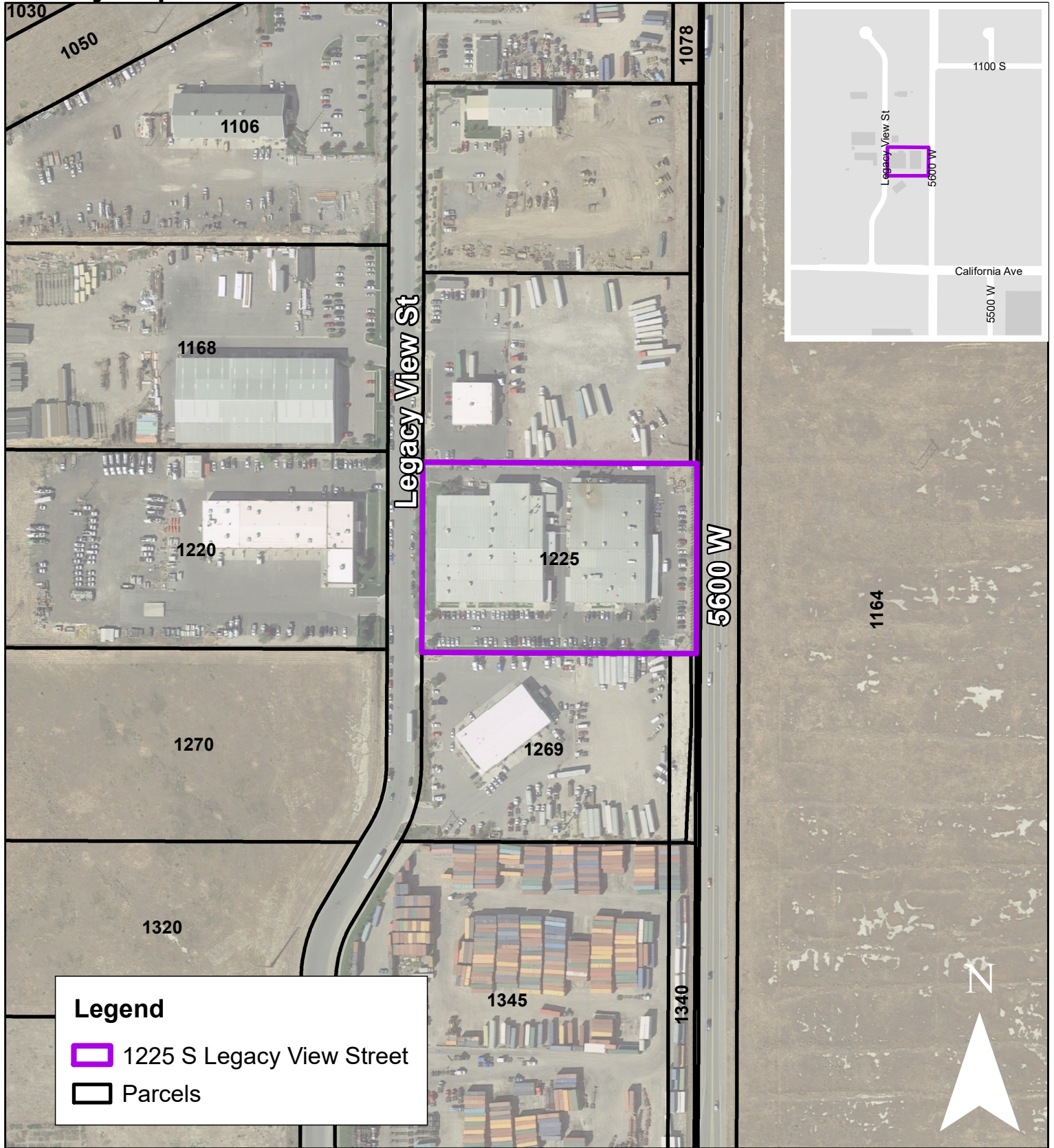
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5600 W. RAILROAD CROSSING
 EXHIBIT B
 NOT FOR CONSTRUCTION
 6-14-2019

Vicinity Map



290 145 0 290 Feet