

PLANNING COMMISSION STAFF REPORT

Declaration of Surplus Property and Minor Subdivision Approval PLNPCM2009-00824 1385 North 1200 West December 9, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

Rick Graham, Public Services Dept.

Staff:

Bill Peperone(801)535-7214
bill.peperone@slcgov.com

Tax ID:

08-23-351-001 and
08-23-351-002

Current Zone:

Open Space

Master Plan Designation:

Northwest Master Plan
Open Space

Council District:

District 1 – Carlton Christensen

Lot size:

Approximately 3.01 acres

Current Use:

Golf Course

Notification

Mailed: Nov. 25, 2009
Sign posted: Nov. 25, 2009
Agenda posted on the Planning
Division and Utah Public
Meeting Notice websites Nov.
25, 2009

Applicable Land Use**Regulations:**

Title 2.58 of the Salt Lake City
Code
Title 2.90 of the Salt Lake City
Code

Exhibits:

- A. Site plan
- B. Description by the applicant
- C. Department Comments

REQUEST

The Public Services Department has requested the surplus of approximately 3.01 acres of land on the east side of the Rose Park Golf Course. It is intended that the surplus property will be purchased by the Guadalupe School, a charter school. This application also includes a request for minor subdivision approval so the surplus property can be legally divided and conveyed to the Guadalupe School.

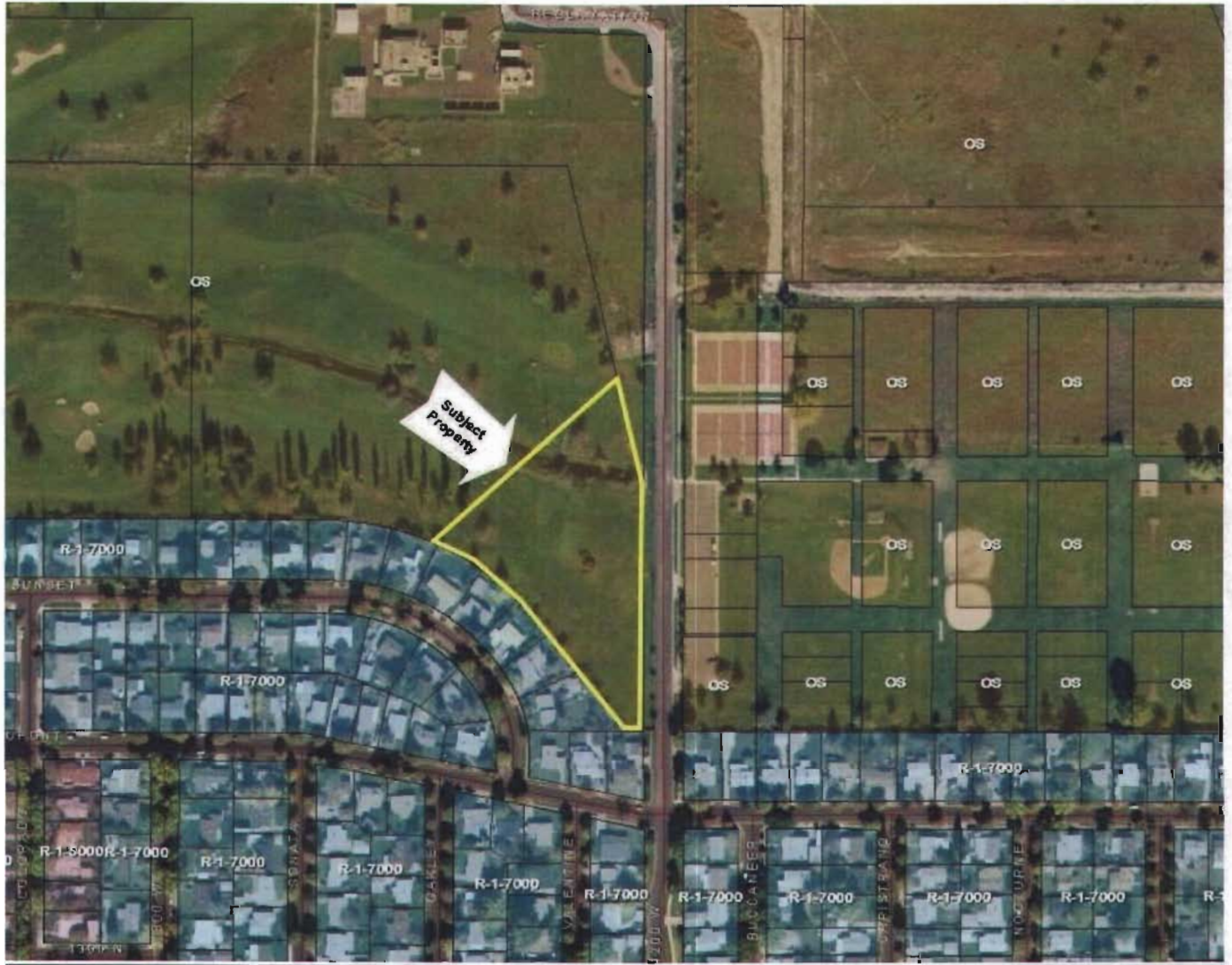
STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve application PLNPCM2009-00824 for the declaration of surplus property and forward a recommendation to the Mayor to sell the subject property for fair-market value to the Guadalupe School. Staff further recommends that the Planning Commission grant approval for a one-lot minor subdivision. The Planning Commission's action is based on the findings, analysis and conditions of approval in this report:

Conditions of Approval

1. That the applicant shall finalize the land acquisition with the Property Management Division.
2. That the applicant shall purchase the subject property for its fair-market value.
3. That a minor subdivision plat is recorded in the office of the Salt Lake County Recorder prior to issuance of a building permit on the subject property.
4. That the sale of the surplus property is subject to a Public Utilities easement on the north side of the property.
5. That a landscape maintenance agreement be entered into between Public Utilities and the Guadalupe School.
6. That a 30-foot easement will be maintained by Public Utilities along the east property line for maintenance and replacement of a 78-inch sewer interceptor and 60-inch storm drain.
7. That an odor easement will be retained by Salt Lake City.
8. That 1200 West Street will be improved by the Guadalupe School, including curb, gutter, sidewalk and a half-width of asphalt pavement for the required right-of-way.
9. That all requirements of the city departments/divisions must be met.

Vicinity Map



1385 North 1200 West

BACKGROUND

The Public Services Department has requested that the Planning Commission declare as surplus approximately 3.01 acres of property on the east side of the Rose Park Golf Course. The property is located at 1385 North 1200 West and is zoned as Open Space.

The subject property is bordered on the south by single-family residential development that is zoned R-1-7,000. North of the subject property is M-1 and M-2 Zoning. To the east, across 1200 West Street, the property is zoned Open Space and that land includes recreational improvements. To the west of the subject parcel, is additional golf course land and is zoned Open Space.

The following two actions are needed by the Planning Commission:

1. Declaration of surplus property, and
2. Approval of a minor subdivision.

Comments

Public Comments

No written or verbal comments were received from the public.

Community Council Comments

Neither Declaration of surplus property nor minor subdivision approval is required to be sent to the local community council.

City Department Comments:

Notice of the application for the declaration of surplus property was routed to the affected City departments on August 4, 2009, requesting comments and input. See Exhibit "C" for actual comments from the departments. Conditions of approval requested by the various departments/division have been included in the suggested Planning Commission motion.

Staff Analysis

According to State law, because the Guadalupe School is a charter school, it is not subject to local jurisdiction zoning for location of the school. Therefore, it is permissible for the school to be built on land designated as Open Space without a change to the zoning map (Utah Code Section 10-9a-305). The school will still be subject to lot and bulk standards of the Zoning Ordinance, however.

Disposition of city-owned property is governed by Title 2.58 of the City Code. There are no code criteria for the evaluation of properties proposed to be declared as surplus. The following information is provided to make applicable documents available to the Planning Commission.

Disposition of city-owned open space is governed by Section 2.90 of the City Code. This will require a public hearing before the Mayor and City Council.

The fair-market value of the land will be established by the Property Management Division and the Guadalupe School will be required to pay this amount.

Master Plan Compliance:

The Northwest Master Plan is the adopted plan for the subject property. This plan designates the subject property as Open Space.

Findings:

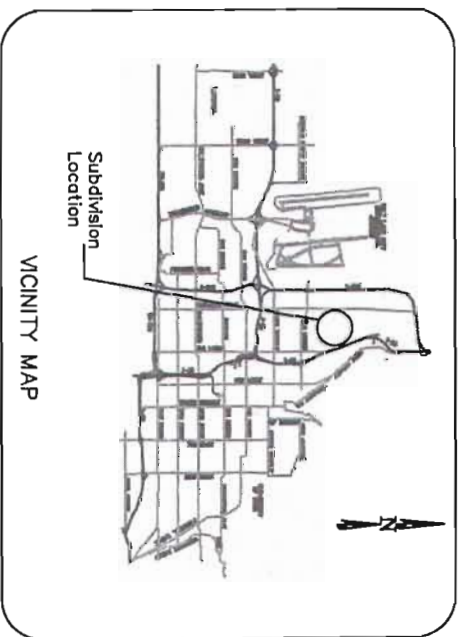
1. That the proposed surplus parcel is not used as part of the Rose Park Golf Course and no other city departments have identified a need for the property;
2. That according to state law, a charter school does not require local government approval as it relates to location of the school; and
3. That no amendment to the Northwest Master Plan nor the Zoning Ordinance is necessary for the location of a charter school on the subject property.

Exhibit A: Subdivision Plat

08-23-351-002
SLCounty Parcel ID Number

ROSE PARK GOLF COURSE

**SE PARK GOLF COURSE
MINOR SUBDIVISION**



#3034
Found S.L. County
flat brass monument
in hand hole with ring & 116
down 0.2', FB 0304-58

#1525
Found dome brass monument
in hand hole with ring & lid
down 0.25", FB 0304-55

LEGEND

(X) - ALIAS
 (M) - MEASURED
 (Mn) - MEASURED & ADJUSTED
 (C) - CALCULATED
 (C.M.) - CALCULATED FROM MEASURED
 A/L - MONUMENT LINE
 R/W - RIGHT OF WAY
 FB 0000-00 - FIELD BOOK AND PAGE
 00000 - SURVEY / MONUMENT POINT INDEX NUMBER
 - FENCE LINE

SET SLC SURVEYOR REBAR & CAP

SALT LAKE CITY CORPORATION
PUBLIC SERVICES
ENGINEERING DIVISION
349 SOUTH, 200 EAST, S.L.C., UT. 84111

BOARD OF HEALTH

ATTESTED THIS _____ DAY OF _____
20____

SURVEYORS' CERTIFICATE



NAME _____
ADDRESS _____
ACCOUNT _____
CITY _____
STATE _____
DATE _____

SAVED BY THE SALT LAKE CITY
SURVEYOR UNDER THE REGULATION OF
VICTORIA DISTRICT COURT OFFICIAL
TITLE IS ACTING SALT LAKE CITY SURVEYOR
WHO IS AUTHORIZED TO PRACTICE LAND
SURVEYING IN AND FOR THE CITY OF
SALT LAKE

DATE _____

CITY SURVEYOR

PROPOSED
No. 312774
VICTORIA
ORDINANCE
DATE OF
SALT LAKE

CITY PLANNING DIRECTOR

APPROVED THIS DAY OF
20 BY THE SALT
LAKE CITY PLANNING COMMISSION.

SALT LAKE CITY
PLANNING DIRECTOR

CITY ENGINEERING DIVISION

THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE AND IS HEREBY APPROVED.

CITY ENGINEER DATE _____

CITY PUBLIC UTILITIES DEPT.

APPROVED AS TO SANITARY DESIGN
AND WATER UTILITY DETAILS THIS
DAY OF _____, 20____.

SALT LAKE CITY
PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY

APPROVED AS TO FORM THIS
DAY OF _____ AD,
19____.

CITY APPROVAL

PRESENTED TO SALT LAKE CITY
THE DAY OF _____ A.D.
_____, AND IS HEREBY AFFIRMED.

SALT LAKE CITY MARSH

SALT LAKE CITY RECORDER

SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND
FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____

SALT LAKE COUNTY RECORDER

NAME _____
ACCOUNT _____
STREET _____
CITY _____

Boundary Description	Lot 1
<p> Beginning at the intersection of the line of the road and the line of the road; thence S 89° 15' 00" E 100.00 feet to the intersection of the line of the road and the line of the road; </p>	<p> Beginning at the intersection of the line of the road and the line of the road; thence S 89° 15' 00" E 100.00 feet to the intersection of the line of the road and the line of the road; </p>

NOTE: ALL OF THE EXISTING MONUMENTS SHOWN ON THIS SUBDIVISION PLAT HAVE BEEN LOCATED WITH STREET GRADE GPS EQUIPMENT. MONUMENTS WERE OBSERVED TWICE WITH A DIFFERENT OBSERVER USING THE SAME METHOD. USING SATELLITE DATA CITY'S PUBLIC UTILITIES GPS BASE STATION AS OUR FIX BASE. THE TOLERANCE FOR THE INVERSED RESULTS OF THE TWO OBSERVATIONS WAS 0.015 METERS. A MEAN VALUE WAS THEN ACCEPTED AS THE BASE COORDINATE FOR THE MONUMENT POSITION.

TWO PERSONS ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SALT LAKE) ss

ON THE _____ DAY OF _____, 20____, PERSONALLY
APPEARED BEFORE ME _____ AND _____
THE SIGNERS OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGED
TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES

NOTARY PUBLIC, RESIDING IN
SALT LAKE COUNTY, UTAH

Exhibit B: Letter from the Public Services Department

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

RALPH BECKER
MAYOR

July 14, 2009

Wilford Sommerkorn
Salt Lake City Planning Director
City & County Building, Room 406
Salt Lake City, UT 84111

RE: Surplus Land – Rose Park Golf Course - 1200 West 1300 North

Dear Wilf:

The purpose of this letter is to inform you that the Salt Lake Golf Course Program, a division of the Public Services Department, has determined that 3.17 acres of golf course property is no longer needed to support the current or future operation needs of the golf course. Based on that determination I wish to formally recommend that the property be declared surplus to the golf course's need and ask that you direct your staff to immediately initiate the process that will allow Golf to sell it on the open market.

The subject property is located at the southeast corner of the golf course; approximately 1200 West 1300 North. A small portion of the property is currently used as the 17th tee box, but most of it is unused, and is just planted in grass. There will be no problem to relocate the tee box to another location once the property is sold.

What lies at the heart of the decision to sell the property is the need to raise funds for high priority capital improvements that have been delayed for years. The Golf Course Program is an Enterprise Fund, and as such, receives no general fund support. The Golf Fund must rely on the practice of good business decision making and the judicious use of assets to maintain and grow its program. The revenue generated from the property sale will remain in the Rose Park Golf Course fund, and be used to make long overdue capital improvements that will strengthen the financial base of the golf course. Without General Fund support the Golf Fund has limited funding options beyond fees.

This issue has been fully discussed with Mayor Becker, and has his support. Additionally, the City Council was briefed on this issue in an open public meeting held on June 16, 2009.

I respectfully request that you begin the process that allows for this request to be reviewed and approved by the appropriate departments of the City.

Sincerely,



Rick Graham, Director
Public Services Department

cc: David Terry, Cheri Coffey, Duran Lucas, Kevin Bergstrom, David Everitt

LOCATION: 451 SOUTH STATE STREET, ROOM 138, SALT LAKE CITY, UTAH 84111-3104

MAILING ADDRESS: PO BOX 145469, SALT LAKE CITY, UTAH 84114-5469

TELEPHONE: 801-535-7775 FAX: 801-535-7963

WWW.SLCGOV.COM

EXHIBIT C: Department Comments

Peperone, Bill

From: Greenleaf, Karryn
Sent: Tuesday, August 18, 2009 4:08 PM
To: Peperone, Bill
Cc: Spencer, John; Lucas, Duran; Niermeyer, Jeff
Subject: Declaration of Surplus Property located at 1200 West 1300 North (part of the Golf Course Property)
Attachments: odorease.doc; Surplusproperty.pdf; easement language to PU.doc
Categories: Other

Salt Lake City Public Utilities has reviewed the above noted request and offer the following:

- 1) In general Public Utilities has no objection to the parcel of property owned by the golf course to be declared surplus; however, there is a portion of the parcel as **shown** on the attached map. That is identified as a separate parcel that houses a public utilities drainage facility. PU believes that this parcel belongs to the Public Utilities Division and request that this small parcel not be included in this surplus property procedure.
- 2) Public Utilities is willing to enter into a landscape agreement to allow for landscape uses of the property.
- 3) Public Utilities will require a **30 foot** easement with PU standard language along the east property line to allow for operations, maintenance and replacement of a 78 inch sewer interceptor and a 60 inch storm drain. Please see attached drawing showing the easement and facilities. (see attached language for easement to be retained).
- 4) An odor easement will need to be retained by Salt Lake City (see attached language)

If you have any other questions please feel free to contact me.

Salt Lake City Corporation
Public Utilities Department
Karryn Greenleaf
1530 South West Temple
SLC, Utah 84115
801-483-6769
karryn.greenleaf@slcgov.com

ODOR EASEMENT

For the existing plant

Grantee's interest shall be subject to a perpetual and assignable easement and rights over Grantee's property in favor of Salt Lake City Corporation, its successors, and assigns, for discomfort, annoyance, or the like, as may be inherent in, or may arise or occur from or during the operation of waste water treatment and other facilities, including but not limited to wetlands, settling ponds, canals, estuaries, lagoons, and the like, and including any additions, expansions, or replacement of said facilities, at 1365 West 2300 North, Salt Lake City, Utah. Such discomfort, annoyance, or the like may include but are not limited to odors, offensive smells, insects, and birds.

In perpetuity, said easement and rights and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement and rights, shall constitute permanent burdens and servient tenements on Grantee's property, and the same shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said property and shall be unlimited as to frequency.

Grantee acknowledges and consents to the discomfort, annoyance, and the like, associated with the easement and rights in favor of Salt Lake City Corporation, its successors and assigns. Grantee shall have no right for any claim, damages, demands, actions, costs and charges for injury, illness, nuisance, mental anguish, depreciation of value of property or its use, property damage, and other liabilities, including attorney's fees, against Salt Lake City Corporation, its successors or assigns, arising out of or associated with the operation of waste water treatment or similar facilities, including but not limited to wetlands, settling ponds, canals, estuaries, lagoons, and the like, and including any additions, expansions, or replacement of said facilities, at 1365 West 2300 North, Salt Lake City, Utah.

ODOR EASEMENT

For the proposed plant

Grantee's interest shall be subject to a perpetual and assignable easement and rights over Grantee's property in favor of Salt Lake City Corporation, its successors, and assigns, for discomfort, annoyance, or the like, as may be inherent in, or may arise or occur from or during the operation of waste water treatment and other facilities, including but not limited to wetlands, settling ponds, canals, estuaries, lagoons, and the like, and including any new facilities, additions, expansions, or replacement of said facilities, at approximately 4700 West 300 South, Salt Lake City, Utah. Such discomfort, annoyance, or the like may include but are not limited to odors, offensive smells, insects, and birds.

In perpetuity, said easement and rights and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement and rights, shall constitute permanent burdens and servient tenements on Grantee's property, and the same shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said property and shall be unlimited as to frequency.

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SLC Public Utilities
Not For Sale

30' Easement From Storm
into Subject Property
Easement Approx 88'

BOY SCOUT DR

30' Easement

SUNSET DR



Peperone, Bill

From: Drummond, Randy
Sent: Wednesday, August 12, 2009 1:26 PM
To: Peperone, Bill
Cc: Weiler, Scott; Walsh, Barry; Stewart, Brad; Adams, Jeff
Subject: Surplus Property - 1200 W 1300 N - adjacent to golf course property

Categories: Other

Bill,

SLC Engineering has no concerns regarding the sale of the 3.16 acres of surplus property near 1200 West and 1300 North. As previously mentioned by Barry Walsh of SLC Transportation we suggest that the City dedicate the portion of 1200 West that the parcel fronts and improve it with curb, gutter, sidewalk and full half-width of asphalt pavement to bring the street to City standards.

Thanks!

Peperone, Bill

From: Walsh, Barry
Sent: Thursday, August 06, 2009 11:20 AM
To: Peperone, Bill
Cc: Young, Kevin; Garcia, Peggy; Itchon, Edward; Weiler, Scott; Spencer, John; Lucas, Duran; Goff, Orion; Brown, Ken
Subject: 1200 W surplus property
Categories: Other

August 6, 2009

Bill Peperone, Planning

RE; Declaration of Surplus Property at 1200 West 1300 North.

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

The proposed subdivision to create a 3.16 Acre Surplus property, (a lot fronting a dedicated public street) 1200 West, from the 1385 North parcel is in conjunction with - Project PLNPCM2009-00824 and a former 1200 West roadway dedication proposal.

On 1/7/2009 We reviewed Lucas Duran the 1200 West corridor, a Public Utilities private 80 foot right of way, and required a minimum 66 foot ROW with a 44 foot roadway, for its dedication as a public street.

As part of that dedication and this parcel creation, curb & gutter improvements along the west side of the roadway and the frontage of the 1300 north parcel are required. The existing two lane roadway of 1200 West has improvements on the east side with curb & gutter, park strip, pedestrian sidewalk and minimum lighting.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Scott Weiler, P.E.
John Spencer, Property Management
Lucas Duran, Property Management
Orion Goff, Business Licensing
Ken Brown, permits
File

PS – work flow task have not been assigned to transportation to date.