



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

February 27, 2018

To: City Council via Planning Commission

From: Community Development Department

Subject: Partial Street Vacation of Wasatch Blvd.
(1-Foot Street Vacation) From 1991 East to 2073 East
[Lone Peak, Community #27]

MISC-11-17-5320
Vacating 478 Square
Feet or 0.012 Acres

HEARING NOTICE: *This item has been noticed to property owners within 300 feet of the subject area, and posted on the property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
SUB-88-11	Oak Grove at Hidden Valley, 15-Lot Subdivision (West Lot)
ZONE-10-16-5145	Rezone from an R-1-10 to R-1-6 Approved 11/03/16

DESCRIPTION OF REQUESTS

The applicant, Rich Welch for Garbett Homes is requesting a partial street vacation of a public street located on the northern section of Wasatch Blvd on the southern property lines of 1991 Wasatch Blvd and 2073 Wasatch Blvd. The partial street vacation is to allow the construction of a masonry wall associated with the Stonecroft Subdivision (See Exhibit #1 –Subdivision Plat) and supporting documentation (See Exhibit #2 –Legal Description), so that the wall will be maintained by the Home Owners Association (HOA).

PLANNING COMMISSION HEARING

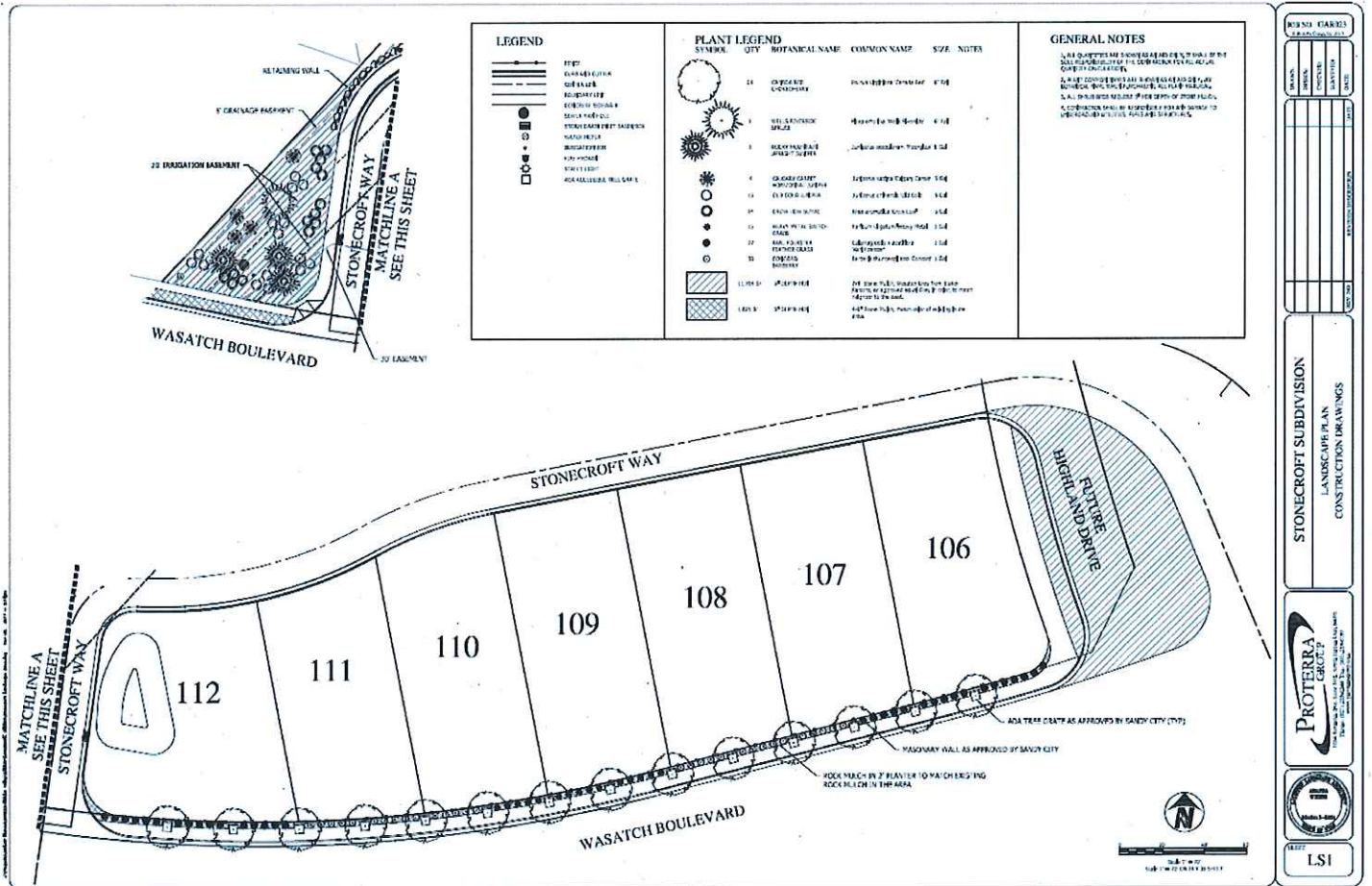
This item was heard by the Sandy City Planning Commission on February 1, 2018. The Planning Commission forwarded a positive recommendation to the City Council (See Exhibit #3 –PC Minutes).

NOTICE

Notices were mailed to property owners within a 300-foot radius of the subject parcels as per Sandy City Land Development Code requirements. Further, a notice was published in the newspaper, and the property was also posted with a public notice sign in both locations. Staff has received a letter from the affected Metro Water District who is in support of this application

ANALYSIS

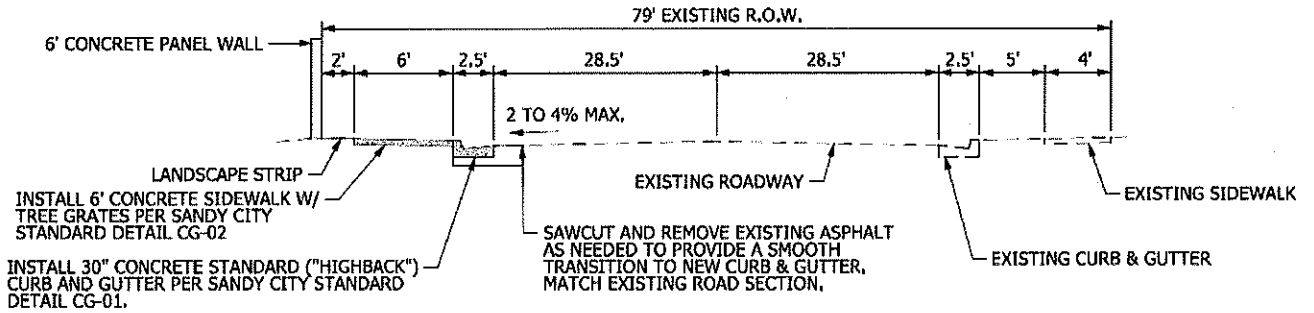
For the proposed Stonecroft Subdivision, the applicant is required to construct a masonry wall along Wasatch Blvd. as it is a major arterial. The Metro Water District easement runs directly adjacent to the street right-of-way along Wasatch Blvd. The Metro Water District does not allow fencing in their easement. The applicant had initially proposed this wall to be maintained by Sandy City, as the entire portion of the wall would be in the right-of-way. To ensure that the masonry wall is maintained by the HOA, staff proposed a 1-foot right-of-way vacation.



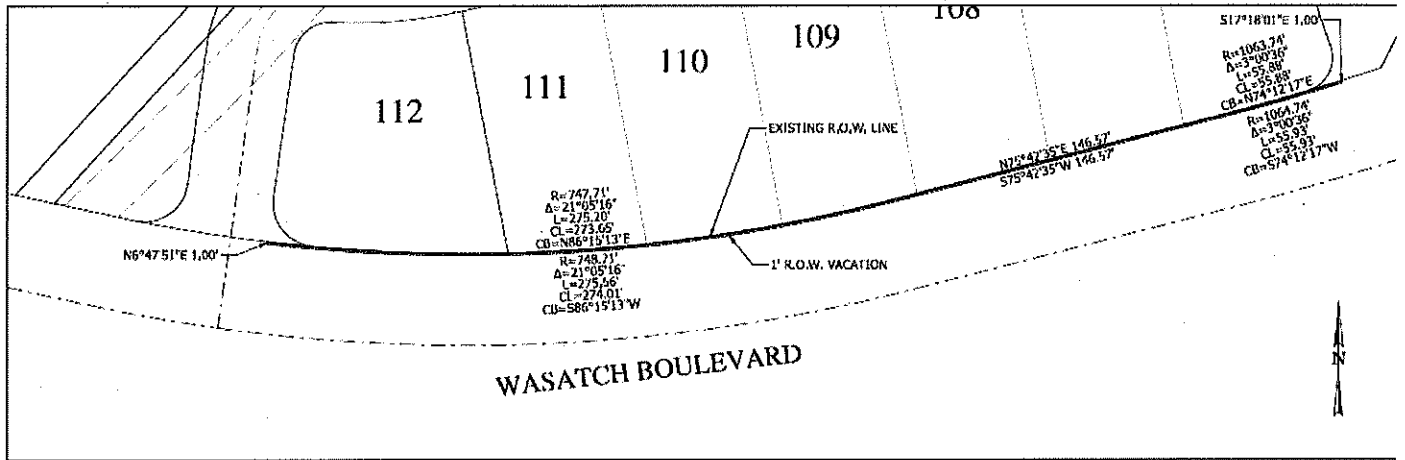
STONECROFT SUBDIVISION
LANDSCAPE PLAN
CONSTRUCTION DRAWINGS

PROTERRA GROUP

LSI



WASATCH BOULEVARD
N.T.S.



REQUIRED DETERMINATIONS AND FINDINGS

There are three determinations that need to be made by the Planning Commission and the City Council in considering a request for street vacation.

1. Consent of the abutters. Sandy City staff and Garbett Homes have agreed to this vacation. We have received no public objection from any property owner that abuts these existing road segments.
2. If good cause exists for the street vacation. The requested action will allow the masonry wall to be maintained by the HOA. The Sandy City Engineer recommends the partial street vacation (See Exhibit #4 –Staff Recommendation).
3. That neither the public interest nor any person will be materially injured by the vacation. No injury to the public will occur due to this partial street vacation. This vacation is in the public interest to benefit public safety and will maintain pedestrian access along Wasatch Blvd.

STAFF RECOMMENDATION

Staff recommends that the City Council approve a partial street ROW vacation at 1991 and 2073 Wasatch Blvd., based on the following findings and subject to the following conditions of approval:

FINDINGS

1. The partial street vacation action by the City will transfer the ownership of the subject property to the abutting property owners who will use it as part of their development, and therefore good cause for the action exists.
2. That there is neither material injury to either the public interest nor any person by the requested vacation.
3. The Metropolitan Water District easement does not allow for fencing within their easement. Therefore, to balance the public interest of a barrier wall and public improvement of the roadway, it is in the best interest of all parties to allow for this partial vacation.

CONDITIONS

1. That the approval is conditioned upon the City proceeding through the vacation process through action by the City Council.
2. That the recording of the Road Vacation with the County Recorder's Office be done in coordination with the Stonecroft Subdivision plat recording.

Planner:

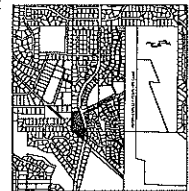
Reviewed by:

Wade Sanner, Planner

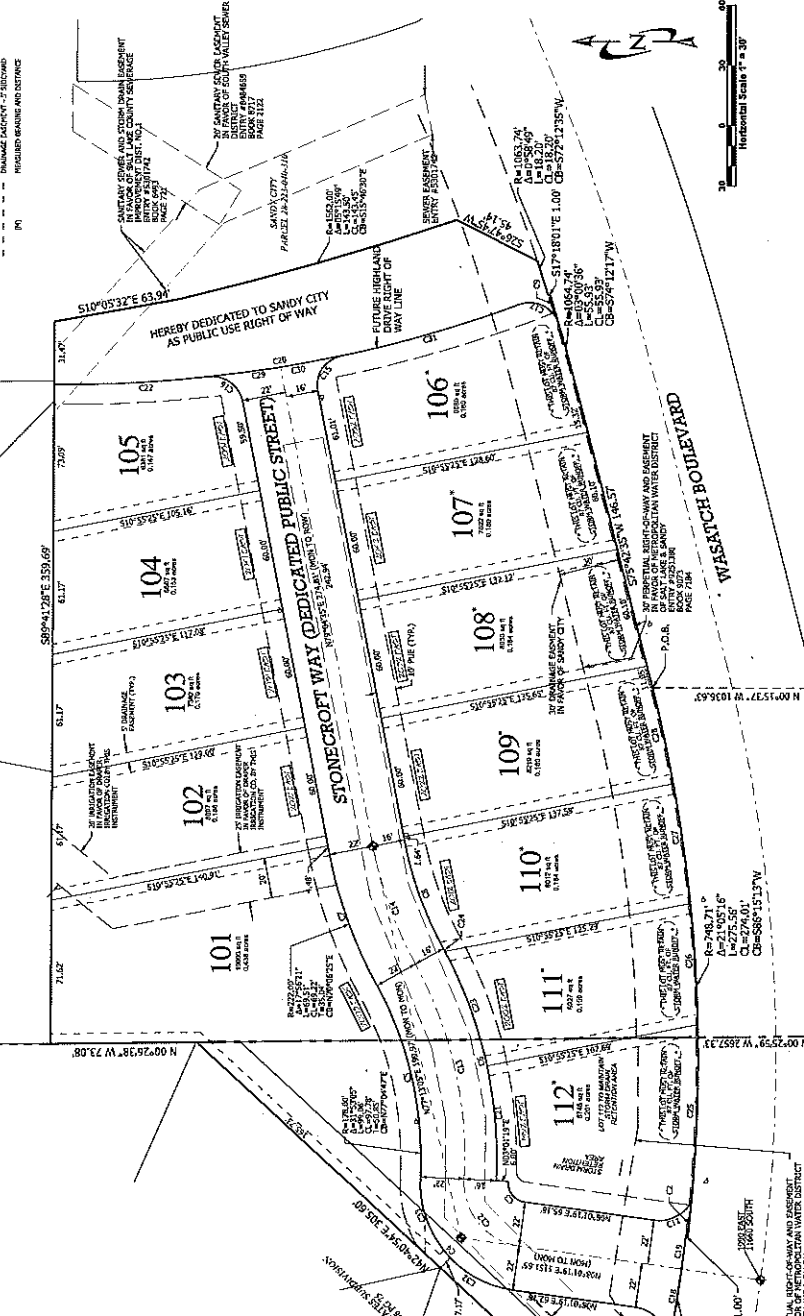
Exhibit #1 – Subdivision Plat

STONECROFT SUBDIVISION

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22,
TOWNSHIP 3 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN,
SALT LAKE COUNTY, UTAH



Block	Area	Owner	Project	Check
101	0.119	...	...	...
102	0.119	...	...	...
103	0.119	...	...	...
104	0.119	...	...	...
105	0.119	...	...	...
106	0.119	...	...	...
107	0.119	...	...	...
108	0.119	...	...	...
109	0.119	...	...	...
110	0.119	...	...	...
111	0.119	...	...	...
112	0.119	...	...	...
113	0.119	...	...	...



SURVEYOR'S CERTIFICATE
I, LEIF E. ANDERSON, being duly sworn, depose and say that I am a professional land surveyor and that I have personally surveyed and monumented the ground shown on this plat.
I, LEIF E. ANDERSON, being duly sworn, depose and say that I am a professional land surveyor and that I have personally surveyed and monumented the ground shown on this plat.

OWNER'S DECLARATION AND CONSENT TO RECORD
I, the undersigned, being duly sworn, depose and say that I am the owner of the land shown on this plat and that I have read and understand the contents of this plat and the provisions of the Utah Subdivision Map Act and that I consent to the recording of this plat and the subdivision of the land shown on this plat into lots and blocks and that I authorize the recording of this plat and the subdivision of the land shown on this plat into lots and blocks and that I authorize the recording of this plat and the subdivision of the land shown on this plat into lots and blocks.

NOTARY PUBLIC FULL NAME
NOTARY PUBLIC
COMMISSION NUMBER: _____
EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED BY THE STATE OF UTAH
NOTARY PUBLIC

STATE OF UTAH
COUNTY OF SALT LAKE
ON THIS _____ DAY OF _____, 2011, personally appeared before me _____, a Notary Public for the State of Utah, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

NOTES:
1. THE SUBDIVISION IS SUBJECT TO THE DEVELOPMENT OF THIS SUBDIVISION BY THE CITY OF SANDY, UTAH. THE CITY OF SANDY HAS THE RIGHT TO ACQUIRE THE ENTIRE SUBDIVISION BY EXERCISING ITS EMINENT DOMAIN RIGHTS.
2. THE CITY OF SANDY HAS THE RIGHT TO ACQUIRE THE ENTIRE SUBDIVISION BY EXERCISING ITS EMINENT DOMAIN RIGHTS.
3. THE CITY OF SANDY HAS THE RIGHT TO ACQUIRE THE ENTIRE SUBDIVISION BY EXERCISING ITS EMINENT DOMAIN RIGHTS.
4. THE CITY OF SANDY HAS THE RIGHT TO ACQUIRE THE ENTIRE SUBDIVISION BY EXERCISING ITS EMINENT DOMAIN RIGHTS.
5. THE CITY OF SANDY HAS THE RIGHT TO ACQUIRE THE ENTIRE SUBDIVISION BY EXERCISING ITS EMINENT DOMAIN RIGHTS.

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY ENGINEER

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY PLANNING COMMISSION

GARBETT HOMES
RICHARD WELCH
SALT LAKE CITY, UT 84103
(801) 456-8589

PROTERA GROUP
SANDY CITY MAYOR
APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____

DAKOTA PLANNING COMPANY
APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____

DAKOTA PLANNING COMPANY
APPROVED THIS _____ DAY OF _____, A.D. 2011
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DAKOTA PLANNING COMPANY
APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____

DAKOTA PLANNING COMPANY
APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____

STONECROFT SUBDIVISION
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH.

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY ENGINEER

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY PLANNING COMMISSION

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BY _____
SANDY CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, A.D. 2011
BY _____
SANDY CITY PLANNING COMMISSION

Exhibit #2 – Legal Description

BOUNDARY DESCRIPTION – WASATCH BOULEVARD 1' R.O.W. VACATION

BEGINNING AT A POINT WHICH LIES ON THE NORTHERLY RIGHT OF WAY LINE OF WASATCH BOULEVARD, SAID POINT LYING NORTH 89°44'23" WEST 2474.59 FEET ALONG THE SECTION LINE AND NORTH 00°13'37" WEST 1037.60 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND TRAVERSING THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) NORTH 75°42'35" EAST 146.57 FEET,
- (2) ALONG AN ARC 55.88 FEET TO THE LEFT, HAVING A RADIUS OF 1063.74 FEET, THE CHORD OF WHICH BEARS NORTH 74°12'17" EAST 55.88 FEET; THENCE

SOUTH 17°18'01" EAST 1.00 FOOT; THENCE ALONG A NON-TANGENT ARC 55.93 FEET TO THE RIGHT, HAVING A RADIUS OF 1064.74 FEET, THE CHORD OF WHICH BEARS SOUTH 74°12'17" WEST 55.93 FEET; THENCE SOUTH 75°42'35" WEST 146.57 FEET; THENCE ALONG AN ARC 275.56 FEET TO THE RIGHT, HAVING A RADIUS OF 748.71 FEET, THE CHORD OF WHICH BEARS SOUTH 86°15'13" WEST 274.01 FEET; THENCE NORTH 06°47'51" EAST 1.00 FOOT TO A POINT WHICH LIES ON SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A NON-TANGENT ARC 275.20 FEET TO THE LEFT, HAVING A RADIUS OF 747.71 FEET, THE CHORD OF WHICH BEARS NORTH 86°15'13" EAST 273.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 478 SQ. FT.

Exhibit #3 – PC Minutes

Commissioner Joe Baker replied yes. That the fencing that runs lateral to the easement be made optional to the property owner.

Commissioner Joe Baker moved that the Planning Commission determine that the Preliminary Subdivision Plan is complete for the Stonecroft Subdivision, located at 1991 and 2073 Wasatch Blvd., subject to the five conditions in the staff report with the addition of two condition: (1) That the sidewalk on the east side of Stonecroft as it leaves Wasatch is not necessary and adds nothing to the plan and it can be eliminated. (2) That the fencing that runs lateral to the easement be made optional to the property owner.

Commissioner Ron Mortimer seconded the motion. The vote was as follows: Joe Baker, yes; Ron Mortimer, yes; Cyndi Sharkey, no; Jared Clayton, yes; Monica Collard, yes. The vote was four to one in favor.

3. Partial Street Vacation of Wasatch Boulevard (1-Foot Street Vacation) from 1991 E. to 2073 E. [Lone Peak, Community #27] MISC-11-17-5320

The applicant, Rich Welch for Garbett Homes is requesting a partial street vacation of a public street located on the northern section of Wasatch Blvd on the southern property lines of 1991 Wasatch Blvd and 2073 Wasatch Blvd. The partial street vacation is to allow the construction of a masonry wall associated with the Stonecroft Subdivision so that the Home Owners Association (HOA) will maintain the wall.

JANUARY 18, 2018 PLANNING COMMISSION HEARING

This item was scheduled for the January 18, 2018 Planning Commission Meeting, but due to errors in the public noticing, the Planning Commission tabled the item to the February 1, 2018 Planning Commission Meeting.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the partial street ROW vacation at 1991 and 2073 Wasatch Blvd., based on the following findings and subject to the following conditions of approval:

FINDINGS

1. The partial street vacation action by the City will transfer the ownership of the subject property to the abutting property owner who will use it as part of their development, and therefore good cause for the action exists.
2. That there is neither material injury to either the public interest nor any person by the requested vacation.
3. The Metropolitan Water District easement does not allow for fencing within their easement. Therefore, to balance the public interest of a barrier wall and public improvement of the roadway, it is in the best interest of all parties to allow for this partial vacation.

CONDITIONS

1. That the approval is conditioned upon the City proceeding through the vacation process through action by the City Council.
2. That the recording of the Road Vacation with the County Recorder's Office be done in coordination with the Stonecroft Subdivision plat recording.

Wade Sanner introduced this item to the Planning Commission.

Commissioner Monica Collard opened this item to public comment and there was none.

Commissioner Jared Clayton moved Planning Commission forward a positive recommendation to the City Council for the partial street ROW vacation at 1991 and 2073 Wasatch Blvd., based on the three findings and two conditions outlined in the staff report.

Commissioner Ron Mortimer seconded the motion. The vote was as follows: Jared Clayton, yes; Ron Mortimer, yes; Cyndi Sharkey, yes; Joe Baker, yes; Monica Collard, yes. The vote was unanimous in favor.

4. **Beans and Brew – Restaurant Preliminary Site Plan and Conditional Use for Drive-Up Window 7455 S. Union Park Ave.
[High Point, Community #6] SPR-11-17-5316 CUP-11-17-5317**

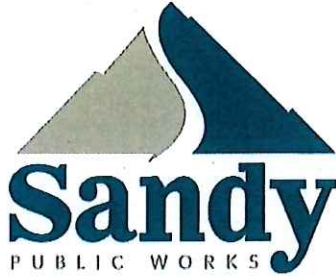
Mr. Marlon Hill, owner of Remo Development, LLC, is requesting that the Planning Commission consider preliminary site plan review for a new Beans and Brew Restaurant and for Conditional Use consideration of a Drive-Up Window. The proposal is for a new "pad site" restaurant building being added to the existing site of the former Sweet Tomatoes restaurant located at 7455 South Union Park Avenue, and which is zoned Special Development Harada (SD)(Harada). The new restaurant building plan includes a vehicle drive-up window, which requires a Conditional Use approval. The former Sweet Tomatoes restaurant building has been previously converted into three smaller for lease spaces, which include a real estate office, a future (eat in) restaurant, and a future office.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission: **approve** the preliminary site plan for the new restaurant proposed for the new pad site located at 7455 South Union Park Avenue; **approve** the building architectural designs, building materials and colors as proposed; and **grant** the Conditional Use request to allow the drive-up window for the restaurant, based on the staff report, the **staff findings 1 to 15** in the analysis of the Conditional Use Standards and the **four additional findings listed below and subject to the following six conditions:**

FINDINGS:

Exhibit #4 – Staff Recommendation



DEPARTMENT OF PUBLIC WORKS

Tom Dolan
Mayor

Scott Bond
Chief Administrative Officer

Michael Gladbach, P.E.
Director

RECOMMENDATION FOR VACATION OF CITY RIGHT-OF-WAY

DATE: November 9, 2017

TO: Wade Sanner, Planner

FROM: Ryan C. Kump, P.E., City Engineer

A handwritten signature in blue ink, appearing to read "Ryan C. Kump", is written over the printed name.

SUBJECT: **Project Name:** Stonecroft Subdivision
Plan Case Number: SUB-05-17-005261
Project Address: 2020 East 11620 South

Garbett Homes, the developer of the Stonecroft Subdivision, is required to construct a wall along the back of the sidewalk along Wasatch Boulevard, a public right-of-way.

Metropolitan Water District, the grantee of an existing 30-foot-wide easement, that runs across the private property adjacent to the public right-of-way, will not allow the installation of the wall within the easement.

Given the conflict of interest, it is my recommendation that Sandy City vacate a one-foot strip of right-of-way and deed the property to the developer so the wall can be installed on private property. This way the maintenance of the wall will remain the private property owner's responsibility. In discussion with Parks and Recreation, Planning, Public Utilities, and the developer, this is the preferred course of action.