

PLANNING COMMISSION STAFF REPORT

CAPITOL PARK SUBDIVISION STREET DEDICATION

Petition # PLNSUB2008-00902

Subdivision Amendment and Planned Development Amendment



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

Capitol Park Subdivision Owners Association.

Staff:

Ray Milliner
ray.milliner@slcgov.com
(801)535-7645

Current Zone:

Foothill Residential (FR-3 / 12,000)

Master Plan Designation:

Avenues Residential

Council District

3 Stan Penfold

Community Council

Avenues

Review Standards

Chapter 14.54 Dedication of Private Streets to Public Ownership

Affected Text Sections

N/A

Notification

- Project Posted September 14, 2011
- Project Notice Mailed to Adjacent Property Owners September 14, 2011
- Posted on City web page September 15, 2011

Attachments

- A. Letter from Applicant
- B. Proposed Plats
- C. Comments from City Staff
- D. Public Comment

Request

The Capitol Park Homeowner's Association, represented by Hirschi Christensen PLLC, is requesting a street and utility dedication along with a Planned Development amendment. The purpose of the applications is to transfer ownership and maintenance responsibility of the following streets from the owner's association to the City: Capitol Park Avenue, Penny Parade Drive, Redbrick Court, Charity Cove, and Caring Cove.

Recommendation

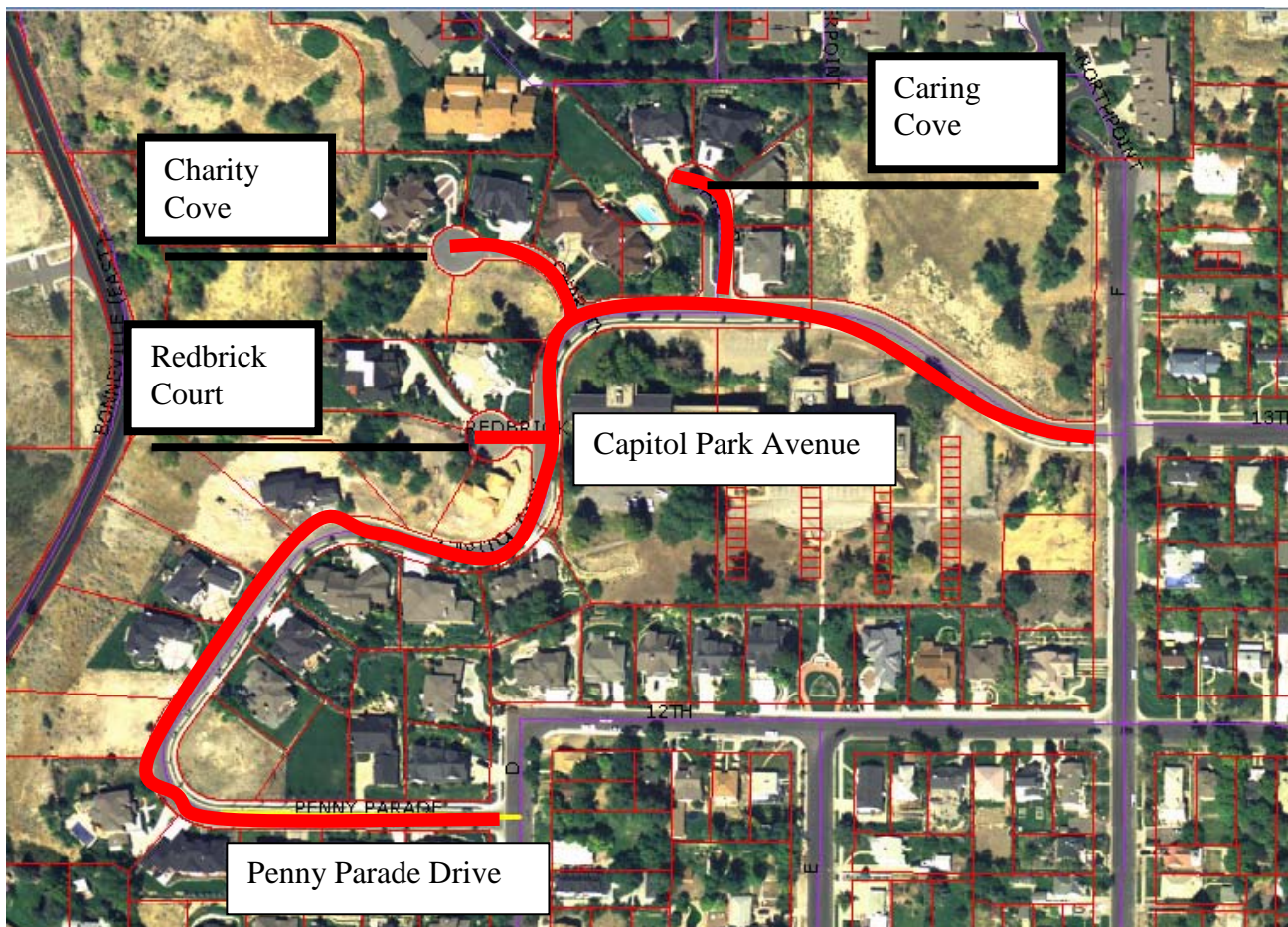
At its September 28, 2011 meeting, the Planning Commission directed staff to return with conditions and findings to forward a positive recommendation to the City Council for both the Planned Development and the Subdivision Plat Amendments. Staff has compiled these findings and conditions, and is recommending that the Commission use them to make a positive recommendation to the City Council.

Conditions of Approval

1. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the applicable City Divisions, and shall not be recorded until all conditions of this approval are met.
2. The plats shall be consistent with the Salt Lake City Zoning Ordinance, the Capitol Park Planned Development Conditions of Approval approved on August 10, 1995, and the Meridian at Capitol Park condominium plat approved on December 1, 2005.
3. All street and utility plans shall be reviewed by the Interdepartmental staff members and all applicable utility service providers.
4. Final street design and improvements, including, but not limited to those listed in exhibit C of this report shall be submitted, approved and executed prior to the recordation of all final subdivision plats.
5. Final utility plans, and improvements consistent with requirements of the Public Utility Division shall be submitted, approved and

- executed prior to the final recordation of the subdivision plats.
6. The City Engineering Division shall review and approve all associated improvements (including streets and sidewalks, grading, drainage, public necessity signs, street signs and lighting, and other required items) for compliance with City standards as a condition precedent to the recordation of the final subdivision plat.
 7. Fire protection and emergency access plans shall be submitted, approved and executed prior to the recordation of the subdivision plats, and shall be consistent with applicable building and fire codes
 8. The fire protection plans shall ensure that Salt Lake City's ISO rating is not negatively affected by the transfer of ownership.

Vicinity Map



Background Information

Capitol Park Subdivision is located in the Avenues approximately between C and F Streets, above 12th Avenue on the site of the old Veteran's and Primary Children's hospitals. On August 10, 1995, the Planning Commission approved a Subdivision and Planned Development for a 55 lot development on the site, the purpose of which was to reduce the required minimum lot area, lot width and setbacks. The plan centered on utilizing city streets along Twelfth Avenue, D and F Streets and creating internal

private streets that were not built to City standards in order to support the density desired and limit the amount of grading and fill necessary to build the roads. The Commission approved the project with the following findings:

*“**Finding:** Private streets allow a design which will help limit cut and fills required to place streets on steep slopes. Flexibility in altering zoning standards will help preserve the mature trees on this site.”*

*“**Finding:** The topography of most of this site has been altered in the past. Grading will be limited, for the most part for street construction. However, more widespread grading is proposed in areas where parking lots now exists for the old Primary Children’s Hospital. The greatest impact will be created by grading to connect the private streets between the upper and lower elevations of the site. Cuts and fills will be required to meet site development ordinance standards (15 foot vertical maximum cut and fills). As mentioned, efforts have been made to preserve the existing trees on the site.”*

Following the approval, the developer built the infrastructure and sold the lots. Today a majority of the lots are developed with single family homes. The home owners maintain and operate the internal streets.

The applicant is requesting that the City Council, with a recommendation from the Planning Commission, agree to take ownership of Capitol Park Avenue, Penny Parade Drive, Redbrick Court, Charity Cove, and Caring Cove along with all City related utilities (water and sewer). This action would also transfer responsibility for maintenance, snow plowing, garbage pickup and utility maintenance from the home owner’s association to the City.

Various City divisions and departments have reviewed this application and provided comments. Comments state that there are issues that will need to be resolved between the homeowner’s association and the City prior to receiving final sign off of the street dedication. These issues include, but are not limited to:

1. Upgrades to the street improvements (includes sidewalks, curb, gutter etc.)
2. Creation of a special assessment district for street lights.
3. Removal of the landscaping island in Caring Cove to create a 20’ right-of-way.
4. Mitigation of the steep section of Capitol Park Avenue to provide access for emergency vehicles (this may include regrading the road or the creation of easements for turnaround areas for vehicles).
5. Further review of utilities to determine whether or not they will require significant upgrades to meet City standards.

Moreover, there is the question of the slope of Capitol Park Drive. The 1995 planned development approval found that the steep grade of the street was acceptable because it would be held privately. Had the street been proposed as a public right-of-way in excess of 10%, significant changes to the development plan would have been required, including grading, sidewalks, utility construction and road width. Today, these modifications are unreasonable, as they would require changes to the site that would more than likely require the removal of existing homes along the street. The only remaining option to allow the streets under the current slope standards is to modify the 1995 planned development allowing the street at a greater slope and width than is allowed by City Ordinance.

This request was reviewed by the Planning Commission as a work session item on May 27, 2009. At the hearing, it was determined that the application should be put on hold until a policy document (under review at the time) was adopted by the City Council. This would provide criteria and direction as to whether or not it was appropriate for the City to approve the application.

The request was reviewed again by the Planning Commission on September 28, 2011. At that meeting, staff recommended denial of the project. The Commission reviewed the request, and directed staff to return with findings for approval, based on the following:

1. There have been additions of condominiums in the area that have increased the use of the private streets.
2. There is a mixture of private and public utilities. The private utilities connect into City utilities both on the top and bottom. Therefore, City sewer and water are carried in private pipes.
3. The eastern portion of Penny Parade Drive is currently owned by the City. This mix of public and private ownership without any differentiation between the two is problematic.
4. Improvements to the streets would enhance the City's ability to provide emergency services.
5. The City receives State and Federal funding based on its number and amount of streets. Dedication of these streets would increase the number of streets and therefore the amount of funding received. Additionally, because the streets will be upgraded prior to dedication, it will be a number of years before repairs to the streets are necessary.

Staff has revised its recommendation based on the Commission's direction, and incorporated these findings into the analysis in this report.

Request

The Capitol Park Homeowner's Association is the owner of Capitol Park Avenue, Penny Parade Drive, Redbrick Court, Charity Cove, and Caring Cove as well as the sewer and water utility lines within the subdivision. The association is requesting that these streets and utilities be dedicated to the City. To succeed, the applicant must complete the following:

- Amend the Capitol Park Planned Development Phases 3 and 4 subdivision plats
- Amend the Meridian at Capitol Park Condominiums plat.
- Amend the August 10, 1995 planned development

An application to amend the Subdivision plats was submitted on December 11, 2008 and an application to amend the planned development was submitted on April 14, 2009.

Master Plan Information

The Capitol Park Subdivision is generally located north of Eleventh Avenue between C and F Streets in an area covered by the Avenues Master Plan. Most of the discussion regarding streets revolves around traffic circulation and calming. There is a specific section discussing future development of the area, but no discussion of a preference of road ownership.

Public Participation

This application was reviewed by the Greater Avenues Community Council who responded that they have no preference one way or the other with regard to this application.

City Department Comments

The proposal was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit C. There have been significant issues raised by the City that must be resolved prior to the final recordation of the plat amendments. The applicant must comply with all City requirements.

Analysis and Findings

Planned Development Amendment Criteria

Section 21A.55.160 of the Zoning Ordinance states that modifications to an existing planned development are reviewed by the Planning Commission as a new application pursuant to the criteria in Chapter 21A.55 of the Ordinance. Staff has applied the petition and made the following findings:

It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

- A. Planned Development Objectives:** The proposed planned development shall meet the purpose statement for a planned development (21A.55.010) and will achieve at least one of the objectives stated in said section.

Analysis: The purpose statement of planned developments (21A.55.010) states in part “a planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments.” In addition to meeting the purpose statement of planned developments, the proposed planned development must meet one of the objectives listed in Section 21A.55.010. In particular, staff finds that the existing planned development meets the following objective:

- Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

The applicant is requesting that the Planning Commission and City Council amend the 1995 Planned Development to allow dedication of a private street to public ownership. When it was approved, the Planning Commission made the following two findings:

“Finding: *Private streets allow a design which will help limit cut and fills required to place streets on steep slopes. Flexibility in altering zoning standards will help preserve the mature trees on this site.”*

“Finding: *The topography of most of this site has been altered in the past. Grading will be limited, for the most part for street construction. However, more widespread grading is proposed in areas where parking lots now exists for the old Primary Children’s Hospital. The greatest impact will be created by grading to connect the private streets between the upper and lower elevations of the site.*

Cuts and fills will be required to meet site development ordinance standards (15 foot vertical maximum cut and fills). As mentioned, efforts have been made to preserve the existing trees on the site.”

These findings allowed the developer to build smaller lots with reduced setbacks. The trade off was that the street would remain private and the City would see a reduction in grading and preservation of natural resources. This quid pro quo warranted a finding that the application was consistent with the objectives of the Planned Development process.

Since the time of that approval, the Planning Commission noted that the developer and subsequently the owners association have followed the requirements of the Planned Development. Nonetheless, the situation on the site has changed in that the street and underground utilities are used significantly by the public. Property owners surrounding the subdivision use the street for access, including a church parcel, as well as condominium owners to the north. Further, the underground utilities are connected to public utilities on both ends, meaning City sewer and water are carried temporarily as they pass through the subdivision.

Finding: Based on Planning Commission direction, staff finds that the dedication of the private streets and utilities to the City will not diminish the 1995 Planned Development findings. Additionally, the proposed planned development amendment meet the purpose statement of the Planned Developments chapter (21A.55.010) in that the private street and utilities function in a similar manner to public streets and utilities.

B. Master Plan and Zoning Ordinance Compliance: The proposed planned development shall be:

- a. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and
- b. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

Analysis: At the September 28, 2011 Planning Commission meeting, the Planning Commission was asked to determine whether or not Chapter 14.54 Dedication of private streets to City ownership was applicable to this case, considering that the application for the planned development and subdivision amendments were submitted prior to the adoption of said ordinance. The Commission determined that because the petitions were submitted before the adoption of the ordinance, it does not apply. Therefore, staff has not applied the criteria (other than the criteria in Chapter 14.54, the City has no other criteria for the dedication of streets).

This property is located in the Avenues Master Plan. Most of the discussion regarding streets revolves around traffic circulation and calming. There is a specific section discussing future development of the area, but no discussion of a preference of road ownership.

Finding: The proposed street dedication is consistent with the requirements addressed in the Avenues Master Plan as well as the criteria established in the Zoning Ordinance.

Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:

- c. Where the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
- d. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.
- e. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized and pedestrian traffic;
- f. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services and utility resources;
- g. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries and mechanical equipment resulting from the proposed planned development; and,
- h. Whether the intensity, size and scale of the proposed planned development is compatible with adjacent properties.

Analysis: Were the Planning Commission and City Council to adopt the proposed street dedication, it would be a benefit in that the applicant would improve the streets (per the requirements of the City), thereby improving the surrounding pedestrian or vehicular circulation. Upon taking ownership, the City would maintain and control the public utilities and therefore improve the functionality of the system by consolidating ownership.

Finding: Staff finds that were the streets and utilities improved per the requirements of the various City divisions, it would constitute an improvement to the pedestrian and vehicular circulation of the area.

- C. **Landscaping:** Existing mature vegetation on a given parcel of development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species.

Analysis: No existing mature vegetation would be impacted as part of this application.

Finding: The proposal meets this standard.

D. Preservation: The proposed planned development shall preserve any historical, architectural and environmental features of the property.

Analysis: No historic or architecturally significant features are impacted as part of this application.

Finding: The proposed planned development meets this standard.

E. Compliance with Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement.

Analysis: In addition to the Planned Development criteria, this petition has been reviewed under Chapter 14.54 of Title 14 Streets Sidewalks and Public Ways, and Title 20, Subdivisions of the City Ordinance. Analysis for each of these sections is provided in this document.

Finding: The proposed planned development meets this standard.

Subdivision Amendment

Section 20.31.180 of the City Ordinance requires that the Planning Commission review all subdivision amendments involving streets and shall approve or deny a subdivision amendment petition with specific findings of fact, according to the standards for approval set forth in section [20.31.090](#) of the Ordinance. Said standards are featured below, with staff analysis.

Standard A: The amendment will be in the best interests of the city;

Analysis: At the September 28, 2011 Planning Commission meeting, the Commission provided staff with the following rationale to approve the project:

1. There have been additions of condominiums in the area that have increased the use of the private streets.
2. There is a mixture of private and public utilities. The private utilities connect into City utilities both on the top and bottom. Therefore, City sewer and water are carried in private pipes.
3. The eastern portion of Penny Parade Drive is currently owned by the City. This mix of public and private ownership without any differentiation between the two is problematic.
4. Improvements to the streets would enhance the City's ability to provide emergency services.
5. The City receives State and Federal funding based on its number and amount of streets. Dedication of these streets would increase the number of streets and therefore the amount of funding received. Additionally, because the streets will be upgraded prior to dedication, it will be a number of years before repairs to the streets are necessary.

Finding: Based on direction provided by the Planning Commission, staff finds that the proposed subdivision amendment meets this standard.

Standard B: All lots comply with all applicable zoning standards;

Analysis: This standard is not applicable, as no lots will be affected by the petition.

Finding: This standard is not applicable

Standard C: All necessary and required dedications are made;

Analysis: The purpose of this petition is to dedicate the internal streets and utilities in the Capitol Park subdivision to the City. If it is approved, all necessary dedications will be made as part of the final plat process, prior to recordation of the plat.

Finding: Staff finds that prior to the final recordation of the plat all necessary dedications will be made and featured on said plat.

Standard D: Provisions for the construction of any required public improvements are included;

Analysis: Various City divisions and departments have reviewed this application and provided comments. Comments state that there are issues that will need to be resolved between the homeowner's association and the City prior to receiving final sign off of the street dedication. These issues include, but are not limited to:

1. Upgrades to the street improvements (includes sidewalks, curb, gutter etc.)
2. Creation of a special assessment district for street lights.
3. Removal of the landscaping island in Caring Cove to create a 20' right-of-way.
4. Mitigation of the steep section of Capitol Park Avenue to provide access for emergency vehicles (this may include regrading the road or the creation of easements for turnaround areas for emergency vehicles).
5. Further review of utilities to determine whether or not they will require significant upgrades to meet City standards.

Finding: Staff finds that the applicant will work with staff to determine what work is necessary prior to final recordation of the plat.

Standard E: The amendment complies with all applicable laws and regulations; and

Analysis: In addition to these Subdivision criteria, this petition has been reviewed under Title 21A.55 Planned Developments of the Zoning Ordinance. Analysis is provided in this document.

Finding: The proposed planned development meets this standard.

Standard F: The amendment does not materially injure the public or any person and there is good cause for the amendment.

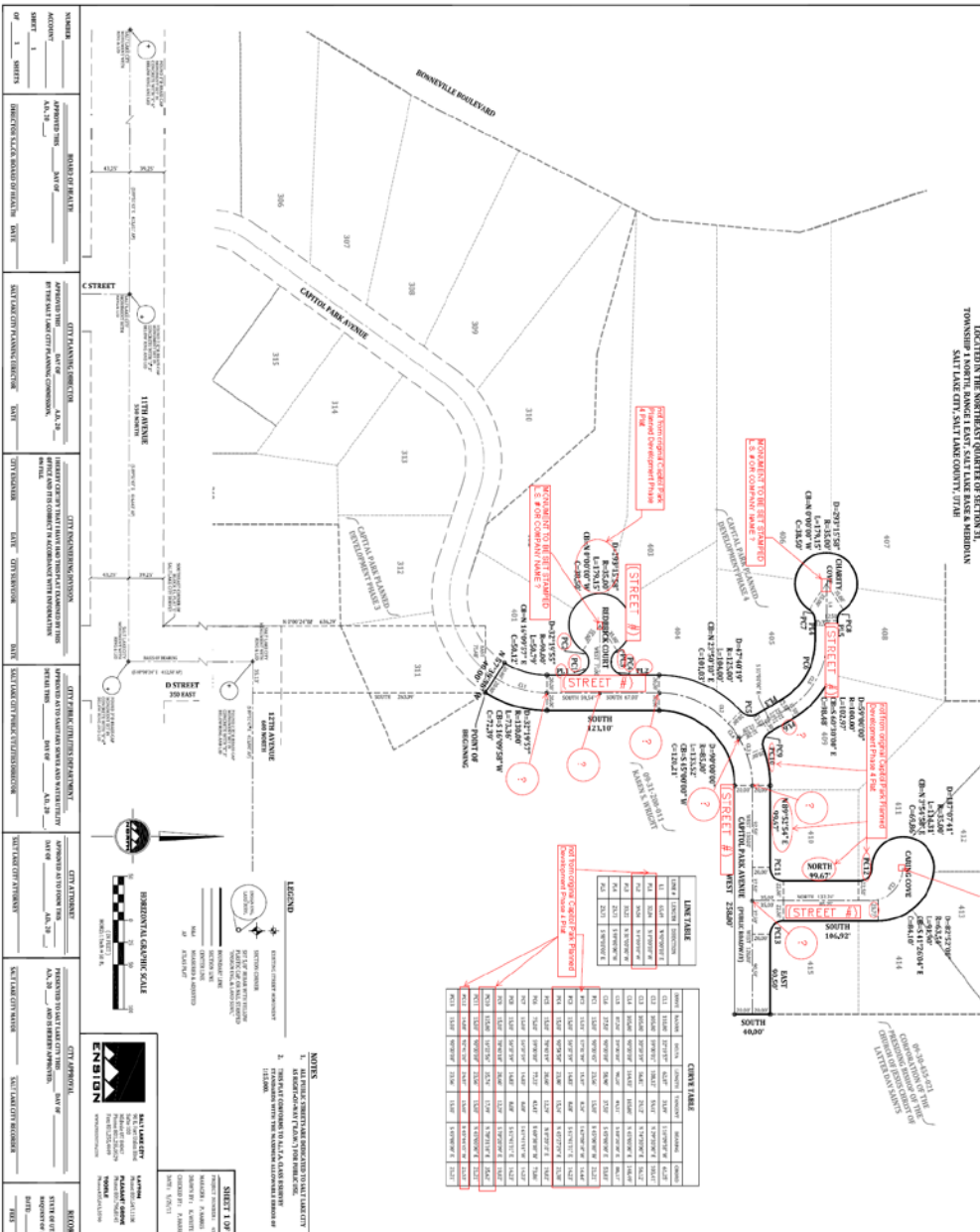
Analysis: Because the use of the streets has evolved from that of a private street to one that is more public in nature, and because the utilities are carrying public as well as private sewer and water, staff finds good cause to adopt the petition to dedicate the streets and utilities to the City.

Finding: Staff finds that the addition of these streets and utilities to the City stable will not materially injure the public or any person, because of the public nature of the streets. The Capitol Park Owner' Association has maintained and operated these streets at their own expense for approximately 15 years. They have agreed to make substantial improvements to them prior to the final transfer of ownership to the City. Further, public access to and use of the streets has always been the same as that of a public street.

Attachment A
Subdivision Amendments

CAPITAL PARK PLANNED DEVELOPMENT PHASE 4 AMENDED
DEDICATION OF CAPITAL PARK AVENUE, REDBRICK COURT, CHARITY COVE & CARING COVE

TOWNSHIP 1 NORTH, RANGE 1 EAST, SECTION 1, TARRANT COUNTY, TEXAS
 SALT LAKE CITY, SALT LAKE COUNTY, UTAH



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| 200 | 1.00 | 1.00 | ENVIROPLAN | OWNED |

OWNERS CERTIFICATE

I, the undersigned, being the owner of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is in accordance with the facts and circumstances of the case.

DEMONSTRATION

The undersigned hereby certifies that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is in accordance with the facts and circumstances of the case.

OWNER'S DECLARATION

I, the undersigned, being the owner of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is in accordance with the facts and circumstances of the case.

DEVELOPER'S DECLARATION

I, the undersigned, being the developer of the above described property, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is in accordance with the facts and circumstances of the case.

NOTICE

ALL INTERESTS IN THE ABOVE DESCRIBED PROPERTY ARE HEREBY NOTICE TO ALL PERSONS INTERESTED IN THE SAME.

LEGEND

1. PROPERTY OWNED BY ENVIROPLAN

2. PROPERTY OWNED BY OTHER PARTIES

NOTES

1. ALL INTERESTS IN THE ABOVE DESCRIBED PROPERTY ARE HEREBY NOTICE TO ALL PERSONS INTERESTED IN THE SAME.

LEGEND

1. PROPERTY OWNED BY ENVIROPLAN

2. PROPERTY OWNED BY OTHER PARTIES

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1. PROPERTY OWNED BY ENVIROPLAN

2. PROPERTY OWNED BY OTHER PARTIES

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LEGEND

1. PROPERTY OWNED BY ENVIROPLAN

2. PROPERTY OWNED BY OTHER PARTIES

NOTES

1. ALL INTERESTS IN THE ABOVE DESCRIBED PROPERTY ARE HEREBY NOTICE TO ALL PERSONS INTERESTED IN THE SAME.

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Attachment B
Letter from Applicant

HIRSCHI | CHRISTENSEN
ATTORNEYS AT LAW, PLLC

DAVID P. HIRSCHI
dhirschi@hclawfirm.net

JUSTIN R. BAER
jbaer@hclawfirm.net

May 30, 2008

Via First Class U.S. Mail and Email to eric.jergensen@slcgov.com

K. Eric Jergensen
Salt Lake City Council District Three
PO Box 145476
Salt Lake City, UT 84114-5476

Re: Dedication of Private Streets in the Capitol Park Subdivision

Dear Councilman Jergensen:

Thank you for meeting with me to discuss the public dedication of the private streets and utilities located within the Capitol Park Subdivision. As you requested in our meeting, I have drafted some proposed public policy considerations regarding the dedication of private streets and utilities. My initial thoughts are as follows:

STREETS

The following policies shall be considered by the Planning Commission and City Council in determining whether to accept a public dedication of private streets. Approval of a dedication does not require that each of the following policies be met, and the order of the policies is not intended to determine the weight or importance to afford each policy.

I. Benefit of the General Public – The streets are in use by members of the general public, rather than just the residents of the private subdivision. The streets connect to public streets, create traffic flow, aid to decrease traffic congestion of the surrounding public streets, and are otherwise beneficial to the overall plan for urban development.

II. Condition of Streets – The streets are in good condition, or are upgraded to City standards by the private owners, and the City will not need to make repairs or improvements within a reasonable time after the dedication.

III. Emergency Services – The Salt Lake City Police Department and the Salt Lake City Fire Department must certify that the streets, including the

136 EAST SOUTH TEMPLE, SUITE 1400, SALT LAKE CITY, UTAH 84111
PHONE: 801.303.5800 FAX: 801.322.0594

access to the roads, are sufficient to provide emergency services such as police patrols, fire safety, ambulance services, and other emergency services.

IV. Public Works – The Salt Lake City Public Works Department must certify that the streets, including the access to the streets, are sufficient to provide public works services such as snow removal, garbage removal, and other related services.

V. Speed Limits – The design of the streets and the makeup of the neighborhood, whether residential or commercial, allow the speed limit of the streets to match the speed limit of the neighboring or connecting streets, thereby enabling a continuity of speed limits.

VI. Significant Change in Usage or Neighborhood Makeup – The public dedication of private streets will only be appropriate when there is a significant change in the nature of the neighborhood, such as the rezoning of a contiguous property from residential to commercial, or the construction of a building for the use of the public, or an increase in the population of the neighborhood. A change in the neighborhood will only be considered “significant” if it has the effect of increasing the traffic flow on the private streets, thereby creating an undue burden on the owners of the private streets.

VII. Authority to Convey Title – The owner of the streets conveying title to the City shall warrant that the owner has authority to convey title free of encumbrances, and shall provide a policy of title insurance identifying the City as the named insured.

VIII. Future Development – The streets are located in an area where future development is contemplated, making it foreseeable that members of the general public will have use of the streets once the future development is completed. Future development can mean construction of commercial buildings, residences, public buildings, or construction of additional connecting streets.

UTILITIES

The following policies shall be considered by the Planning Commission and City Council in determining whether to accept a public dedication of private utility lines. Approval of a dedication does not require that each of the following policies be met, and the order of the policies is not intended to determine the weight or importance to afford each policy.

I. Benefit of the General Public – The utility lines are in use by members of the general public, rather than just the residents of the private

subdivision. The private utility lines connect to public lines, are part of the overall City grid system, and are otherwise beneficial to the overall plan for urban development.

II. Condition of Utilities – The utility lines are in good condition, or are upgraded to City standards by the private owners, and the City will not need to make repairs or improvements within a reasonable time after the dedication.

III. Future Development – The utility lines are located in an area where future development is contemplated, making it foreseeable that the private utility lines will be used to service the new development. Future development can mean construction of commercial buildings, residences, or other public buildings.

These policies are obviously a first draft, and I would like to meet with you to discuss these policies and obtain your input. I think it would also be beneficial for Rick Graham, Max Peterson, and Jeff Niermeyer to be in attendance. I will be out of the office from June 9 through June 20, and if at all possible I would like to meet with you before I leave. Please let me know if you would be available sometime next week, June 2 through 6. Otherwise, please let me know when you would be available after I return to the office on June 23.

In regards to our Dedication Proposal, we have spoken with Quinn Card regarding the appropriate form. Mr. Card put us in contact with the Planning Department, and we have been told there is no specific form to use. A city planner suggested that we use the form for amendment to a subdivision plat. We believe that is a good suggestion. However, the application to amend a subdivision plat requires the submission of the proposed plat at the same time as submitting the application. We have asked a surveyor at ESI, the same engineering firm that drafted the original Capitol Park Subdivision plats, to draft a dedication plat. The surveyor suggested that we first submit the dedication proposal to the City, then obtain guidance from the City regarding what will be required to be included on a dedication plat. In addition to discussing the proposed public policy considerations, I would also like to discuss your thoughts on this issue.

I appreciate your assistance in this matter, and I look forward to hearing from you.

Sincerely,

HIRSCHI CHRISTENSEN, PLLC



David P. Hirschi
Justin R. Baer

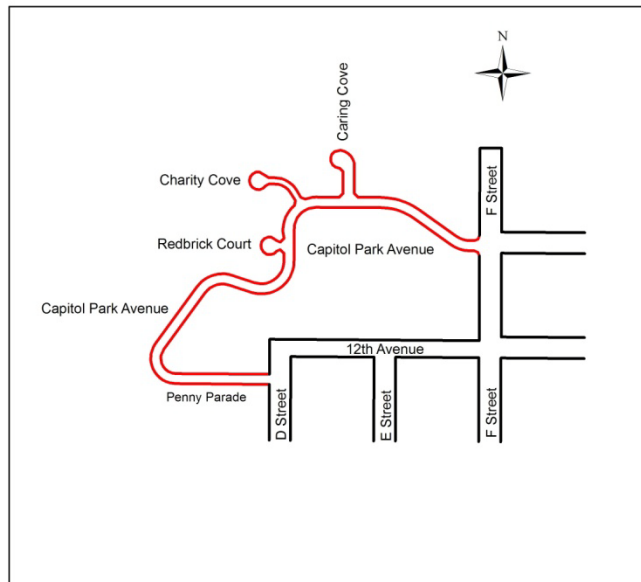
cc: Board of Trustees, Capitol Park Homeowners Association

Attachment C
City Department Comments

Capitol Park PUD Improvements Report

June 20, 2011

The Capitol Park PUD private streets proposed for public right-of-way dedication were constructed in phases during 1996 and 1997. The street names are: Penny Parade Drive, Capitol Park Avenue, Redbrick Court, Charity Cove, and Caring Cove. The layout of these streets is shown in the image below.



A field review of the existing improvements that lie within these streets was conducted in 2008. Another inspection/evaluation took place this month. Requirements for SLC Engineering to approve the proposed dedication are shown below in red type.

Street Geometry Evaluation

Capitol Park Avenue & Penny Parade Drive (combined)

2312' long and 26.5' asphalt width

The SLC Fire Department will determine what is acceptable/required regarding the steep slope of Capitol Park Avenue.

Caring Cove

220' long and asphalt width varies 10' to 27'

The limited width raises concerns that need to be reviewed and approved by the SLC Fire Department.

Charity Cove

232' long and 19.5' asphalt width (64' diameter in the cul-de-sac bulb)

Redbrick Court

90' long and 21.5' asphalt width (64' diameter in the cul-de-sac bulb lip to lip of gutter)

Asphalt Pavement Evaluation

The streets were constructed with three inches of asphalt over eight inches of road base. There have been no surface treatments since the roads were built but they have been crack sealed within the last five years. The majority of the street surfaces are in generally good condition. Some pavement patching due to utility work has occurred a few years after the original streets were constructed. Several isolated repairs are now needed in Penny Parade Drive and Capitol Park Avenue, and the long longitudinal utility trench north of the Meridian Park Condominiums has gotten worse since 2008.

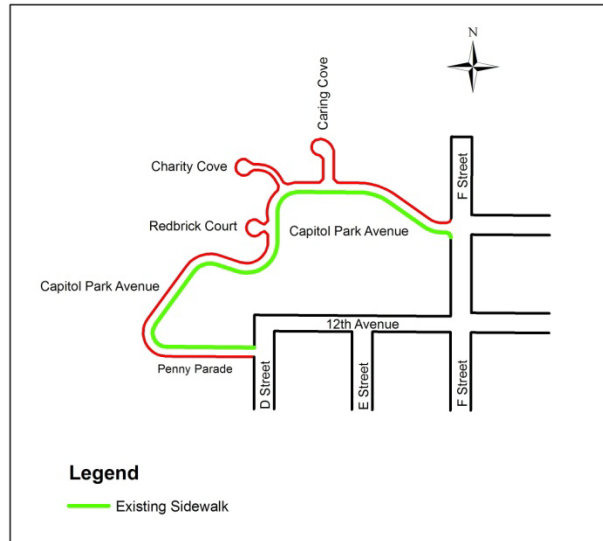
Pavement requirements for dedication:

- *Repair the failing patch at 310 Penny Parade Drive.*
- *Repair the pothole at 290 Capitol Park Avenue.*
- *Mill and replace the area of raveled asphalt at 623 Capitol Park Avenue.*
- *Remove and replace the asphalt (3" thick) for the full width of the street and the full length of the failed utility trench patch on Capitol Park Avenue.*
- *Replace the crumbling concrete water valve collars at the entrance to Redbrick Court with new concrete.*
- *After the above repairs are completed, install a microsurface seal on all the asphalt of the streets proposed to be dedicated.*



Concrete Improvements Evaluation

Sidewalk exists along one side of Penny Parade Drive and Capitol Park Avenue (see image below). Although this does not comply with the SLC Standard for public residential streets, the SLC Transportation Division has indicated that this is not inconsistent with many other hillside streets that have sidewalk on just one side of the street. The sidewalk is in good condition with the exception of 4 broken panels (in a drive approach) just east of Redbrick Court. No sidewalk exists along Redbrick Court, Charity Cove, or Caring Cove. Sidewalk is not required to be installed on these short streets for dedication.



Sidewalk requirements for dedication:

- *Replace 4 broken panels of sidewalk on Capitol Park Avenue east of Redbrick Court (photo below).*



Several accessibility ramps were installed as part of the PUD. Two are located on the northwest and southwest corners of the intersection of Penny Parade and “D” Street, which is already a dedicated public street intersection. The only ramp within the area proposed for dedication is at the southwest corner of the intersection of “F” Street and Capitol Park Avenue. It does not meet ADA slope guidelines or detectable warning surface guidelines (it has no truncated domes).

Accessibility ramp requirements for dedication:

- *Remove and replace the ramp at “F” Street/Capitol Park Avenue to meet ADA slope and detectable warning surface guidelines.*

Curb and gutter was installed with the PUD streets. Although the type of gutter in Redbrick Court, Charity Cove, and Caring Cove is rolled gutter (not the typical curb & gutter used commonly in the City), replacement is not deemed necessary to approve the proposed dedication. The majority of the curb and gutter is in good condition. However, two sections on Capitol Park Avenue that were reconstructed during the condominium project do not drain and a water valve is in the curb.

Curb & gutter requirements for dedication:

- *Relocate the water valve out of the curb and replace two sections of curb & gutter on Capitol Park Avenue so that the gutter drains without ponding (photos below).*



Several of the drive approaches drain onto private property towards homes and garages. Although revising this condition is not deemed necessary to approve the proposed dedication, the City will not be responsible for any damage to private property caused by drainage from these drive approaches.

Two drive approach locations require work to comply with City standards.

Drive approach requirements for dedication:

- *Construct a drive approach at approximately 360 Capitol Park Avenue in accordance with APWA Standard Plan 225 (left photo below). This is the same location where sidewalk needs to be replaced.*

- *Remove and replace the western portion of the drive approach on Capitol Park Avenue, south of Caring Cove, so it aligns with the existing driveway it serves. Relocate the water valve that is currently in this approach (right photo below).*



Retaining Wall Evaluation

An item of serious concern is the block retaining wall on the north side of Capitol Park Avenue. Additional deterioration has occurred during the past three years. Blocks are cracking and crumbling, and the wall appears to be bulging at the base in one location.

Retaining wall requirements for dedication:

- *Remove and replace the existing wall with a wall designed by a licensed engineer and approved by SLC Building & Housing Services (photos below).*





Miscellaneous Evaluation

Additional requirements for dedication:

- *New survey monuments are required at the locations shown on the plats that have been redlined by the SLC Surveyor. Existing street improvements must be within the proposed dedicated public right-of-way. The surveyor installing the new survey monuments will need to survey the locations of improvements to confirm that they are in the proposed public right-of-way.*
- *Obtain SLC Department of Public Utilities approval of the air relief valve on Capitol Park Avenue north of the Meridian Park Condominiums (photo below).*
- *SLC Engineering reserves the right to inspect the installation of items listed in this report, as well as items listed as conditions of approval from other City departments, and any damage to existing improvements that may occur as a result of their installation, prior to final approval of the proposed right-of-way dedications.*



Maintenance responsibilities, if the proposed public right-of-way dedications occur, will be as follows:

- *The Streets Division of the SLC Department of Public Services will plow snow and maintain the asphalt pavement on these streets and pick up garbage along them once a week.*

- *See comments from SLC Transportation pertaining to street lighting.*
- *The City will not become responsible for the maintenance and repair of decorative monuments.*
- *The City will not become responsible for maintenance of landscaping or sprinkling systems, such as the existing landscaped island in Caring Cove.*
- *Residential property owners within the Capitol Park Subdivision will not be absolved of all maintenance of public way sidewalk, drive approach and curb & gutter improvements along their street frontage. See City Ordinance 14.32.305 for further clarification of these responsibilities.*

Photos of each street taken in 2008:

Penny Parade Drive



Penny Parade Drive



Capitol Park Avenue



Capitol Park Avenue



Capitol Park Avenue



Capitol Park Avenue



Capitol Park Avenue



Capitol Park Avenue





Red Brick Court



Charity Cove



Caring Cove

Address: Penny Parade Drive
Project Name: Capitol Park Subdivision-Street dedication of Penny Parade Drive.
Contact: Ray Milliner 535-7645
Date Reviewed: January 21, 2009
Zone: ?

The Development Review Team (DRT) is designed to provide PRELIMINARY review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

Ted Itchon/Fire:

Grade not greater than 10%, outside radius 45 ft, inside 20 ft. 20' wide, and 13' 6" height clearance.

Brad Stewart/Public Utilities:

SLC Public Utilities has been in negotiations with Capitol Park HOA. There are several water, sewer, and storm drain matters to resolve before these private utilities become public. If the street goes public, then the wet utilities in the street should also become public. Public Utilities will need to review the files to determine how far along the HOA is in preparing for the water, sanitary sewer, and storm drain to be public.

Recommend allowing Public Services to also review the proposal to determine if there are any maintenance, snow plowing, or garbage collection, signage, etc. issues. I know one reason that this street is private now is because of a slope greater than our standard.

Scott Weiler/Engineering:

Utility and roadway improvements required to dedicate the R.O.W. will be listed. Jeff Niermeyer has the Public Utility list. I'll combine it with Engineering's and send it to Dave Hirschi.



FOR OFFICE USE ONLY

Preliminary Development Review Team

Flag Number:
Date Reviewed: March 2, 2009
Zone:

The Development Review Team (DRT) is designed to provide **PRELIMINARY** review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

Project Address: **Penny Parade Drive** Certified Address: Yes No
Project Name: **Capitol Park Sub Street Dedication**
Contact Person: **Ray Milliner** Telephone: **801 535-7645**
Attendees:

Reviewed by: S. WEICER Dept.: ENGINEERING Date: 3/1/09
Project Description: **Penny Parade street dedication.**

Comments: The City Council staff is exploring/developing a process that will enable a private street to be dedicated for public use. After this process has been decided, a full size plot must be submitted for the City surveyor to review.
Some upgrades to the street improvements will be needed before dedication.

SALT LAKE CITY CORPORATION

2/06



FOR OFFICE USE ONLY

Preliminary Development Review Team

Flag Number:
Date Reviewed: March 2, 2009
Zone:

The Development Review Team (DRT) is designed to provide **PRELIMINARY** review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

SALT LAKE CITY CORPORATION

Project Address: **Penny Parade Drive** Certified Address: Yes No

Project Name: **Capitol Park Sub Street Dedication**

Contact Person **Ray Milliner** Telephone: **801 535-7645**

Attendees: *Ken B Ed L SW.*

Reviewed by: *Sorey Walsh* Dept.: *TRAUS* Date: *3/2/09*

Project Description: **Penny Parade street dedication.**

Comments: *Trans will Post the "N/P" Signage on
a complaint Basis Per Residences and at
the Fire Marshal.
The Association will need to Create a
Special Assessment District for the street Light
prior to Dedication*

2/06



Preliminary Development Review Team

FOR OFFICE USE ONLY

Flag Number:

Date Reviewed: March 2, 2009

Zone:

The Development Review Team (DRT) is designed to provide **PRELIMINARY** review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

SALT LAKE CITY CORPORATION

Project Address: **Penny Parade Drive**

Certified Address: Yes No

Project Name: **Capitol Park Sub Street Dedication**

Contact Person: **Ray Milliner**

Telephone: **801 535-7645**

Attendees:

Reviewed by: Ted Dept.: Fire Date: _____

Project Description: **Penny Parade street dedication.**

Comments: Caring Cove shall be 20' width. Provide Turn around @ 308 lot.
