

PLANNING COMMISSION STAFF REPORT



Planning and Zoning Division
Department of Community and
Economic Development

Thatcher Company Declaration of Surplus Property & Street Closure PLNPCM2009-01231 1905 W. Fortune Road January 13, 2009

Applicant:

Darren Bauer

Staff:

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

Tax ID Numbers:

15-10-351-001, 002, 003and 004
15-10-377-004 and 005

Current Zone:

M-1 Light Industrial

Master Plan Designation:

West Salt Lake Community Master
Plan – Industrial

Council District:

District 2 – Van Turner

Community Council:

Glendale – Randy Sorenson

Lot size:

Approximately 26.86 acres

Current Use:

Industrial

Notification

Mailed: Dec. 29, 2009
Sign posted: Dec. 29, 2009
Agenda posted on the Planning
Division and Utah Public
Meeting Notice websites Dec.
29, 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

Darren Bauer is requesting a declaration of surplus property and street closure, on behalf of the Thatcher Company, for approximately 985 feet of Fortune Road, at 1905 West.

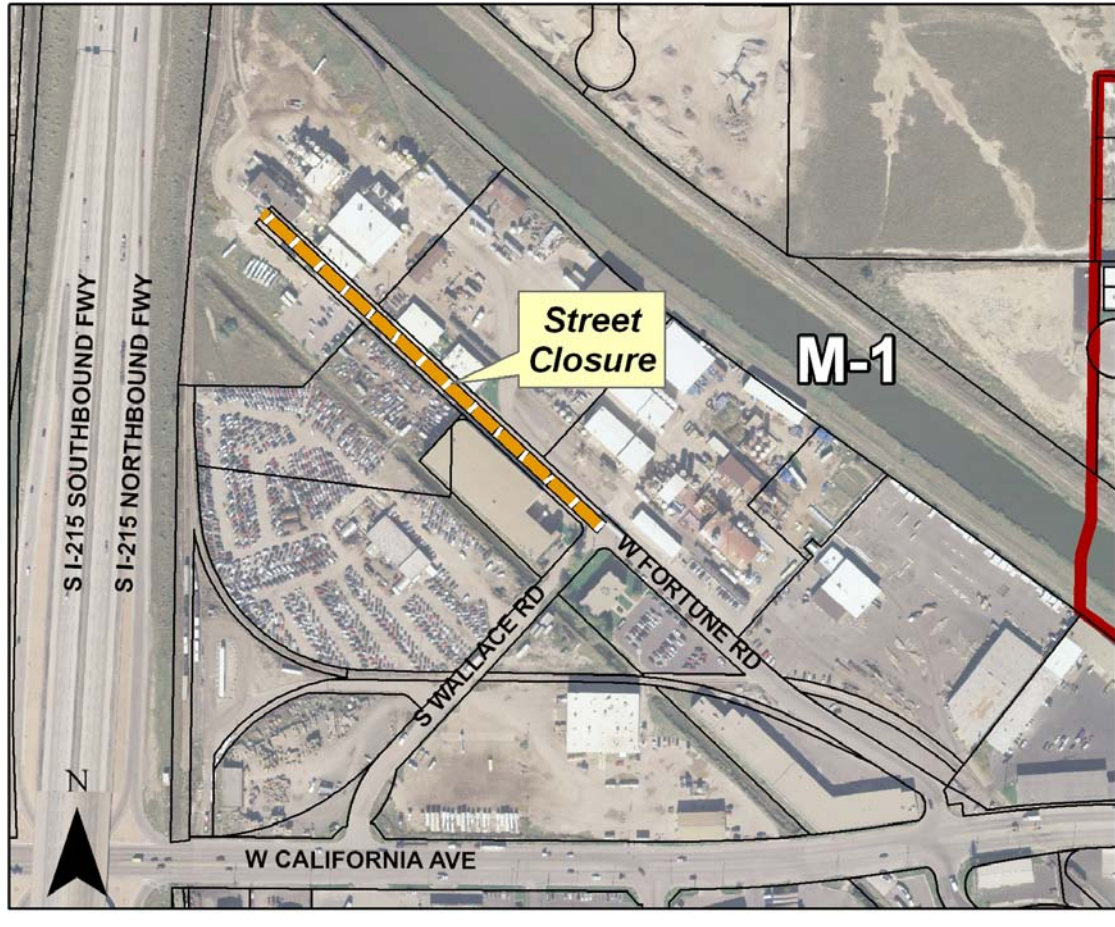
STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of application PLNPCM2009-01231 for the declaration of surplus property and for the closure of approximately 985 feet of Fortune Road. The Planning Commission's action is based on the findings, analysis and conditions of approval in this report:

Conditions of Approval

1. That the declaration of surplus property is contingent upon approval from the Salt Lake City Council for closure of a portion of Fortune Road.
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 all utilities infrastructure that is located within the right-of-way to be purchased, also be purchased and be made private improvements.
5. That all requirements of the various city departments/divisions be met by the applicant prior to, or concurrent with, the purchase of the Fortune Road right-of-way.
6. That the multiple land parcels belonging to the Thatcher Company be combined into a single lot to avoid any possibility of creating a land-locked parcel.
7. That the two parcels belonging to Acme Land Holdings be combined into a single lot to avoid any possibility of creating a land-locked parcel in the future.

Vicinity Map



1905 West Fortune Road

BACKGROUND

Darren Bauer is requesting that the City declare as surplus property a portion of Fortune Road, which is a city street. This request includes a street closure for this same portion of Fortune Road. The portion proposed for surplus and closure is that section of Fortune Road that extends to the northwest from the intersection of Wallace Road; approximately 985 feet. This portion of Fortune Road includes a 50-foot right-of-way so the area proposed for closure includes approximately 1.13 acres. The area proposed for closure is not significant, according to the city's definition.

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.

City Department Comments:

Notice of the application was routed to the affected City departments on November 9, 2009, requesting comments and input. The Public Utilities Dept. and the Transportation Division have suggested specific conditions of approval. See Exhibit "C" for the department memos. No city department or division has objected to the closure of the proposed section of Fortune Road.

Staff Analysis

According to Section 2.58.035 of the City Code, neither streets nor alleys are considered to be "significant parcels".

The Thatcher Company is a chemical manufacturer and distributor and is a major chemical supplier to the intermountain region. "The facility is equipped to conduct research, especially in the areas of water treatment chemistry, photographic chemistry, disinfectants, cleaning formulations, and inorganic chemistry." The primary products of the Salt Lake City facility are sulfur dioxide, chlorine, anhydrous ammonia and solvents. Surrounding uses to the Thatcher Company are also industrial and manufacturing in nature.

Because of the hazardous nature of several of the chemicals manufactured or stored on the site, the Department of Homeland Security has encouraged the Thatcher Company to increase security on-site. Currently, Fortune Road allows access into the middle of their operation, which presents a security risk.

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 street closure will not restrict access of the public or of any adjacent property owner. The applicant and Acme Land Holdings have exchanged parcels so that the Thatcher Company owner the land on both sides of Fortune Road, for the length of the proposed closure. Acme Land Holdings enjoys access off of Wallace Road.
- 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. The applicant has submitted a range of land values in the area ranging from \$2.30 to \$4.50 per square foot. The Property Management division has proposed obtaining an appraisal for this property due to the wide range of prices submitted by the applicant.
- 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.** Because of the hazardous nature of the chemicals both manufactured and stored on-site, it is beneficial to the public that the property is secure.
- 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 applicant to continue with the current use of the Thatcher Company property for manufacturing and distribution of chemicals.

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 Industrial.

Findings:

1. That the proposed surplus parcel is not significant, as defined by Section 2.58.035 of the Salt Lake City Code;
2. That the proposed surplus parcel is not needed for access to citizens or property owners, other than the applicant;
3. That security for the site that would minimize the potential from acts of vandalism and is beneficial to the public, at large, and;
4. That industrial use of the Thatcher Company property is consistent with the applicable West Salt Lake Community Master Plan.

Exhibit A: Site Plan

Exhibit B: Description by the Applicant

EXHIBIT C: Department Comments