

## PLANNING COMMISSION STAFF REPORT



Planning and Zoning Division  
Department of Community and  
Economic Development

### Red Iguana Restaurant #2 Declaration of Surplus Property/Partial St. Closure PLNPCM2009-01132 866 W. South Temple October 28, 2009

**Applicant:**

Bill Coker

**Staff:**

Bill Peperone(801)535-7214  
[bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com)

**Tax ID:**

08-35-458-016, 025, 030, & 035

**Current Zone:**

CG- General Commercial

**Master Plan Designation:**

West Salt Lake Community Master  
Plan – General Commercial  
Draft West Salt Lake Plan - Lower  
density/intensity mixed-use

**Council District:**

District 2– Van Turner

**Lot size:**

Approximately 0.40 acres

**Current Use:**

Commercial

**Notification**

Mailed: Oct. 14, 2009  
Sign posted: Oct. 19, 2009  
Agenda posted on the Planning  
Division and Utah Public  
Meeting Notice websites Oct.  
14, 2009

**Applicable Land Use**

**Regulations:**

Title 2.58 of the Salt Lake City  
Code

**Exhibits:**

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

### ***REQUEST***

Bill Coker is requesting a declaration of surplus property and partial street closure for land between the front property line and the public sidewalk. The purpose of this request is to give private ownership of a strip of land that is within the right-of-way for South Temple and is in the ownership of Salt Lake City.

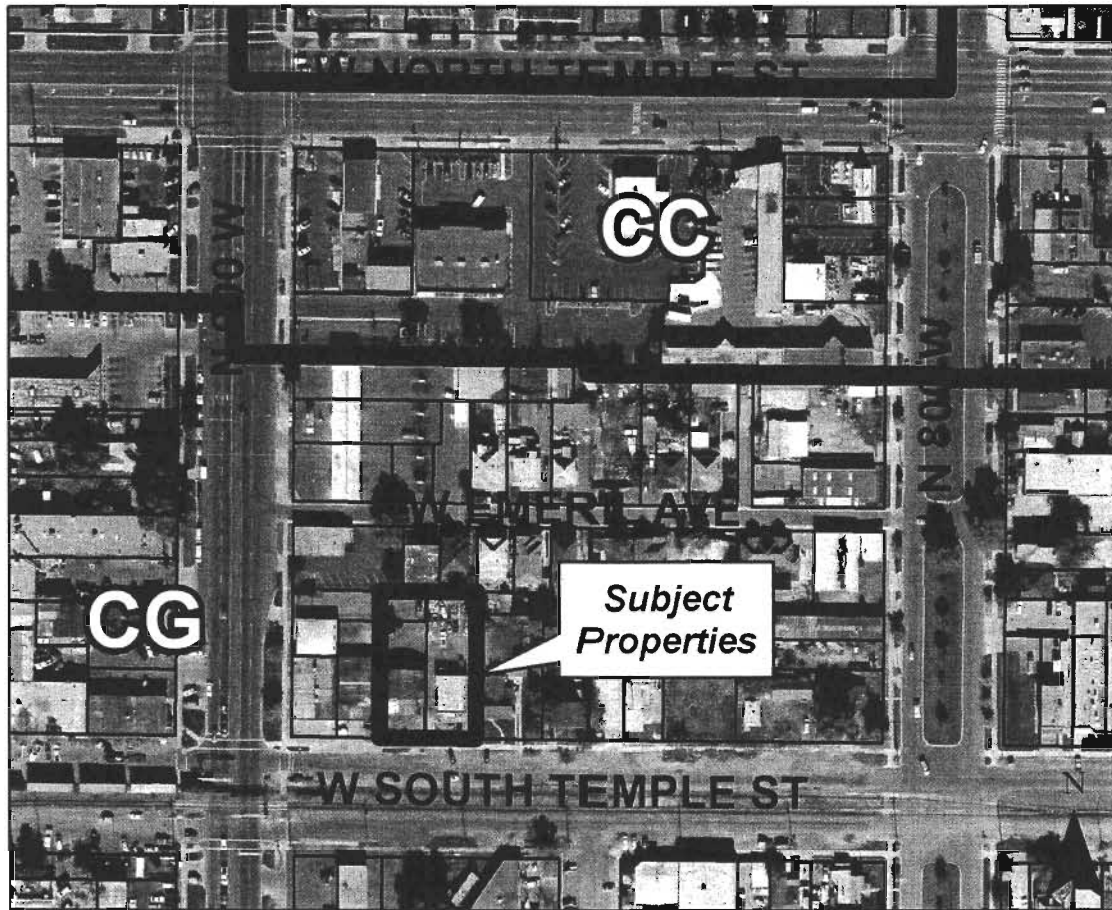
### ***STAFF RECOMMENDATION***

Staff recommends that the Planning Commission approve application PLNPCM2009-01132 for the declaration of surplus property and forward a recommendation to the Mayor to sell the subject property for fair-market value to the applicant, subject to approval of the street closure by the City Council. Staff further recommends that the Planning Commission recommend to the City Council approval of the proposed street closure subject to the conditions listed below. 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 obtain approval of the street closure from the City Council.
2. That the applicant shall finalize the land acquisition with the Property Management Division.
3. That the applicant shall purchase the subject property for its fair-market value.
4. That the applicant shall process a Lot Line Adjustment through the Planning Division to appropriately consolidate his parcel with the surplus property.

## Vicinity Map



866 West South Temple

## BACKGROUND

Bill Coker is requesting that the City declare as surplus property a section of city-owned right-of-way that is three to four feet wide and approximately 107 feet long that runs along the street frontage of two lots located at 866 West and 858 West South Temple.

Previously, the building located at 866 West was used as a warehouse. This building is being remodeled as a second Red Iguana restaurant. The building that was previously located at 858 West was residential but this building has been demolished to accommodate needed parking for the new restaurant. Construction of the restaurant is underway.

This proposal will consolidate four existing parcels of land so that the aggregate acreage is 0.40 acres, or 17,424 square feet. The subject property is located in the CG General Commercial Zone, where restaurants without drive-through facilities are a permitted use.

The subject property is within what has historically been referred to as the Euclid Neighborhood. The subject property is bounded by a mix of residential and commercial uses.

## Comments

### Public Comments

No written or verbal comments were received from the public.

### Community Council Comments

Declaration of surplus property is not required to be sent to the local community council. However, had the subject parcel been significant, staff would have sought community council input. Because the property in question can only be put to beneficial use by the applicant, staff did not seek community council input.

### City Department Comments:

Notice of the application was routed to the affected City departments on October 6, 2009, requesting comments and input. See Exhibit "C" for actual comments from the departments.

The Public Utilities Dept. has recently upgraded the water and sewer main lines in this area and located the mains within the actual street of South Temple. The Public Utilities Dept. has no problem with, nor objection to, this request for surplus property. The Engineering Division opposes the declaration of surplus because it will interrupt the uniform right-of-way line. They propose a variance to the setback and landscaping requirement as a better alternative. This application does not meet the regulatory requirements for variance. The Transportation Division has no objection to the declaration of surplus.

## Staff Analysis

This parcel to be declared as surplus is not considered significant because it is not developable as an independent parcel. Typically, Salt Lake City maintains one foot of land outside of the sidewalk as part of the public right-of-way. In this case, the City owns between three and four feet between the sidewalk and the front property line. The applicant would like this additional land to help meet minimum setback and landscaping requirements for the zone.

Sometimes public utilities are located within the parkstrip, between the curb and the sidewalk. It would be unusual for utilities to be located outside of the public sidewalk, and in this case, public utilities are either within the South Temple roadway or within the parkstrip. There are no city utilities within the property being proposed as surplus.

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

- a. It is the policy of the Council to close public streets and sell the underlying property. The Council does not close streets when that action would deny all access to the property. *The proposed partial street closure will not restrict access of the public or of any adjacent property owner. The subject property is outside of what is typically maintained by the City as public right-of-way. Additionally, the subject property is not needed for city utilities.*
- b. The general policy when closing a street is to obtain fair market value for the land, whether that abutting property is residential or commercial. *The fair market value will be established by the Property Management Division and the applicant will be required to pay this amount.*
- c. There are instances where the City has negotiated with private parties to allow the parties to make public improvements in lieu of a cash payment. These issues are considered on a case-by-case basis by the Council and the Administration. *There are no public improvements needed, or necessary, in connection to the application. It is anticipated that fair market value will be paid to the City in cash.*
- d. 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 petitioner that the sale and/or closure of the street will

accomplish the stated public policy reason. *The subject property is not part of necessary right-of-way for South Temple Street. The sale of this excess property will encourage redevelopment of the adjacent land as a restaurant, which is beneficial to the tax base of Salt Lake City and is beneficial to the consumer needs of the surrounding community.*

- e. The City Council should determine whether the stated public policy reasons outweigh alternatives to the sale or closure of the street.

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

It is the intention of the owner to build a restaurant that will have an outdoor dining patio on the front, extending between the enclosed portion of the restaurant and the public sidewalk.

The value of the land will be established by the Property Management Division and the applicant will be required to pay this amount.

**Master Plan Compliance:**

The West Salt Lake Community Master Plan is the adopted plan for the subject property. This plan designates the subject property as General Commercial. There is also a draft West Salt Lake Plan that designates the subject property as Lower Density/Intensity Mixed Use. The use of the subject property as a restaurant is consistent with both plans. The first stated goal for commercial development in the draft West Salt Lake Plan is to "Provide adequate opportunities in appropriate locations for commercial development to serve the needs of the community." Just nine percent of the total area in the West Salt Lake Community is zoned for commercial uses.

The site plan for the restaurant shows an outdoor dining area between the front of the restaurant and the public sidewalk. A restaurant at this location will encourage mixed-use development and pedestrian-friendly design, which are consistent with the draft Salt Lake Plan.

**Findings:**

1. That the proposed surplus parcel is not significant because it is not developable as an independent parcel;
2. That the proposed surplus parcel is not needed as right-of-way for South Temple; and
3. That the proposed use of the property for a restaurant is consistent with the adopted West Salt Lake Community Master Plan and the draft Salt Lake Plan.

800 WEST STREET

S00°02'38"E 237.64' (C) R/L

SE CORNER  
LOT 1  
FOUND OFFSET MON.  
BRASS W/X  
IN HAND HOLE

# RECORD OF SURVEY



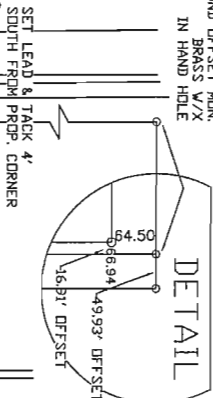
1" = 10'

E  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SEC. 35, T1N, R1W, SLB&M

NOTHING SET

MONUMENTED CORNER P/L

L-0.52'

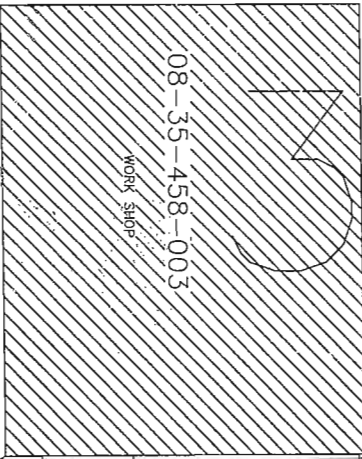


SET LEAD & TACK 4"  
SOUTH FROM PREP. CORNER

08-35-458-004

08-35-458-003

WORK SHOP



08-35-458-030

ASPHALT

08-35-458-035

ASPHALT

08-35-458-025

08-35-458-016

EMERIL AVENUE

N89°59'09"E 660.39' (C) 660.00' (A) R/L

N89°59'09"E 660.47' (C) 660.00' (A) R/L

BASIS OF BEARING S89°58'36"W 792.45' (H) M/L

SOUTH  
WEST WEST TEMPLE (O SOUTH)

SURVEYORS CERTIFICATION:

I, MANFRED W. GULLA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 172901, AS PRESCRIBED BY UTAH LAW. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT.



13.25'

99.36'

SET REBAR WITH  
YELLOW CAP L5172901

LEGEND:

- M/L - MONUMENT LINE
- R/L - RIGHT OF WAY LINE
- P/L - PROPERTY LINE
- (H) - MEASURED
- (C) - CALCULATED
- (A) - ATLAS
- P/B - POINT OF BEGINNING
- EXIST. FENCE
- DEC. TREE
- CATCH BASIN
- WATER VALVE
- POWER POLE
- COB - CLEAN OUT BOX
- SMH - SEWER MANHOLE
- α - FIRE HYDRANT
- ⊠ - WATER METER
- ⊞ - CABLE TV
- ⬇ - STREET SIGN

PROPERTY DESCRIPTION:

WARRANTY DEED: ENTRY 10725451, BOOK 9734, PAGE 284-285

BEGINNING 99.29 FEET EAST FROM THE SOUTHWEST CORNER OF LOT 2, BLOCK 58, PLAT C, SALT LAKE CITY SURVEY, AND RUNNING THENCE EAST 106.96 FEET; THENCE S89°58'36"W 792.45 FEET MORE OR LESS, TO A POINT WHICH IS 99.37 FEET FROM THE SOUTHWEST CORNER OF LOT 2, BLOCK 58, PLAT C, THENCE SOUTH 86.10 FEET, THENCE WEST 0.08 FEET, THENCE SOUTH 78.30 FEET TO THE POINT OF BEGINNING.

AS SURVEYED, CONTAINS: PARCEL 08-35-458-016, 08-35-458-025, 08-35-458-030, 08-35-458-035

BEGINNING AT A POINT N89°59'09"E 99.36 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SOUTH TEMPLE STREET FROM THE SOUTHWEST CORNER OF LOT 2, BLOCK 58, PLAT C, SALT LAKE CITY SURVEY, THENCE N89°59'09"E 106.97 FEET ALONG SAID RIGHT OF WAY LINE, THENCE N00°01'36"W 165.10 FEET, THENCE S89°58'57"W 106.89 FEET, THENCE S00°01'36"E 86.10 FEET, THENCE WEST 0.08 FEET, THENCE S00°01'36"E 79.00 FEET TO THE POINT OF BEGINNING. CONTAINS 17854 SQFT (0.405 ACRES).

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO IDENTIFY THE BOUNDARY LINES AND COMBINE PARCELS DESCRIBED IN THE PROPERTY DESCRIPTION ABOVE AND SET MARKERS AS INDICATED ON THIS DRAWING AT THE REQUEST OF MY CLIENT BILL COCKER - RED CARDENAS INC. BASIS OF BEARING WAS ESTABLISHED BETWEEN MONUMENTS ALONG SOUTH TEMPLE STREET AS SHOWN ON THIS DRAWING.

NW CORNER  
LOT 2

08-35-458-032

08-35-458-026

08-35-458-033

DETAIL

SV CORNER  
LOT 2

FOUND OFFSET MON.  
BRASS W/X  
IN HAND HOLE

26.50'

900 WEST STREET

N00°01'50"W 237.64' (C) R/L

165.10'

SV CORNER  
LOT 2

DRAWN BY: MANFRED GULLA

SURVEYED FOR: Bill Coker - Red Cardenas Inc.

DATE: 07. 20. 2009

736 West North Temple

DMG. NO.: 10520-1

Salt Lake City, UT 84116

SURVEY LOCATION: 868 SOUTH TEMPLE, S L C, UTAH 84116

PART OF LOT 2, BLOCK 58, PLAT C, SALT LAKE CITY SURVEY

EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 35

TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

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

MANFRED W. GULLA L.S. 172901

DATE: TIME: FEE: BOOK: PAGE: COUNTY SURVEYOR COUNTY RECORDER

GEODETIC SURVEYS

394 NORTH MAIN STREET  
SALT LAKE CITY, UTAH 84103  
PHONE 801-521-2150



**Exhibit B: Description by the Applicant**



# RED IGUANA

736 West North Temple  
Salt Lake City, Utah 84116  
801.322.1489 fax 801.322.4834  
website: [www.rediguana.com](http://www.rediguana.com)

Salt Lake City Buzz Center  
451 South State Street, Room 215  
Salt Lake City, Utah

September 22, 2009

To Whom It May Concern,

We are requesting this partial street closure for the purpose of purchasing Salt Lake City owned frontage right of way property to complete the remodel of an existing warehouse located at 866 West South Temple, Salt Lake City, for the creation of a second location for The Red Iguana. Four-Ten LLC is a single member LLC owned by Luzmaria Cardenas that will be leasing the property to Red Iguana 2 LLC. Luzmaria Cardenas and William Coker are the partner members of Red Iguana 2 LLC as well.

Sincerely,

William Coker  
Representative  
Four-Ten LLC



**Home of "Killer Mexican Food"**

## Peperone, Bill

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**From:** Stoker, Justin  
**Sent:** Wednesday, October 14, 2009 10:00 AM  
**To:** Peperone, Bill  
**Cc:** Garcia, Peggy  
**Subject:** PLNPCM2009-01132 Partial Street Vacation at 866 West and 858 West.

**Categories:** Other

Responded in Accela to this effect:

Public Utilities has recently improved the water and the sewer services in South Temple, with both of the upgraded mains located in the actual street of South Temple. The water meters for the subject parcels are located in the parkstrip between the sidewalk and the curb. It appears from our review that there will be no conflict with the public utilities in South Temple from the partial street vacation, as proposed. If the owner/developer proposes to do any sort of underground work in the area between the current right-of-way line and the sidewalk, they are strongly encouraged to contact Blue Stakes at 1-800-662-4111 to determine if any "dry" utilities, such as gas, electricity or telecom lines are located in the particular area to be vacated. The owner/developer is encouraged to work with the individual "dry" utility company regarding the location and potential relocation of any of their services.

**Justin D. Stoker, PE, LEED® AP**  
**Salt Lake City Public Utilities**  
1530 S. West Temple, SLC, UT 84115  
ph. (801) 483-6786 - [justin.stoker@slcgov.com](mailto:justin.stoker@slcgov.com)



Please consider the environment before printing this e-mail



## Peperone, Bill

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**From:** Michelsen, Alan  
**Sent:** Thursday, October 15, 2009 8:39 AM  
**To:** Peperone, Bill  
**Cc:** Butcher, Larry  
**Subject:** PLNPCM2009-01132 / Partial Street Vacation for Red Iguana

**Categories:** Other

Bill, the Building Services Division has no zoning issues related to the partial street closure for The Red Iguana Restaurant. See workflow history in ACCELA.

## Peperone, Bill

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**From:** Weiler, Scott  
**Sent:** Tuesday, October 20, 2009 11:54 AM  
**To:** Peperone, Bill  
**Cc:** Walsh, Barry  
**Subject:** South Temple Partial Street Vacation - PLNPCM2009-01132  
  
**Categories:** Other

Bill,

I just entered the following comment into PLNPCM2009-01132:

Engineering opposes the proposed vacation of public right-of-way simply because it will narrow the uniform right-of-way of South Temple between 800 West and 900 West. This has the potential to limit what could be done in the future with street widening or sidewalk relocation. If the purpose for the request is to comply with the minimum setback, Engineering prefers a variance to the setback rather than vacating the public right-of-way.

Please let me know if you want to discuss this.

Scott