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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: February 2, 2010

SUBJECT: **Rose Park Golf Course – Public Process for sale of open space property – 1385 North 1200 West**

STAFF REPORT BY: Lehua Weaver

COUNCIL DISTRICT: District 1

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Department of Public Services and Capital Asset Management  
Rick Graham and Sam Guevara

CC: David Everitt, Rick Graham, Sam Guevara, Vicki Bennett, Emy Storheim, Gordon Hoskins, David Terry, Ed Rutan, John Spencer, Duran Lucas, Frank Gray, Mary De La Mare Schaefer, Wilf Sommerkorn, Janice Jardine

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The Council received an initial briefing in June of 2009 regarding the Administration's intent to declare surplus and sell approximately 3 acres of land on the south-east corner of Rose Park Golf Course. Since that time, the Administration has processed the other necessary steps to declare the property as surplus, and to subdivide the property, and is requesting that the Council hold the hearings as outlined in the sections of *Salt Lake City Code* relating to disposition of property and open space land (Section 2.58: City Owned Real Property; and Section 2.90: Open Space Lands Program).

The Council's role in consideration of this sale of open space land is to hold a public hearing in conjunction with the Mayor prior to the Mayor making a final decision on whether to sell the land and to whom. The Council, according to City Code, may also elect to hold an advisory vote on the proposed sale. The hearing is scheduled for March 2, 2010 at 7:00 p.m. The newspaper advertisement and required noticing has begun to meet the 30-day requirement in Section 2.90.120 of the *Salt Lake City Code*.

This issue has been processed through the City's Planning Commission for a recommendation that the property be declared surplus and for approval of a minor subdivision. (See Attachment B: Record of Decisions for the December 9, 2009 Planning Commission meeting.)

## KEY ELEMENTS:

- General Details of the sale –
  - The most recent appraisal for the land was \$476,000 for 3.16 acres of property. According to staff's recent discussion with Property Management, there are some changes to the property description that could affect the sale price, such as: necessary utility easements for a 78-inch sewer interceptor and a 60-inch storm drain; an odor easement because of the proximity to the sewer treatment plant; and the removal of approximately 0.15 acres of the land that is actually owned by Public Utilities on the northern-most wedge abutting 1200 West.<sup>1</sup>

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<sup>1</sup>Attachment A: Planning Commission Staff Report, Page9.

- Proceeds from the sale would be deposited into the Golf Enterprise Fund, as described below, and would be used for capital improvement related projects.
- Planning Commission conditions of approval include (Attachment B, Record of Decision):
  - The purchaser would install curb, gutter, and sidewalk along 1200 West.
  - Easements as outlined in the first bullet point above be agreed upon by the purchaser.
  - A deed restriction be added to the property to restrict future permitted uses to open space.
- As has been previously discussed in June 2009, the Guadalupe School is interested in purchasing the property for the construction of a school. It is within the Mayor's purview to determine the extent of a process soliciting interested buyers and to enter into an agreement to sell the property.
- Use of sale proceeds in the Golf Enterprise Fund
  - During the Council's June 2009 briefing, there was some discussion regarding the use of the sale proceeds – specifically, whether the money was to be deposited into the Open Space lands fund or the Golf Enterprise Fund. The City Attorney's Office provided a legal opinion which clarified that the money generated from the sale of property owned and/or used by an Enterprise Fund would be deposited back in to the Enterprise Fund. This is established in State Code regarding the administration of Enterprise Funds and cannot be changed by amendments to the City Code.
  - The Administration has outlined that the Golf Enterprise Fund has in excess of \$20 million in capital improvement needs, which are not met with operating revenues. The capital improvement needs at the Rose Park Golf Course are estimated at \$2.7 million. It is their intention that the proceeds from this sale would remain at the Rose Park Golf Course.<sup>2</sup>
  - According to the Administration's current transmittal and the transmittal from June of 2009, the proposed projects at the Rose Park Golf Course primarily include: the acquisition of property to expand the practice range and construction of new tees.
- Residents' impacts and concerns
  - There are six or seven residential properties that abut this proposed section of golf course land.
  - According to the Planning Commission minutes, four of the abutting residents spoke at the Commission's hearing. At least three of the residents addressed the possibility of a school using the property.
  - Concerns raised by the residents included: flooding potential in the area, the effective change of the land due to buildings being constructed, and traffic impacts.
  - This process presents some challenges to residents and stakeholders to comment on the proposed sale of property without knowing a firm plan for the intended use of the property. However, it is also necessary to conduct a public process to consider options for the property before a final decision is made. *The Council may consider discussing a timeline with the Administration on when a decision might be made and request that the hearing be continued or another hearing be held to receive additional comments on any confirmed plans for the property.*

<sup>2</sup>Attachment C: Planning Commission Meeting, December 9, 2009 minutes. Page 4.

- Possible sale to the Guadalupe Schools
  - The Guadalupe School is a Charter School and therefore allowed by the State to locate in any municipal zoning area.
  - There has been no interest to rezone this parcel in order to accommodate another type of use.
  - According to the minutes of the Planning Commission meeting, the other permitted and conditional uses in the Open Space zone are: "cemeteries and accessory crematoriums, community and recreation centers, pet cemeteries, country clubs, golf courses, natural open space conservation areas, nature preserves, accessory uses to other allowed uses, and public or private utility buildings, transmission lines or wires."
  - According to comment at the December 9, 2009 Planning Commission meeting, the school building would be approximately 38,000 square feet in size.<sup>3</sup>
- Master Plan policies
  - The Rose Park Small Area Master Plan identifies this parcel as open space in the Future Land Use Map. Additionally, the Plan's stated policy reads: "Retain existing public recreation and open space lands."
  - The Northwest – Jordan River / Airport Master Plan identifies this parcel as open space in its Future Land Use Map as well. The plan refers more to the drainage issues in the area and possible realignment of Golf Course and /or Rosewood Park property to control some of the natural springs in the area.
  - The goals stated in the Open Space Master Plan include: a) conserve the natural environment, b) enhance open space amenities for all citizens, c) connect the various parts of the City to natural environments, and d) educate the citizens on proper use of open space. The Open Space Master Plan does not contemplate the sale of open space property. However, it should be noted that this proposed sale of Golf Course open space will likely facilitate the acquisition of other parcels of property for the Golf Course. The Administration would likely then pursue rezoning those parcels as open space.
- City's Open Space Board – *The Council may wish to ask about the Board's discussion of this potential sale, and whether a recommendation was forwarded.*

## ADDITIONAL INFORMATION:

The process for the sale of City owned property includes an opportunity for the Council to request that the Mayor hold a public hearing about any significant conveyances of property. This proposed sale of Rose Park Golf Course property constitutes a significant transaction because of its open space status. That open space zoning also triggers the process outlined in the City Code specific to removal of land from the city's open space land inventory. When the Open Space Lands Program ordinance was initially adopted, the Council intentionally included steps to prevent any hasty sale of open space property. As a result, the required process includes: a Public Hearing before the Mayor and City Council, newspaper advertisement for two consecutive weeks beginning 30-days prior to the Public Hearing, posting of two signs on the site 30-days in advance of the hearing, and a mailed notice to property owners within 1,000 feet of the property also 30-days in advance of the hearing. Following the

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<sup>3</sup> Attachment C: Planning Commission Meeting, December 9, 2009 minutes, Page 6.

hearing, a 6-month extended period is required to allow for further consideration of the sale and possible alternatives.

The following information is listed on the City's website as a description of the Rose Park Golf Course (<http://www.slcgov.com/publicservices/Golf/Rose%20Park.htm>):

*Opened in 1958*

*Course Designer: Mick Riley*

*Size: 120 acres; parkland & river-bottom setting*

*Par: 72 for men, 75 for women*

*Yardages: 6,696 yards (blue tees); 6,397 (white tees); 5,816 (red tees)*

*Course Record: Competitive: 63-Rod Curl, Steve Schweiter, Mike Borich. Regular: 61-Eric Hogg*

*Nestled in the Northwest corner of the Salt Lake Valley, just minutes from downtown and Salt Lake City International Airport, Rose Park is known for some of the finest bent grass greens in Utah. After opening as a nine-hole course in 1957, Rose Park moved into the 1970s as a contemporary 18-hole layout renowned for its succession of doglegs and some of the best-manicured fairways in Utah. A variety of pine and willow trees frame most fairways, requiring accuracy off the tee. With subtle doglegs and well-manicured, tree-lined fairways, this course has played host to various state and USGA qualifying events and was site of U.S. Senior Amateur and National Public Links qualifying in 1996.*

*If you need to practice your swing or work on your short game, Rose Park has a wonderful driving range, putting green and chipping area. The full-service pro shop and snack bar can fill both your golf bag and your empty stomach. Watch for a wide variety of waterfowl at Rose Park. Ducks, geese and other feathered friends often swoop in to spent the day on the banks of the Jordan River and adjacent wetlands. This course is also very enjoyable for those who like to walk.*

## QUESTIONS FOR CONSIDERATION:

1. During the June 2009 Council briefing, the Council discussed with the Administration the lack of interest in rezoning the property to accommodate a wider variety of potential uses. In addition, the Planning Commission also indicated that they are not interested in considering a rezoning of the property, and made continued open space use a condition of their approval. Given the limited number of permitted or conditional uses in the open space zone, the parameters for eligible buyers and/or uses is fairly narrow. The Council may wish to ask whether the Mayor has determined a process for soliciting and / or deciding on a potential buyer for the property.
2. With regard to the City's broader open space practices, the Administration has reported to the Council their plans to establish open space acquisition priorities, and make updates and recommendations to the operations of the Open Space Lands Board and staff. The Council may wish to ask that any ordinance amendments include: 1) clarification of the Board's role in disposition of Enterprise Fund open space lands, and 2) as suggested in the Attorney's Office legal opinion, that funds generated from the sale of Enterprise Fund open space lands are deposited back to the Enterprise Fund accounts.



# 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](mailto: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.

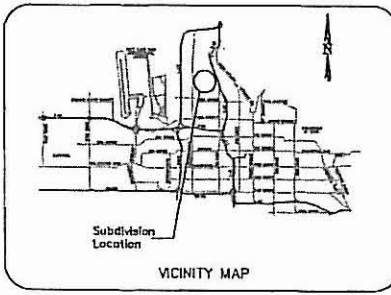
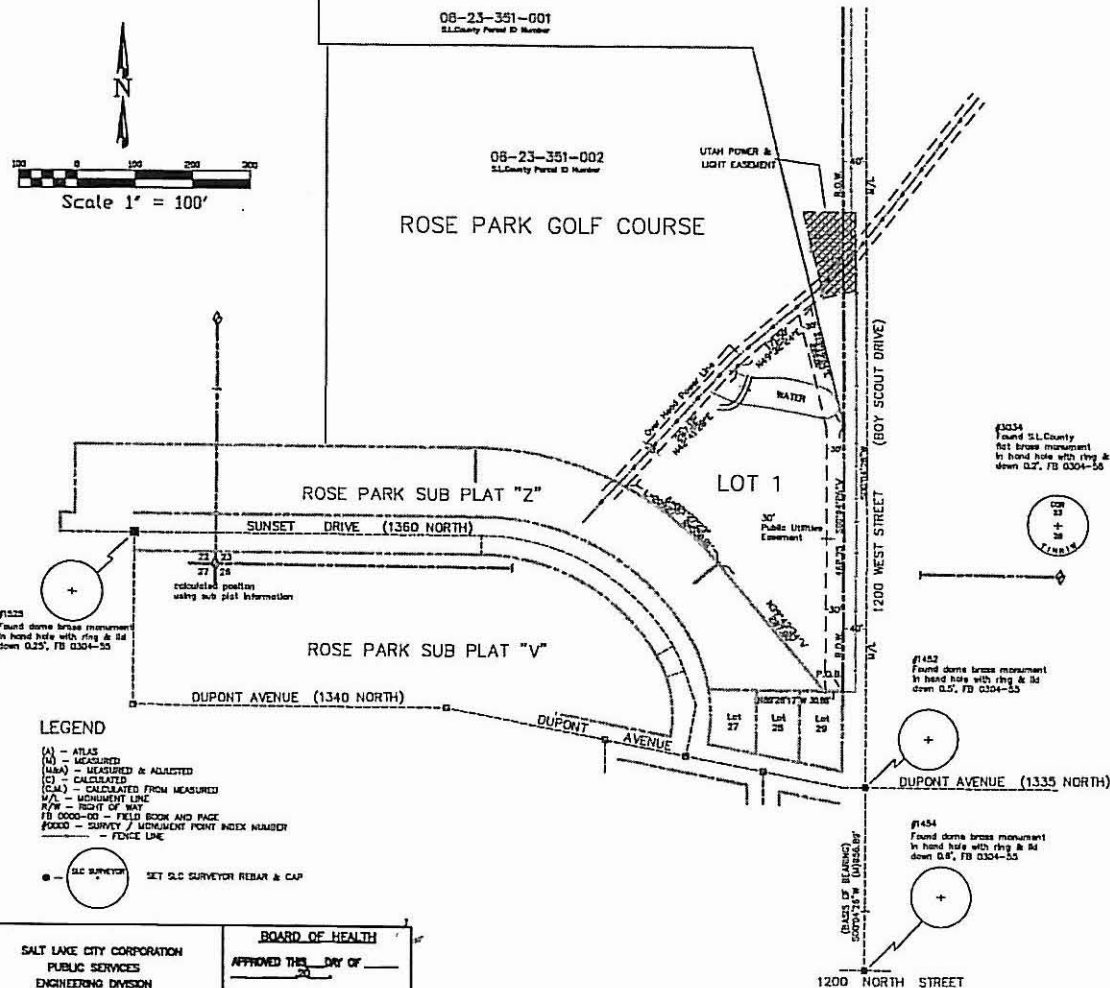
### **Findings:**

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**

# ROSE PARK GOLF COURSE MINOR SUBDIVISION

SECTIONS 23 & 26  
Township 1 North, Range 1 West,  
Salt Lake Base and Meridian.



**Boundary Description Lot 1**  
Beginning at the Northwest corner of Lot 29, Rose Park Subdivision, Plat "V", a subdivision in part of sections 26 & 27, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence N87°23'17"W 30.86 feet along a fence between Rose Park Subdivision Plat "V" and Rose Park Golf Course; thence N57°43'34"W 287.80 feet along a fence between Rose Park Subdivision Plat "Z" and Rose Park Golf Course to a point of curve; radial line bears S50°18'26"W with a radius of 558.81 feet; thence along said curve fence to the left 228.27 feet to the west line of a 25 foot power line easement; thence along said easement the rest 2 courses, N42°41'23"E 287.13 feet and N48°32'24"E 171.50 feet; thence S12°19'04"E 220.00 feet to the west right-of-way of 1200 West Street; thence S00°04'25"W along said right-of-way 482.33 feet to the point of beginning, containing 3.01 acres more or less.

**NOTE:**  
ALL OF THE EXISTING MONUMENTS SHOWN ON THIS SUBDIVISION PLAT HAVE BEEN LOCATED WITH SURVEY GRADE GPS EQUIPMENT. MONUMENTS WERE OBSERVED TWICE WITH SEPARATE INITIALIZATIONS BY REAL TIME KINEMATIC (RTK) METHODS, USING SALT LAKE CITY'S PUBLIC UTILITIES GPS BASE STATION AS OUR RTK 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 ACKNOWLEDGMENT

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 SALT LAKE COUNTY  
TO ME THAT THEY EXECUTED THE SAME.  
  
MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC, RESIDING IN  
SALT LAKE COUNTY, UTAH

<b>SALT LAKE CITY CORPORATION</b> PUBLIC SERVICES ENGINEERING DIVISION 340 SOUTH 200 EAST, S.L.C., UT. 84111		<b>BOARD OF HEALTH</b> APPROVED THIS _____ DAY OF _____ 20____ DIRECTOR ELISA BOARD OF HEALTH	
<b>SURVEYOR'S CERTIFICATE</b> I, _____, SURVEYOR BY THE SALT LAKE CITY SURVEYORS UNDER THE DIRECTION OF VICTOR J. DUNN, CITY ENGINEER, TITLE IS ACTING SALT LAKE CITY SURVEYOR AND IS AUTHORIZED TO PREPARE THIS SUBDIVISION IN AND FOR THE CITY OF SALT LAKE DATE _____ CITY SURVEYOR		<b>CITY PLANNING DIRECTOR</b> APPROVED THIS _____ DAY OF _____ 20____ BY THE SALT LAKE CITY PLANNING COMMISSION. _____ SALT LAKE CITY PLANNING DIRECTOR	
<b>CITY ENGINEERING DIVISION</b> I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE AND IS HEREBY APPROVED. _____ CITY ENGINEER		<b>CITY PUBLIC UTILITIES DEPT.</b> APPROVED AS TO SANITARY SEWER AND WATER UTILITY DEPARTS THIS _____ DAY OF _____, 20____ _____ SALT LAKE CITY PUBLIC UTILITIES DIRECTOR	
<b>CITY ATTORNEY</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ _____ SALT LAKE CITY ATTORNEY		<b>CITY APPROVAL</b> PRESENTED TO SALT LAKE CITY THIS _____ DAY OF _____ 20____, AND IS HEREBY APPROVED. _____ SALT LAKE CITY MAYOR _____ SALT LAKE CITY RECORDER	
<b>SALT LAKE COUNTY RECORDER</b> STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ _____ SALT LAKE COUNTY RECORDER		<b>ACCOUNT</b> _____ SHEET OF _____	



## **Exhibit B: Letter from the Public Services Department**

PLNPCM 2009-00824  
7/17/09 C. Coffey

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 17<sup>th</sup> 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

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**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](mailto: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.

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 construction or 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 new facilities, additions, expansions, or replacement of said facilities, at approximately 4700 West 300 South, Salt Lake City, Utah.

## SLC Public Utilities Not For Sale

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

### 30' Easement

## Peperone, Bill

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**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

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**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.



Salt Lake City Planning Division  
Record of Decisions by the Planning Commission

Wednesday, December 9, 2009

5:45 p.m.

City & County Building

451 South State Street, Room 326

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1. **PLNHLC2009-00021; Boundary Adjustment and Map Amendment (Rehearing)**—a request by the Planning Commission to reconsider the boundaries of historic districts for clarification purposes. The project affects properties in the City's six locally designated historic districts. This petition is being reheard to comply with the State notification requirements for zoning amendments.

**Decision:** Forwarded to the City Council with a favorable recommendation.

2. **PLNPCM2009-01003; Qwest Corporation DSL Conditional Use**—Qwest Corporation, represented by Ralph Vigil, requests conditional use approval for the replacement of a previous utility box in the *public right-of-way* adjacent to 2713 South Imperial Street. The box would face Imperial Street and be approximately 4 ½ feet tall and 7 feet wide. The property is located in City Council District 7, represented by Soren Simonsen.

**Decision:** Tabled

- ⇒ 3. **PLNPCM2009-00824; Declaration of Surplus Property and Minor Subdivision Approval**—a request for 3.16 acres of unused land located on the eastern portion of the Rose Park Golf Course, at approximately 1385 North 1200 West to be declared as surplus property and minor subdivision approval for a one lot subdivision. The property is currently zoned as Open Space. The subject property is located in Council District 1, represented by Carlton Christensen.

**Decision:** A positive recommendation was forwarded to the Mayor for the declaration of surplus property. The Planning Commission approved the one-lot minor subdivision with the following conditions:

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 purchaser.
6. That a 30 foot easement will be maintained by Public Utilities along the east property line for maintenance and replacement of 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 purchaser, 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.
  10. That all requirements of the City Departments/Divisions must be met.
  11. That a deed restriction be added to the property and it's permitted uses to remain as open space.
4. **PLNPCM2009-00774; Jam in the Marmalade Private Club**—a request by Robert McCarthy for a conditional use approval to operate a private club, at approximately 751 North 300 West (currently a Tavern/Bar). The subject property is located in the MU (Mixed Use) zoning district in City Council District 3, represented by Eric Jergensen.

**Decision: Approved with the following conditions:**

1. The proposed Security and Operations Plan will be reviewed by the Community Police Officer for recommendations, followed by a distribution to necessary groups, or agencies. The Planning Director will have final approval on the Security and Operations Plan.
  2. The area beginning at the south east corner of the property will be landscaped from the corner of the property to the existing landscaped area on the south property line. The landscape buffer shall not encroach into the travel isle from the 300 West approach and shall not be less than four (4) feet in depth. Curbing or fencing shall be in place to prevent vehicle access from the parking area to Reed Avenue. The Planning Director will have final approval on landscaping and fencing.
  3. Lighting repairs made to the shielded parking lot lights, the wattage of the lights shall be such that the light is contained to the premises and will avoid creating unnecessary light pollution. Lighting to the site will be adequate to provide for safe access and minimize dark places for security purposes. Removal, redirection away from adjacent properties or shielding of existing flood lights is required.
  4. Compliance with all other City department requirements outlined in the staff report for this project.
5. **Petition PLNPCM2009-00495; Zoning Text Amendment Relating to Salt Lake City Alcohol Regulations** The Planning Division is reviewing a petition initiated by Mayor Becker to amend the Salt Lake City Zoning Ordinance in matters related to City alcohol regulations. The amendments are proposed to ensure consistency with State law, provide clarity in the Zoning Ordinance and process, and to allow alcohol related establishments throughout the City in areas where they are appropriate.

**Decision: Tabled until January 27, 2010.**

cc: David Everitt, Chief of Staff  
 Frank Gray, Community Economic Development Director.  
 Mary De La Mare-Schaefer, CED Deputy Director.  
 Wilf Sommerkorn, Planning Director  
 Pat Comarell, Assistant Planning Director  
 Lyn Creswell, Chief Administrative Officer  
 Cindy Gust-Jenson, City Council Executive Director  
 Janice Jardine, City Council Office  
 Orion Goff, Building Services and Licensing Director  
 DJ Baxter, Redevelopment Agency Director  
 John Naser, Engineering Director  
 Kevin Young, Transportation Planning Engineer  
 Lynn Pace, Deputy City Attorney  
 Paul Nielson, Land Use Attorney  
 John Spencer, Property Management

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, December 9, 2009**

Present for the Planning Commission meeting were Chair Babs De Lay and Vice Chair Frank Algarin and Commissioners Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Kathleen Hill, Prescott Muir, Matthew Wirthlin, Susie McHugh, and Mary Woodhead.

A field trip was held prior to the meeting. Planning Commissioners present were: Commissioners Algarin, Chambless, Dean, Fife, Hill, Muir, and Wirthlin. Staff members present were: Ray Milliner, Bill Peperone, and Cheri Coffey.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:46 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Frank Gray, CED Director; Wilford Sommerkorn, Planning Director, Cheri Coffey, Programs Manager; Ray Milliner, Principal Planner; Nole Walkingshaw, Senior Planner; Lex Traughber, Principal Planner; Bill Peperone, Principal Planner; Nick Norris, Senior Planner; Paul Nielson, City Attorney; and Tami Hansen, Senior Secretary.

### **Work Session**

Mr. Paul Nielson gave training to Planning Staff and the Planning Commission on the revised Open and Public Meetings act.

### **Approval of Minutes from Wednesday, November 18, 2009**

The motion to approve the minutes was postponed until January 13, 2010

### **Report of the Chair and Vice Chair**

Chair De Lay stated neither she nor Vice Chair Algarin had anything to report.

### **Report of the Director**

There was no report of the Director.

### **Public Hearings**

5:45:28 PM **PLNHLC2009-00021; Boundary Adjustment and Map Amendment (Rehearing)**—a request by the Planning Commission to reconsider the boundaries of historic districts for clarification purposes. The project affects properties in the City's six locally designated historic districts. This petition is being reheard to comply with the State notification requirements for zoning amendments.

Chair De Lay recognized Nick Norris as staff representative.

Mr. Norris stated this petition was being brought back before the Commission due to some public noticing issues, which needed to be met before a complete transmittal could be submitted to the City Council.

5:46:16 PM **Public Hearing**

Chair De Lay opened the public hearing portion of this petition, she noted there was no one present to speak to the petition and closed the public hearing.

5:46:41 PM **Motion**

**Commissioner Woodhead made a motion regarding Petition PLNPCM2009-00021; Historic Overlay Zoning District Boundary Adjustment, based on the information in the staff report and received in a previous presentation, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed map amendment.**

**Commissioner McHugh seconded the motion.**

**Commissioners McHugh, Hill, Dean, Fife, Gallegos, Chambless, Wirthlin, Woodhead, Muir, and Algarin voted, "Aye". The motion passed unanimously.**

5:47:55PM **PLNPCM2009-01003; Qwest Corporation DSL Conditional Use**—Qwest Corporation, represented by Ralph Vigil, requests conditional use approval for the replacement of a previous utility box in the *public right-of-way* adjacent to 2713 South Imperial Street. The box would face Imperial Street and be approximately 4 ½ feet tall and 7 feet wide. The property is located in City Council District 7, represented by Soren Simonsen.

Chair De Lay recognized Ray Milliner as staff representative.

Mr. Milliner stated the box had already been installed, the applicant mistakenly assumed that a separate approval also approved this box. He stated this application was reviewed administratively and there were a number of comments regarding the design and placement of this structure, so the Administrative Hearing Officer forwarded it on to the Planning Commission.

Commissioner Chambless noted that on the field trip the Commission noticed around the corner from this site there was a cinder block wall. He inquired if there was a necessity to have such a large box at the location it currently stands, or if it could be relocated to behind that cinder block wall where it would be more nondescript.

Mr. Milliner stated the applicant would need to answer that question.

Commissioner Woodhead inquired how the applicant made the mistake of thinking this box was approved.

Mr. Milliner stated there was another utility box located around the corner against a cement wall, and when the applicant received approval for that box he also thought he had received approval for this current application.

Chair De Lay invited the applicant to the table. She noted the applicant was not present at the meeting.

5:51:33 PM **Public Hearing**

Chair De Lay opened the public hearing portion of this petition.

The following people spoke or submitted cards in *opposition* to the petition: **Judi Short** (862 Harrison) stated the last time a box was installed in the neighborhood Qwest left a scoop loader at the location for ten (10) days, which was broken into and there was shattered glass everywhere that the school kids were walking through for three days. She stated she would like to see Qwest be more responsible when installing and monitoring sites.

Chair De Lay inquired if there were any ordinances that could be used to fine the utility companies.

Ms. Short stated currently there was not, but there were ways it could be done in the future.

Commissioner McHugh stated the staff report indicated the homeowners would rather have this box where it was rather than any other place in their yard because it would obstruct their view.

Commissioner Dean stated if this box was shifted to the right it would completely block the front of their house.

**Scott Kisling** (2409 Lynwood Drive) stated he had some before and after pictures, and he was concerned this was only the start of the placement of these types of boxes with the future of DSL television, etc. He stated in this particular case the owner would probably be very happy to provide an access easement behind the house to this box instead of having it in the front yard. He stated it did not seem fair to impact one neighbors property values for the benefit of everyone else in the area.

Chair De Lay closed the public hearing.

Mr. Milliner suggested since the applicant was not present to continue this petition.

6:01:26 PM **Motion**

**Commissioner Wirthlin made a motion to table Petition PLNPCM2009-01003; Qwest DSL Utility Boxes conditional use.**

**Commissioner Algarin seconded the motion.**

**Commissioners McHugh, Hill, Dean, Fife, Gallegos, Chambless, Muir, Wirthlin, Woodhead, and Algarin voted, "Aye". The motion passed unanimously.**

6:02:01 PM **PLNPCM2009-00824; Declaration of Surplus Property and Minor Subdivision Approval**—a request for 3.16 acres of unused land located on the eastern portion of the Rose Park Golf Course, at approximately 1385 North 1200 West to be declared as surplus property and minor subdivision approval for a one lot subdivision. The property is currently zoned as Open Space. The subject property is located in Council District 1, represented by Carlton Christensen.

Chair De Lay recognized Bill Peperone as staff representative.



*Commissioner Wirthlin recused himself from the meeting at 6:02 p.m.*

Commissioner Gallegos inquired if there would be a restriction placed on the deed so this would always be a school in perpetuity.

Mr. Peperone stated the city could certainly put a deed restriction on the property, the open space (OS) zone did not allow for very many facilities to be built, but because of state law the school skirts the city's restrictions on open space development, and was allowed to be placed there; however, should someone else buy it there was not much they could do with it.

Chair De Lay inquired if a deed restriction was something the Planning Commission could add to the conditions.

Mr. Nielson stated there was a procedural issue regarding this case that was currently being worked through.

Commissioner Fife stated the Commission was not deciding if a school could go into that space, but if this property should be declared surplus.

Mr. David Terry (City Golf Enterprise Manager) stated the golf fund was a self sufficient enterprise fund operated by the City based off the revenues generated by the public's use of the golf courses. He stated there were approximately 22 million dollars in deferred capital improvements that needed to be made throughout the system. He stated 2,775,000 dollars of that was at Rose Park, and there were very little retained earnings as a result of paying off two golf courses that were built around 1990, which included Wingpoint and the expansion of Mountain Dell. He stated future revenues were not obtainable within the current operating capitol do any of those improvements.

Commissioner Muir stated the configuration of this parcel seemed curious. There was a pie shaped piece that was a utility easement, which also created a lack of frontage for the school, and it seemed the maintenance of that would be problematic. He stated as far as the golf course, it looked like some type of natural drainage through there and he inquired how the applicant could really improve anything north of that drainage anyway, so why did the parcel not follow that drainage.

Mr. Duran Lucas (Salt Lake City Property Management) stated there was a large storm drain that followed the road and cut up, he stated the Public Utilities Department indicated they did not want that piece included in the sell because the equipment currently located there was valuable and they wanted it to be protected.

Mr. Terry stated there was a natural drainage primarily for the golf course and at 1200 West that feed primarily into the city's storm drain system. He stated that would be relocated to the north 150 feet so it bypassed the surplus parcel.

Commissioner Muir inquired if that drainage course would take a right angle.

Mr. Terry stated that was correct it would move to the north. He stated currently Rose Park was a par 72, which the majority of championship golf courses are. He stated they would like to maintain that if at all possible.



Commissioner Muir stated he was concerned that out of economic necessity, the city was cannibalizing the natural and open space resources it had.

Mr. Terry stated the primary improvement at Rose Park was to solve the driving range problem, the tee was too small and the length of the driving range was too short, at 240 yards. He stated those issues were responsible for significant revenue impact issues. He stated the goal was to acquire 2.64 acres of property between the Rose Park driving range and the Jordan River par 3, which would allow for an extension up to 350 yards. He stated there was no guarantee that property would be acquired, so even though there was a loss of open space zoned land the goal was to acquire about the same acreage of residential property to convert to open space zoning.

Chair De Lay inquired if the water course on the property was natural, or was it created with Rose Park.

Mr. Terry stated it was created when it was built.

Commissioner Chambless stated this area was very flat and he inquired how deep the water table was there.

Mr. Terry stated he did not have that information.

Commissioner Fife stated he was concerned for the people who bought houses along the golf course and are now not going to be along the golf course, what can be said to them.

Mr. Terry stated the golf course had no agreement with the Guadalupe school; certainly they were an interested buyer and they have had conversations with them regarding locating the building to maximize the open space between the school and neighboring homes property line.

#### 6:17:38 PM Public Hearing R

The following people spoke or submitted hearing cards in *support* of the petition: **Vicki Mori** (340 South Goshin) stated she was the executive director of Guadalupe Schools. She stated currently their building was only 13,000 square feet, which only allowed for children kindergarten through third grade to attend and they would like to provide for children through the sixth grade. **David Kuhn** (11622 South Terendale Lane) stated he was in charge of the expansion committee for the school; they had spent several years looking for enough property to build a larger school. He stated they were a charter school, which placed restrictions on where their school could be. He stated they would also be sensitive to the current residential neighborhood as well.

Commissioner Chambless inquired about demographic projections for the next five to ten years.

Ms. Mori stated because the children were bused to the school, a 20 mile square radius was covered, and growth was definitely going to be incredible in the future. She stated currently there were 100 children on the waiting list and it was predicted that would continue to grow.

**Bill Knowles** (705 North East Capitol Boulevard) stated he been associated with the school for 15 years and this seemed like a win/win situation for the school and the city. **Walt Romney** (2606 Commonwealth Avenue) stated he was the President of the Guadalupe schools and he wanted to echo what Vicki, Bill, and Dave had already said. He stated this was a wonderful opportunity for the school and he would encourage the Commission to vote positively for this petition.

Commissioner Fife inquired about how many square feet the new facility would be.

Mr. Romney stated it would be 38,000 square feet.

The following people spoke or submitted hearing cards in *opposition* to the petition: **Ben Gilgen** (1246 West Sunset Drive) stated he was concerned because he currently lived along the golf course and this would directly impact him. He stated as far as the flooding there was approximately two feet of water that does cover the area from the ditch across to the street.

Chair De Lay inquired if Mr. Gilgen had spoken with the city regarding this, because the city had mentioned they were planning to improve the storm drainage and move it further away from the residences.

Mr. Gilgen stated the city had done some improvements about five years ago, but it had never functioned properly. He stated he was also concerned about home values and expanding the range to 350 yards, which he did not see a good return on investment with that because the thing that restricted the Rose Park golf range was the small tee off area.

Commissioner Chambless inquired if any homes had suffered water damage since 1983.

Mr. Gilgen stated he would have to ask his father, in the past some pumps had needed to be placed in backyards to help with flooding, and as far as damage, yes there had been water damage in the past.

**Matt Luker** (1328 Sunset Drive) stated this seemed to be a short term fix at the expense of the neighborhood. He stated he had heard the golf course had a budget shortfall of 20 million plus dollars and they expected to invest 2 million of that back into the Rose Park golf course, so essentially 90 percent of the money made from this sale would not be invested in the neighborhood. The idea to put a school on that property was the same thing as changing the zoning on that property from open space to something else; because once that building was built it was technically not open space anymore.

**Tom Dickerson** (1280 West Sunset Drive) stated the neighborhood's right to quiet enjoyment would be hampered with this school and would increase traffic in the neighborhood. He stated he did not want to see a traffic light put in. **Kelly Dickerson** (1280 West Sunset Drive) stated one of the major traffic concerns was to have 300 students from various neighborhoods being transported in. She stated the road was very narrow and having an increase in people traveling that daily could cause harm and damage to the neighborhood. She stated she was concerned about the night classes and because people might race late to class and not pay attention to children in the area. She stated the neighborhood had experienced an increase in traffic with the church at 1200 North and 1200 West, as well as soccer games held on Sundays in the parkway.

Chair De Lay closed the public hearing.

Mr. Terry stated a comment was made that the clubhouse would need to be torn down to allow for a 350 foot driving range. He stated that was not the case, the range would stay in its current location and then extend to the south.

Chair De Lay inquired about the flooding issues some of the neighbors had brought up.

Mr. Terry stated the open drainage would be improved and moved to the north and any issues regarding work done eight to ten years ago would be taken care of. He stated throughout the golf system there was 22 million dollars of differed capital improvements, but less than three million of that was at Rose Park. That money would not be generated from this project; it was simply one way of generating those funds.

Commissioner Gallegos stated he worked for an agency which provided financial support for the Guadalupe Schools, he wanted to know if the Commission felt this was a conflict of interest.

Commissioner McHugh stated this particular petition regarded whether or not this should be converted to surplus property.

Mr. Nielson stated he did not see a conflict as long as the Commissioners did not.

The Commissioners agreed there was no conflict.

Commissioner Muir inquired about what other possible options there were for this property.

Mr. Peperone stated other permitted and conditional uses would be cemeteries and accessory crematoriums, community and recreation centers, pet cemeteries, country clubs, golf courses, natural open space conservation areas, nature preserves, accessory uses to other allowed uses, and public or private utility buildings, transmission lines or wires.

Ms. Coffey stated a private recreation facility included: golf course, swimming pool, tennis club, or other recreation facility under private control, operation, or management, which functions as the principal use of the property. She stated there is another definition for public recreation as well as health club.

Commissioner Muir inquired why there was not an opinion on this from the open space committee.

Mr. Sommerkorn stated they may be making their recommendation directly to the Mayor, but the Commissions role was to hold a public hearing and then to make a recommendation to the Mayor.

Mr. Terry stated golf courses, all though zoned open space, do not fall under the jurisdiction of the open space committee. He stated there was a golf enterprise advisory board which had spoken with the open space committee.

6:48:45 PM **Motion**

**Commissioner Hill made a motion regarding Petition PLNPCM2009-00824, that the Planning Commission forwards a recommendation to the Mayor that the property at approximately 1385 North 1200 West be declared as surplus property and that the minor subdivision approval be approved with the following conditions, and contingent upon the Mayor's action regarding the declaration of surplus property:**

- 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~~ purchaser.
6. That a 30 foot easement will be maintained by Public Utilities along the east property line for maintenance and replacement of 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~~ purchaser, 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.

**Commissioner Woodhead seconded the motion.**

Discussion of the Motion

Commissioner Muir noted that in the conditions it addressed the Guadalupe School, and he inquired if that was appropriate.

Commissioner Woodhead inquired if that should be changed from Guadalupe School to purchaser.

Mr. Peperone stated yes.

**Commissioners McHugh, Hill, Dean, Gallegos, Chambless, Muir, Woodhead, and Algarin voted, "Aye". Commissioner Fife voted, "No". The motion passed.**

Commissioner Dean stated this would be zoned open space still, but does the Commission want to restrict future sales to maintain this as open space in perpetuity.

Commissioner McHugh stated any type of zoning change would come before the Planning Commission for a decision, so specific conditions could be added in the future.

**Commissioner Dean made an amendment to the motion to add a deed restriction to the property and it's permitted uses to remain as open space.**

**Commissioner Fife seconded the motion.**

**Commissioners Hill, Dean, Fife, Gallegos, Chambless, Muir, Woodhead, and Algarin voted, "Aye". Commissioner McHugh voted, "No". The amendment to the motion was passed.**

*Chair De Lay announced a small break at 6:54 p.m.*

*Chair De Lay reconvened the meeting at 7:00 p.m.*

Commissioner Wirthlin rejoined the meeting.

7:00:41 PM **PLNPCM2009-00774; Jam in the Marmalade Private Club**—a request by Robert McCarthy for a conditional use approval to operate a private club, at approximately 751 North 300 West (currently a Tavern/Bar). The subject property is located in the MU (Mixed Use) zoning district in City Council District 3, represented by Eric Jergensen.

Chair De Lay recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated this was different from a standard conditional use due to the additional qualifying provisions of the social club in the M-U zoning district. He stated those qualifications were developed through the text amendment process and were intended to reflect a lot of the concerns of the citizens as this project went through that process. He stated the staff report analyzed those concerns, which were some of the strong points to focus on.

Some of the recommendations that were unique to this petition included the security and operations plan. Many of the concerns were about the impacts this use had, or may have, on the Reed Avenue residents. Staff made a recommendation to landscape the south portion of the property to prevent people from driving down Reed Avenue, as well as additional lighting on the property, and the security and operations plan would be given to the community councils as well as the police department, so they were aware of who they needed to speak to in the event there was an issue.

Commissioner Woodhead inquired about the smoking area. She stated in the security and operations plan it stated that area was 25 feet from entrances or exits, but how close was it to surrounding residences.

Mr. Walkingshaw stated the closest built structure was 50 feet from the facility. He stated the smoking issue was a difficult issue to deal with because currently they were in compliance with state laws when it came to the smoking patio, and the owner intended to comply with it in the future.

Mr. Robert McCarthy stated he signed a lease in 2007, through a long process of gaining permits along with community council and city involvement, Jam was able to open as a tavern in 2008. He stated during those two years he had tried to address the concerns of both the local community and the city. He stated Jam was hailed by the City Council as a model example in which future establishments should follow and the community benefited from having provisions in place versus the current business model of a tavern where no provisions were followed.

He stated this conditional use request was driven by local demand from the community, the neighborhood was evolving and becoming a sustainable and walkable community and was demanding a variety of products and services to suit their needs. Economics was also a huge factor; a beer bar could not make any money. He stated Jam had a sophisticated clientele, whose tastes went beyond beer, and having a liquor license since 2000, there had not been a single violation. He stated approval of this conditional use would allow a positive and vibrant business in the Marmalade District.



Chair De Lay inquired with the new laws the City Council passed, an establishment could not currently get a liquor license because there were no more.

Mr. McCarthy stated they had been working on this for the past eighteen months and had asked to go through the process because there were only one or two liquor licenses left.

7:08:48 PM **Public Hearing**

Chair De Lay opened the public hearing portion of this petition.

The following people spoke or submitted cards in *support* of the petition: **Karl Fraizier** (1147 Autumn Leaf Lane) stated he was in support of the conditional use permit. **Mike Ellis** (1325 Emerson Avenue) stated Jam had become a place for all walks of life to gather and grow as a community. **Marsha Merrill** (438 East Bryan Avenue) stated the Commission should rule in favor of Jam's request for the conditional use of the property. **Joshua Maybee** (708 North 300 West) stated he was in support of the conditional use. **Todd Crofts** (751 North 300 West) stated he was in support of Jam's conditional use permit. **Kyle Kerr** (613 North 200 West) stated as an employee and resident of the neighborhood, Jam is a wonderful addition to the Marmalade community and it has been a pleasure to work for Jam for the past year. He stated the owners care about the future of the neighborhood and the residents living in the Marmalade district. **Ben Olson** (370 West 800 North) stated he was in support of the conditional use. **Jeremiah Maybee** (708 North 300 West) stated he was in support of Jam receiving a liquor license. **Chris Chipman** (560 South 500 East) stated he was in support of Jam receiving a liquor license. **Ken Lee** (560 South 500 East) stated he was in favor of the conditional use permit. **Mark Webber** (1734 West Redstone Avenue #C) stated he was in support of Jam receiving their alcohol permit. **Vanessa Monger** (613 North 200 West) stated Jam was a great asset to our neighborhood, the owners are very responsible and we enjoy their business in the marmalade. **Esther Hunter** (1049 Norris Place) stated she had a thought on mitigation regarding this particular location; the street where the residents live is a very small street and if there was a fence it would be helpful.

Mr. Walkingshaw stated staff was recommending landscaping there, for the very purpose of aiding in traffic control along Reed Avenue.

**Eric Ethington** (1279 East Roosevelt Avenue) stated there were not a lot of bars in this area that were as quality as Jam and he supported the petition for a conditional use. **Nate Currey** (2519 South 500 East) stated one of the fundamental issues is what the city's view is regarding mixed use zones. He stated what makes an urban, walkable city is a mix of land uses. He stated this is only the beginning for mixed use zoning in Salt Lake City and this is the future evolution of the Cities future growth. **David Daniels** (5802 Crest Flower Way) stated he was in support of the petition. **Tyler Kunz** (208 West 600 North) stated he was a patron of Jam as well as an employee and the owners of Jam have welcomed a lot of local artists into their space. **David Johnson** (208 West 600 North) stated because of Jam he has met a lot more people in the neighborhood and he was in favor of having Jam receive approval of this conditional use. **Kevin Nollenberg** (708 North 300 West) stated there is no place to park on Reed Avenue because at night all the residents are home, and children are not playing in the streets, so parking does not seem to be a problem for the neighbors. He stated he would like to see this conditional use move forward. He stated there is some expensive property and urban professionals in the area with money who want to build a community and have a place to go to socialize. He stated the answer was not to build a wall on Reed Avenue, but rather to build the community. **Brian Morris** (751 North 300 West) stated he was one of the owners for Jam and he was in support of the conditional use. He stated extra parking has been contracted with a neighboring business, which is closed at night and would be perfect for Jam. He stated Jam is

not just a bar, they hold art shows Tuesday through Thursday and on Friday there are DJ's and the area is getting better with less crime.

Commissioner Woodhead inquired if Jam served food.

Mr. Morris stated yes, they did not have a kitchen, but did have access to a restaurant that brought fresh food in from local companies.

Commissioner Dean asked about the flow of traffic in Jam's parking lot.

Mr. Morris stated there was angled parking and patrons could pull into the parking lot from 300 West. He stated there were signs posted asking patrons to not use Reed Avenue to exit or to park.

Commissioner McHugh stated there actually was a lot of room to turn around in that parking lot.

Commissioner Muir stated this was a terrible site plan, but if the curb cut was removed from the corner, and a double loaded row of parking was created, then 20 stalls could be put in and the amount of asphalt could be reduced by possibly 30 percent and landscaping could be created along the northern edge to create a buffer. He stated the patio could be moved to the other side of the building to create a further buffer of cigarette smoke and noise from transferring across the property line.

Commissioner McHugh stated where the patio was currently seemed better as far as security, because if Jam had to I.D. people they had to come to the main entrance and not slip in through the patio.

Mr. Morris stated a lot of the layout now was done according to how the City said they wanted it.

Commissioner Hill stated Jam should refer to a more community building design philosophy, with patios out in front of the building.

Mr. Morris stated the front of the building contained all of the mechanical systems to the building, but he would take those suggestions into consideration.

The following people spoke or submitted hearing cards in *opposition* to the petition: **Nephi Kemithmuehler** (representing the area of 600 North to 800 North and from 400 West to 300 West) stated in a block area there were two bars and one liquor establishment and in Salt Lake City there were only two MU zones, both of which were in the Capitol Hill Community area. He stated several weeks ago Jam applied to be a liquor establishment and he asked that the Commission not grant the conditional use request because Jam is surrounded by residential properties. He stated he was concerned about a traffic increase and safety, garbage left in the area, odors, and parking for 185 people. **Katherine Gardner** (606 Desoto Street) stated the community council had a tie vote regarding this issue, the owner had made Jam a nice place, but it is not a convenient walk and there were problems with parking and clean up. She stated she had lived in the area for 47 years and she appreciated Jam's efforts, but it was better as a quiet, little beer bar rather than attracting large crowds to the area. **Minta Brandon** (113 West Clinton Avenue) stated the master plan should be followed in this case, she would hate this neighborhood to turn into bar after bar after bar. **Erick Brown** (1217 Whitlock) stated he owned the duplex on Reed Avenue and parking was a huge concern. He stated Jam currently had about twelve parking spaces and three on the street, but the occupancy was for 185. He stated this is not a really walkable area and he was concerned about traffic and parking problems in the area. **Lewis Wilson** (377 West 800 North) stated his general

inclination toward this petition was whose wallet would get fattened from this approval. He stated if there was a high occupancy function, parking should be accounted for.

Chair De Lay closed the public hearing.

Mr. McCarthy stated financially it would be impossible to redesign the building and after three years of working on this project it would not make sense to do so. He stated his concern regarding the smoking was that if anymore restriction were placed on that it would drive people away from his establishment. Currently those who smoke were contained and fifty (50) feet away from structures and the walls were high in the area, without that they would be out on the street congregating and smoking.

Commissioner Chambless stated traffic seemed to be the number one concern, and he inquired what Mr. McCarthy would do to help mitigate that issue.

Mr. McCarthy stated the parking lot should fit as many cars as possible, which was done. On both sides of 300 West for about a mile, people could park and walk to the establishment. Off street parking was obtained from the business across the street, and signs were placed stating patrons should not park on Reed Street. He stated he was a little concerned about the suggested landscaping on Reed Avenue, and he would like to denote there be no physical way to exit or enter Reed Avenue. He stated if a fence was built that would actually allow for two or three more parking spaces. He stated he would even be for permitted parking, but that would be up to the neighbors.

Mr. Nielson reminded the Planning Commission of what the standard was for a conditional use. He stated there were statutory standards for this decision found in 10.98.507; *a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.* He stated the Planning Commission was required by law to approve the conditional use, if the anticipated effects could be mitigated.

**8:05:16 PM Motion**

**Commissioner Woodhead made a motion regarding Petition PLNPCM2009-00774; a conditional use as a private club for Jam in the Marmalade, the Planning Commission approves this petition based on the staff report and the input received at the public hearing, and subject to the following conditions:**

- 1. The proposed Security and Operations Plan will be reviewed by the community police officer for recommendations, followed by a distribution to necessary groups, or agencies. The Planning Director will have final approval on the Security and Operations Plan.**
- 2. The area beginning at the south east corner of the property will be landscaped from the corner of the property to the existing landscaped area on the south property line. The landscape buffer shall not encroach into the travel isle from the 300 West approach and shall not be less than 4 feet in depth. Curbing or fencing shall be in place to prevent vehicle access from the parking area to Reed Avenue. The Planning Director will have final approval on landscaping and fencing.**

3. **Lighting repairs made to the shielded parking lot lights, the wattage of the lights shall be such that the light is contained to the premises and will avoid creating unnecessary light pollution. Lighting to the site will be adequate to provide for safe access and minimize dark places for security purposes. Removal, redirection away from adjacent properties or shielding of existing flood lights is required.**
4. **Compliance with all other City Department requirements outlined in the staff report for this project.**

**Commissioner McHugh seconded the motion.**

**Commissioners McHugh, Hill, Dean, Fife, Gallegos, Chambless, Wirthlin, Woodhead and Algarin voted, "Aye". Commissioner Muir voted, "No". The motion passed.**

Discussion of the Motion

**Commissioner Muir proposed an amendment to consolidate parking on the north side of the building and to move the patio, to mitigate the impact of smoking, around to the east side of the property.**

**Commissioner Hill seconded the amendment.**

**Commissioners McHugh, Dean, Fife, Gallegos, Woodhead, and Algarin voted, "No". Commissioners Hill, Chambless, Muir, and Wirthlin voted, "Aye". The motion failed.**

*Chair De Lay announced a short break at 8:07 p.m.*

*Chair De Lay reconvened the meeting at 8:13 p.m.*

**8:14:01 PM Petition PLNPCM2009-00495; Zoning Text Amendment Relating to Salt Lake City Alcohol Regulations** The Planning Division is reviewing a petition initiated by Mayor Becker to amend the Salt Lake City Zoning Ordinance in matters related to City alcohol regulations. The amendments are proposed to ensure consistency with State law, provide clarity in the Zoning Ordinance and process, and to allow alcohol related establishments throughout the City in areas where they are appropriate.

**Chair De Lay recognized Lex Traugher as staff representative.**

Mr. Traugher stated on September 23, 2009 a work session was held to discuss this petition and suggestions from that work session were worked back into the details of this petition. He stated on Page 6 of the staff report it showed staff went through an extensive public process to collect information, comments, thoughts, and direction regarding this proposal. He stated the Mayor's office undertook an extensive endeavor to collect input as well and produced a separate report, which also contained a lot of public comment. A lot of the concerns heard were in regards to alcohol related uses in/adjacent to residential areas. The City Council recently passed the ban on the two-per-block-face distancing requirement for alcohol establishments in the downtown area.



Mr. Traugher stated originally brew pubs, taverns, social clubs and dining clubs were proposed in the low intensity residential mixed use zones, and the low intensity commercial zones. Through this process of public comment staff cut back specifically in the commercial neighborhood (CN) zone, residential business (RB) and residential offices (RO) zones, it was proposed the only uses that could be in those particular zones would be a dining club or a brew pub, both would go through a conditional use process. He stated the reason those two uses were chosen was because 50 percent of their revenue was food sales, so they were more along the line of a restaurant, rather than a liquor establishment.

Mr. Sommerkorn stated the public did not seem to have a problem with restaurants being in those commercial zones, many restaurants already served alcohol, so the dining clubs and brew pubs would be very similar to restaurants and the public seemed comfortable with that use in their neighborhood.

Mr. Frank Gray stated the state changed the way liquor was administered in Utah this year. He stated Salt Lake City had the most complex liquor laws in Utah and it seemed like a long process for a business to be able to get a parcel that was zoned correctly, obtain the building permits that were necessary, go to the state to get the liquor licenses necessary, and then apply for a business license, only to find out they could not have their business on that parcel because the alcohol map was actually contained in the business license division and not in the zoning ordinance. He stated this ordinance change should simplify this process. One of the things the community said was yes we want a glass of wine with dinner, but we do not want a bar in their neighborhood, so a lot of changes that were made was the result of interaction with the community.

Commissioner Woodhead stated Section E needed to be rewritten. Currently it read, *a minimum area of one half acre is required to be eligible for an alcohol related establishment as noted in the Tables of Permitted and Conditional Uses*. She stated the half acre needed to be defined better, a half acre of what.

Commissioner Chambless inquired if staff had looked at what other cities, which have grown up much like Salt Lake City had, have done.

Mr. Gray stated other cities did not have some of the stigmas found in Salt Lake City as far as alcohol regulations were concerned. He stated a lot of other cities had not evolved the same way as Salt Lake City.

Chair De Lay stated yes you could not compare those cities, but what about some of the southern Utah cities.

Mr. Gray agreed Utah itself was the best example, and the majority of the cities looked at simply regulating in accordance with State law, but most of those cities did not have the complex urban environment that Salt Lake City had.

Mr. Sommerkorn stated staff looked at West Valley City as an example, and they allowed alcohol related businesses in their commercial zones and a spacing requirement when those zones abutted a residential zone.

#### 8:34:06 PM **Public Hearing**

The following people spoke or submitted cards in *opposition* to the petition: **Anne Cannon** stated she was very opposed to providing zoning changes that would negatively affect the character of residential neighborhoods that have here to fore not included establishments serving alcoholic beverages by definition as dining club or



brewpub. **Gary Felt** (230 South 1200 East) stated more research should be made before a vote. **Kenneth Grover** (206 Douglas Street) stated he would like more community input and to look at smaller zones to vet potential problems before the Commission makes a decision. **Erick Brown** (1217 Whitlock Avenue) stated more work needs to be done for safety, traffic, garbage, and harmony with the community. **JoAnna Matthes** (275 Douglas Street) stated she lived on the backside of the already established businesses on 1300 East and she was concerned with more traffic, more late night noise, more garbage, etc. She stated there were families on Douglas Street and several half way houses or group homes in close proximity in the area and she did not feel it would be a healthy addition to the neighborhood. **G. Kevin Jones** (East Bench Community Council Chair) stated in the East Bench area under these zoning changes alcohol establishments would be allowed in the Foothill Family Clinic area and the Lamplighter Square area, which is further north on Foothill Boulevard. He stated this proposed alcohol regulation had been discussed on the Community Council level many times, he stated the East Bench residents unanimously oppose extending new alcohol related establishments into the neighborhood. He stated these uses on Foothill and next to the freeway propose more traffic and accident issues because cars emerging from Interstate 80 onto Foothill Boulevard are traveling at a high speed, he stated it is highly likely that patrons of these establishments will cut through surrounding neighborhoods for established alcohol serving facilities, which will be a nuisance and safety hazard to those residents.

Commissioner Woodhead inquired if residences would be against the proposed changes to the ordinance which would only allow alcohol establishments in that functioned more as a restaurant rather than a bar.

Mr. Jones stated it did not make a difference, the residence in the area were opposed either way because existing harmony and balance in the area would be disrupted. Currently the businesses and residences were operating on a 8:00 a.m. to 5:00 p.m. schedule and by introducing alcohol related establishments, not only was it an inappropriate use which could not be mitigated successfully through the conditional use process, but extending and introducing late night activities into the neighborhood, which the neighbors were universally against.

Commissioner McHugh stated the council had not voted on these issues so where was the information coming from.

Mr. Jones stated from extensive communications with neighbors, the individuals who came forward were those who were the most affected.

Commissioner McHugh stated currently in the neighborhood was the Bombay House, Five Alls restaurant, Red Butte Café, and a number of other establishments that serve alcohol and already existed in the neighborhood.

Mr. Jones stated yes, but they were further down from the zone where the Foothill Family Clinic was located. He stated that area was simply a business area with 8:00 a.m. to 5:00 p.m. operation.

Commissioner Chambless stated he had lived in that area for over 30 years and it seemed the real problem was the traffic in the area. He stated Foothill Boulevard was surrogate freeway.

Mr. Jones stated that was correct, so if late night establishments were introduced on the south end of Foothill, where that freeway exit was located, just imagine the future problems. He stated it was traffic and an alcohol related problem because the harmony would be changed in that area.

**Mark Brinton** (Wasatch Hollow Community Council Chair) stated the proposal came out last Thursday evening so this community council did not have an opportunity to vote on it. He stated the 15<sup>th</sup> and 15<sup>th</sup> area was located in their community council and the Emigration Market was next to it, he stated those were only two areas that would be affected by this.

Chair De Lay inquired how these areas would be affected, by having more restraints.

Mr. Brinton stated this had nothing to do with restraint licenses; this had to do with the other range of alcohol licenses. He stated these changes would enable the possibility of having dining clubs and brew pubs in the neighborhood. A lot of work was done on this and it was explained to him that dining clubs functioned as restraints during dinner hours, but more as a bar after hours.

**Cathy Knight** (1387 Ambassador Way) stated Salt Lake City works to alleviate problems associated with gang activity and underage drinking. She stated the expansion of alcohol related businesses gave the impression of leniency in the use of alcohol to the youth. She stated a clear message from responsible adults which limits the accessibility and use of alcohol would have a wise and positive influence. She stated alcohol is an addictive substance and she would encourage youth to not use it. She stated increasing alcohol establishments makes Salt Lake City like every other urban area and detracts from the uniqueness of our lovely city. **Craig Knight** (1387 Ambassador Way) stated Foothill traffic is horrible and the area from Parley's Way onto Foothill Boulevard is heavily residential, he was concerned because currently the police do not enforce conditions that were included when the conditional use was approved. He stated conditions are a great idea, but who monitors and enforces those. **Arla Funk** (1235 East 200 South #602) stated the proposals regarding these changes were conceptual in nature when the community councils were briefed on them, the actual ordinance has only been out for about seven days. She stated community council votes should be part of the process, especially for something like this. She stated three issues were brought up in the focus groups that were the concerning impacts in the areas of parking, smoking, and noise. She stated the ordinance addresses noise to some extent, by requiring all music be kept inside, but smoking has not really been addressed. She stated all it says is the state law will be followed, which is smokers have to be twenty (20) feet from the entrance of the building, and because there is no spacing requirements from residential areas, patrons could walk twenty feet away from the establishment to smoke and be right in front of someone's house. Smoking can be addressed, it was suggested that somewhere between a fifty (50) and two hundred (200) foot parameter be maintained between an alcohol establishment and an actual residence.

Chair De Lay inquired if that was already part of the State law.

Ms. Funk stated another issue is parking mitigation, which the Commission got a taste of tonight regarding Jam in the Marmalade. She stated the ordinance currently states that parking management should include consideration to the surrounding neighborhoods. She stated that really is not a statement it is more a clash of opinions, so how can an establishment's alcohol license be withheld by only stating consideration needs to be given. She stated parking should be regulated in regards to what the occupancy of the building is either on premises or close by and specific regulations should be added to the ordinance to make it more compatible. She stated there were also fifteen additions made by the focus groups, but the staff report only said staff would continue to assess this and make recommendations. She stated if there are fifteen areas of concerns, they should be studied now to make this a good ordinance, because it is a dramatic change from where the city has been. She stated Salt Lake City cannot really be compared to anywhere else; the ordinance needs to consider that Salt Lake

City is not really a walkable city yet, so when a walkable bar is mentioned in the ordinance that is way in the future and will not function as such for a while. **Marilyn Wolf** (250 South 1200 East) stated she was a resident in the University area along 1300 East. She stated she lives with the traffic, employees that want to party after work, noise, and garbage. She was concerned the small grocery store establishments in the neighborhood would be turned into something with an alcohol use. She stated she wanted to walk down her street and enjoy it and feel safe, as well as the students in the area. **Esther Hunter** (1049 Norris Place) stated the city has done a lot and this is a sensitive topic, and they were interested in enlivening the downtown area. She stated at this point the nodes in the neighborhoods, which are all unique for instance the Trolley Square area would love to see additional establishments in their area, but on 1300 East it is obviously a different issue. She stated the focus groups have been great, but neighborhood still feel there is work to be done and would like to be more involved with these changes. **Katherine Gardner** (606 Desoto Street) stated she was concerned if the city was not careful it would create more problems other than parking, smoking, and noise. She stated she would like to see more time allowed to be able to discuss these issues further and suggested tabling this petition.

Chair De Lay closed the public hearing.

Mr. Gray stated there were a few issues raised that needed to be addressed. The issue of noise and smoking were not only factors in these establishments, but others as well. He stated outdoor speakers were not an issue, but sometimes people congregated outside, but in a way this was part of urban living.

Commissioner Woodhead inquired if there was time for one more open house regarding this issue, or even one month for community council votes.

Mr. Gray stated a draft ordinance went out in September, and was on the website as well and was modified and updated on the website since then. He stated people were invited to make comments, which they had and those modifications were incorporated; however, the purpose of the focus groups were to get input regarding what issues needed to be studied, focused on, and changed. He stated it was not fair to say that this was a last minute thing; it was an evolving process and would probably continue to evolve.

Commissioner Algarin stated the opposition that was expressed did not require time to discuss it to mitigate those concerns. Salt Lake City was changing whether that was seen as a good or bad thing it was a fact. He stated he did not see how additional time was going to change anybody's opinion.

Commissioner Woodhead stated she was still pretty supportive of this ordinance change, but she did have some concerns about whether or not some establishments would be required to serve food, so when she heard about that change to make these establishments function more like restaurants it changed her position. She stated when she heard a lot of anecdotal evidence in opposition from people who may not even know what the ordinance says, she felt a little bit concerned that there should be time made for one more open house to allow people to find out what the ordinance changes actually say, and in turn staff could get some realistic feedback, instead of feedback that might stem from misinformation.

Commissioner McHugh stated the staff report already contained a lot of public comment and she did not know how some of those concerns could be taken care of, there would always be those not in favor of this petition.

Commissioner Woodhead stated when you go to a place like Red Rock it did not seem they necessarily had a smoking area, so it seemed there were certain types of establishments that were not required to have smoking areas at all.

Mr. Gray stated that was a good point. State law was what prevailed and that stated that one had to be twenty feet away from a doorway or entrance, but the City was going to go one step beyond the state law and was proposing a security and maintenance plan, so an establishment would have to show where the designated smoking areas were going to be. There was some question if someone was smoking in accordance to State law, can the City site them and that has not been fully discussed yet.

Commissioner Muir stated he was concerned the community councils had not had a chance to vote, but how soon would this go to the City Council and in that timeframe would there be time for the community councils to hold a vote and to convey that to the Council.

Mr. Gray stated the City Council would probably hear this in February.

Commissioner Hill stated no community should be built around a neighborhood bar, it should be built around a lot of pieces and parts. She inquired if there was something in the ordinance which would designate a particular density with regards to numbers and types of businesses where a community bar was permitted to go in.

Chair De Lay inquired if Commissioner Hill would like *density* to be defined in the ordinance.

Commissioner Hill stated yes and not density in regards to residential because the last thing that should be done was to place a bar in a residential neighborhood. She stated if there was something more concrete in the ordinance regarding that specification, residence might not be as against this.

Mr. Gray stated neighborhoods were concerned about bars or places where people went to just drink alcohol. He stated that was why bars were removed from the ordinance, so the only thing left was, *places that serve fifty (50) percent or seventy (70) of their sales by way of food*. He stated the question being raised was should that be limited even more, which was something that would require additional discussion.

Commissioner McHugh stated the half acreage stipulations were included in the changes, which would likely take care of that concern as well.

Mr. Gray stated alcohol establishment should be part of the commercial fabric of a neighborhood and not the center of the neighborhood.

Mr. Traugher stated distancing requirements were also written into the ordinance, so one neighborhood could not have more than one dining club or brew pub within 600 feet of each other in those zones.

Commissioner Dean stated her main concern was protection for the immediate neighbors from issues that already existed in the community due to facilities like this. She inquired if there was a way to better enforce or to require more accountability. She stated maybe a forfeiture of an alcohol license in the case of so many violations, as well as a proper channel for reporting violations through the City, because the police might not be the right channel either. She stated as far as the distance buffers, there had been recommendations that were only landscape buffers.



Commissioner Fife stated that was probably because a lot of these establishments currently existed in the City and if a 250 foot buffer was required that would wipe out a lot of the areas.

Mr. Traugher stated there was a 250 foot buffer from churches and schools and inquired if Commissioner Dean was referring to that spacing.

Commissioner Dean stated under Section D of the ordinance it states, *require buffering where a tavern social club, brewpub, or microbrewery abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located.*

Chair De Lay inquired what other type of buffering could there be.

Commissioner Dean stated distance, because just a wall was not much of a buffer.

Mr. Gray stated he agreed there could be a spacing requirement, but a landscape buffer was intended to mitigate headlights or noise. It was more of a demarcation use. He stated the maintenance and operation plan would be required to be submitted annually through business licensing. He stated that would also include a name and telephone number where people could call in concerns. Every year each establishment would be reviewed under that plan, to see how many violations or complaints a business had received and then possibly a business license would not be issued, or could be conditioned if they had not been complying.

Chair De Lay stated the City did not have the jurisdiction to take away alcohol licenses, because that was a state function.

Commissioner Fife stated he could support this if there were no conditional uses in the CN zones; the reason was because that zone was the smallest commercial zone and usually was surrounded by homes.

Commissioner Gallegos stated he was also concerned about compliance and enforcement and inquired if there was a system to track that so the City could review that information on a renewal basis.

Mr. Gray stated there was.

Commissioner Chambless suggested looking at Portland, Oregon and Seattle, Washington as models regarding this issue. He stated Salt Lake City's demographics were changing and were much more like those cities rather than smaller Utah cities. He stated the decision should be not be made regarding traffic concerns or culture clashes, he wanted to be certain those who had expressed opposition felt like they had a fair process as far as being able to express those opposing opinions.

Commissioner Wirthlin stated the Commission had heard enough from concerned community councils whose input was highly valued, and there was a sense that not enough education was given on the final ordinance which was being proposed. He stated it might be beneficial to allow for one more open house or to meet with the community councils, and he would also be more inclined to support this if the CN zone was removed like Commissioner Fife suggested.

Commissioner Woodhead stated she did not have a problem with the CN zone being included, though she had before she understood this ordinance was limited to institutions that served food, which made a huge difference.



She stated on one hand the public comment report the Commission received was overwhelmingly in favor of some version of this ordinance and on the other hand there was a sense of negative feedback, which was anecdotal from the community councils and she was not sure people really knew what they were opposed to or what the ordinance actually said. She stated she would be in favor of an open house.

Commissioner Algarin stated he recognized Mr. Traugher had done a lot of work on this. He stated he was not in favor of excluding CN zones because though a community should not be built around a bar, the city certainly cannot tell a community they cannot have a bar.

9:37:56 PM Motion

~~Commissioner Algarin made a motion regarding Petition PLNPCM2009-00495; a Zoning Text Amendment regarding alcohol regulations that the Planning Commission forwards a favorable recommendation to the City Council based testimony heard at the public hearing and the following:~~

- ~~1. The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in the Zoning Ordinance section 21A.50.030.~~
- ~~2. The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050.~~

~~Commissioner Gallegos seconded the motion.~~

9:38:38 PM Motion

Chair Woodhead made a motion regarding Petition PLNPCM2009-00495; Zoning Text Amendment Alcohol Regulations be tabled until January 27 and that in the interim staff present the revised ordinance to the community council chairs and hold an open house.

Commissioner Dean seconded the motion.

Commissioner McHugh, Gallegos, Muir, and Algarin voted, "No". Commissioners Hill, Dean, Fife, Chambless, Wirthlin, and Woodhead voted, "Aye". The motion passed.

*The meeting adjourned at 9:42 p.m.*


This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on December 9, 2009.

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Tami Hansen

## MEMORANDUM

**TO:** Salt Lake City Council  
J.T. Martin, Chair

**FROM:** Mayor Ralph Becker 

**DATE:** January 8, 2010

**RE:** Proposal for Removal of Lands from the Open Space Programs

### Description of the Land to be Sold or Transferred

3.16 acres of Rose Park Golf Course property located at 1200 West between 1300 North and 1400 North. *Attached is a map and legal description.*

### Purpose of the Proposed Sale

The Golf Enterprise Fund has over \$20M in deferred capital improvement priorities that cannot be funded with projected operational budgets. The proceeds generated from the sale of the 3.16 acres of Rose Park Golf Course property near the 17<sup>th</sup> teeing area will be earmarked for some of these projects including the expansion of the practice range, construction of new tees, and related improvements to the Rose Park Golf Course.

### Proposed Purchaser of the Land

The Guadalupe Charter School is interested in purchasing the 3.16 acres of Rose Park Golf Course property from the City.

### The Anticipated Future Use of the Land

The board and staff of the Guadalupe School have notified the City that they plan to build a new school at this location if they are successful in acquiring the property.

### Anticipated Change in Zoning Required to Implement Proposed Future Use

No zoning change is anticipated. State law states that charter schools shall be considered a permitted use in all zoning districts within a municipality. State law requires such projects to comply with open space zoning regulations relating to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, construction staging, as well as any other regulation needed to avoid unreasonable risks to health and safety.

**The Amount of the Proposed Purchase Price**

In November 2008, The Cook Group appraised this Rose Park Golf Course property at \$476,000. A downward adjustment to the selling price may be appropriate given the need for an odor easement and utility easements. To prepare this land for sale, the Golf Fund will need to make adjustments to the golf course irrigation system including but not limited to rerouting a main line, installing new lateral lines, and relocating sprinkler heads. The Golf Fund also will need to realign an open storm water drainage corridor including the connection into the Public Utilities system. The Golf Fund will attempt to negotiate a cost-sharing agreement with the Guadalupe School for the completion of these projects.

**Mayor Becker's Explanation Why the Proposed Sale is in the City's Best Interest**

As stated above, the Golf Enterprise Fund has over \$20M in deferred major capital improvement project needs that cannot be funded in the foreseeable future with the limited dollars available for operating capital budgets. The 3.16 acres can be deemed surplus property without negatively impacting the playability of the Rose Park Golf Course.

On December 9, 2009, the Salt Lake Planning Commission voted in favor of surplus and subdividing the property.

While this property is zoned open space, golf course property does not come under the jurisdiction of Salt Lake City's Open Space Lands Program. Rather, the golf courses are operated as an enterprise fund. The Salt Lake City Golf Enterprise Fund Advisory Board has submitted a letter recommending the transfer or sale of surplus golf course property as a way to solve the deferred golf course capital improvement project funding issue.

The Guadalupe Charter School has been looking for a new school site in Salt Lake City for a number of years. I strongly support its mission to provide quality educational opportunities to minority and underprivileged members of our community.

The board and staff of the Guadalupe School have visited the site multiple times. They are aware of the need for utility easements on this property, and are aware of the regularly occurring odor issues. Furthermore, a school can be built at this location with minimal impact to the adjacent neighborhood. No homes front 1200 West from 1000 North to 1300 North, the primary entrance to this location. Furthermore, the majority of the students who will attend this school will arrive by bus.

Additionally, a school on this site will positively impact neighboring Rosewood Park by providing eyes that can prevent vandalism and ensure a safe setting for neighboring residents to enjoy the various outdoor recreational opportunities provided in the park.



# SALT LAKE CITY CORPORATION


DEPARTMENT OF PUBLIC SERVICES  
DIRECTORS OFFICE

## CITY COUNCIL TRANSMITTAL

  
David Everitt, Chief of Staff

Date Received: 01/08/2009  
Date Sent to Council: 01/08/2009

**TO:** Salt Lake City Council  
J.T. Martin, Chair

**FROM:** Rick Graham   
Public Services Director

**DATE:** January 8, 2010

**SUBJECT:** Request a public hearing to consider the removal of real property from the City's open space lands program. The land in question is 3.16 acres of Rose Park Golf Course property located at 1200 West between 1300 North and 1400 North. *See attached map and legal description.*

**STAFF CONTACT:**

David Terry	Duran Lucas
Manager	Real Property Agent
Golf Enterprise Fund	Property Management
801/485-7831	801/535-6308

**DOCUMENT TYPE:** Request for public hearing as required by City Code 2.90.120; Removal of Lands from Open Space Lands Program.

**RECOMMENDATION:** Approve the removal of 3.16 acres of Rose Park Golf Course property located at 1200 West between 1300 North and 1400 North from the City's open space lands program inventory.

**BUDGET IMPACT:** In November 2008, The Cook Group appraised this Rose Park Golf Course property at \$476,000. *See attached proposal from Mayor Becker.*

**BACKGROUND/DISCUSSION:** The Golf Enterprise Fund has over \$20M in deferred capital improvement projects that cannot be funded with projected operational budgets. The proceeds generated from the sale of the 3.16 acres of Rose Park Golf Course property near the 17<sup>th</sup> teeing area will be earmarked for some of these projects including the expansion of the practice range, construction of new tees, and related improvements to the Rose Park Golf Course.

The Guadalupe Charter School is interested in purchasing the 3.16 acres of Rose Park Golf Course property from the City for the purpose of building a new school. State law



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.SLCCGOV.COM



**SCANNED TO:**  
**SCANNED BY:**  
**DATE:** 1-8-10

*Manjiv*  
*Dark*  
*Black*

says that charter schools shall be considered a permitted use in all zoning districts within a municipality. State law requires such projects to comply with open space zoning regulations relating to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, construction staging, as well as any other regulation needed to avoid unreasonable risks to health and safety.

City Code 2.90.120 Removal of Lands from Open Space Lands Program states that funds derived from the sale, disposition, exchange or removal of land from the open space lands program shall be deposited into the open space lands fund for its intended purposes. City Code 2.58.060 states that all proceeds or revenue from the sale of any real property within an enterprise fund shall be deposited in a surplus property account within that fund's capital improvements fund. *Attached is a legal opinion from Lynn Pace on this apparent contradiction within City Code.*

**PUBLIC PROCESS:** The Salt Lake City Golf Enterprise Fund Advisory Board is in favor of surplusing, subdividing, and selling the 3.16 acres of Rose Park Golf Course property to the Guadalupe Charter School for the purpose of generating funds to be used to improve the Rose Park Golf Course. *See attached letter from the Golf Advisory Board.*

City Code 2.90.120 outlines the required process to remove real property from the City's open space lands program.

## **2.90.120: REMOVAL OF LANDS FROM THE OPEN SPACE LANDS PROGRAM:**

A. Lands, conservation easements or other interests in land placed in the open space lands program shall remain in the program in perpetuity unless: 1) they are transferred to a qualified public or nonprofit land conservation entity; or 2) a sale, conversion, exchange, or other transfer of the land, conservation easement or other interest in land is approved by the mayor, subsequent to the following mandatory procedures:

1. Any proposal to sell or transfer open space land must be in writing, signed by the mayor, and must include a description of the land to be sold or transferred, the purpose of the proposed sale or transfer, the proposed purchaser of the land, the amount of the proposed purchase price, the anticipated future use of the land, any anticipated change in zoning that would be required to implement that proposed future use, and a statement by the mayor explaining why the proposed sale or transfer of the open space land is in the best interest of the city.

2. Holding a public hearing before the mayor and the city council.

3. Providing notice of the proposed sale or transfer and the public hearing by:

- a. Publication of a notice for two (2) successive weeks, beginning at least thirty (30) days in advance of the hearing, in a newspaper of general circulation in the city, no less than one-fourth ( $\frac{1}{4}$ ) page in size, with type no smaller than eighteen (18) point, surrounded by



a one-fourth inch (1/4") border, in a portion of the newspaper other than where the legal notices and classified advertisements appear, containing the information set forth in the form below;

b. Posting two (2) signs measuring at least two feet by three feet (2' x 3') each, on the land proposed for sale or transfer at least thirty (30) days in advance of the hearing, containing the information set forth in the form below; and

c. Mailing notice, at least thirty (30) days in advance of the hearing, to all property owners of record within one thousand feet (1,000') of the land proposed for sale or transfer, containing the information set forth in the form below.

d. Any notice published, posted or mailed pursuant to this section shall state substantially as follows:

*NOTICE OF PROPOSED SALE OR TRANSFER OF PUBLICLY OWNED OPEN SPACE LAND*

*The Mayor of Salt Lake City is proposing to sell or transfer certain Open Space Lands owned by Salt Lake City located at [street location] for \$[proposed amount of sale] to [proposed buyer] for future use as [proposed future use].*

*A public hearing on this proposal will be held before the Mayor and the City Council on [date of hearing] at the Salt Lake City & County Building, 451 South State Street, room 315, Salt Lake City, Utah, at [time of hearing] p.m.*

*Any individual wishing to address this proposal is invited to attend and to express their views to the Mayor and the City Council at that hearing.*

4. Following the public hearing, the city council may elect to conduct an advisory vote as to the proposed sale or transfer of the open space land.

5. No sale or transfer of open space land may occur until at least six (6) months after the conclusion of the public hearing in order to provide an opportunity to explore other alternatives to the proposed sale or transfer of the open space lands.

B. Any lands, conservation easements or other interests in land: 1) acquired by the city in partnership with other entities, units of government, or other parties; or 2) lands, conservation easements or other interests in land received by donation, bequest, devise, or dedication, may only be authorized for sale, conversion, exchange or other transfer if such action is allowed for in the instrument under which the land, conservation easement or other interest in land was conveyed to, or acquired by, the city. Funds derived from the sale, disposition, exchange or removal of land from the open space lands program shall be deposited into the fund for its intended purposes. (Ord. 84-04 § 1, 2004)

LYNN H. PACE  
DEPUTY CITY ATTORNEY

# SALT LAKE CITY CORPORATION

LAW DEPARTMENT

RALPH BECKER  
MAYOR  
EDWIN P. RUTAN, II  
CITY ATTORNEY

## MEMORANDUM

**Privileged & Confidential**

**To:** Rick Graham  
Duran Lucas  
Emmy Storeheim

**cc:** David Everitt  
Cindy Gust-Jenson  
Ed Rutan

**From:** Lynn H. Pace *LHP*

**Date:** November 9, 2009

**Re:** Legal Opinion Regarding Use of Proceeds from the Sale of Open Space Golf Property

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This memorandum is in response to your collective request for a legal opinion regarding a conflict in the Salt Lake City Code concerning the use of proceeds from the sale of open space property. Copies of emails which I have received from you relative to this request are attached.

### **Question Presented:**

If open space property owned by a City enterprise fund is sold, are the proceeds from that sale to be handled pursuant to the City's Open Space Lands Program (City Code Section 2.90.120) or pursuant to the City's Ordinance regarding the disposition of proceeds from the sale of surplus real property (City Code Section 2.58.060)?

### **Short Answer:**

The proceeds from the sale of open space property owned by an enterprise fund should be deposited back into the enterprise fund, consistent with the City's ordinance regarding the disposition of proceeds from the sale of surplus real property, set forth in City Code section 2.58.060. See further discussion below.

### **Background:**

The City's Open Space Lands Program, located in Chapter 2.90 of the Salt Lake City Code was adopted in 2004. That ordinance was intended to provide additional protections from the sale or conversion of City owned open space property. Pursuant to that ordinance, all City owned property which is zoned as open space, is subject to the City's Open Lands Program. Pursuant to Section 2.90.120B of that section, "Funds derived from the sale, disposition, exchange or removal of land from the open space lands program shall be deposited into the fund for its intended purposes [purchase and preservation of open space lands]." That section makes no distinction between open space property owned by the City's general fund, and open space property owned by an enterprise fund.

In contrast, Section 2.58.060 of the City Code, adopted or most recently amended in 1991, addresses the disposition of proceeds from the sale of City owned real property as follows:

**Disposition of Proceeds:** "All proceeds or revenue from the sale of any real property sold by the City, including real property declared surplus by an internal service fund of the City, shall be deposited in a surplus property account within the capital improvements fund of the general fund. However, if the property was purchased with monies from an enterprise fund, or from properties attributable by the Mayor to use by an existing enterprise fund, then the proceeds or revenue shall be deposited in a surplus property account within that funds capital improvements fund. Funds within surplus property accounts may not be expended without prior appropriation or approval of the City Council."

The City Administration is currently pursuing a proposal to surplus and sell a 3 acre parcel of the Rose Park Golf Course to the Guadalupe School. The golf course property is zoned open space, and thus subject to the City's Open Space Lands Program. However, pursuant to Section 2.43.010 of the City Code, the golf course property is also owned by the Golf Enterprise Fund. Thus, the question has arisen as to whether the proceeds from the proposed sale of the golf course property would be deposited into the City's Open Space Lands Program, pursuant to Section 2.90.120B, or back into the Golf Enterprise Fund, pursuant to Section 2.58.060.

### **Discussion:**

Salt Lake City is subject to the Uniform Fiscal Procedures Act for Utah Cities, as set forth in Title 10, Chapter 6 of the Utah Code. Section 10-6-108 of that act states that "Each City shall maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts, as prescribed in the Uniform Accounting Manual for Utah Cities." This Uniform Accounting Manual for Utah Cities is also occasionally referenced in the Salt Lake City Code (*See City Code Section 2.73.030, establishing the Intermodal Center as an enterprise fund, to be administered in accordance with the Uniform Fiscal Procedures Act for Utah Cities and the Uniform Accounting Manual for Utah Cities*).



The Uniform Accounting Manual for Utah Cities has several sections addressing the establishment and administration of enterprise funds. (See Section III.A.03.01) In addition, Utah Code Annotated section 10-6-135(1) requires that the governing body of each City must adopt a operating and capital budget for each enterprise fund as required by the Uniform Accounting Manual for Utah Cities. While I have not attempted to explore all of the specifics of the Utah Code and the Utah Accounting Manual for enterprise funds, it is clear that the requirements for how an enterprise fund is managed, including the segregation of such funds separate from the City's general fund, is a requirement that is imposed by Utah State law. As such, those requirements cannot be modified by City ordinance.

With respect to the disposition of the proceeds from the sale of City owned real property, Section 2.58.060 of the City Code requires the segregation of the proceeds of the sale of real property owned by an enterprise fund, as required by State law. As mentioned previously, Section 2.90.120B of the City Open Space Lands Program, would require the proceeds from any sale to be deposited into the City's Open Space Lands Fund, without regard to whether or not the property was owned by an enterprise fund. This latter provision, if applied to the sale of property owned by an enterprise fund, would violate the requirements of State law with respect to the accounting for enterprise fund revenues.

Accordingly, if open space real property owned an enterprise fund is sold, the proceeds from that sale should be returned to the enterprise fund, as set forth in City Code Section 2.58.060, and as required by State law. Our Office would also recommend that the City Council consider amending City Code Section 2.90.120B to create an exception to the requirements stated therein for open space property owned by an enterprise fund.

If you have any further questions concerning this matter, please let me know.



RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

## SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON  
MAYOR

November 28, 2007

Mayor Ralph Becker  
Salt Lake City Council Members  
451 South State Street  
Salt Lake City, Utah 84111

Dear Mayor and City Council Members:

The citizen members of the Salt Lake City Golf Enterprise Fund Advisory Board respectfully submit the following letter for your consideration.

Throughout the '90's, the golf industry experienced unprecedented growth. Then, almost as rapidly as interest had grown in the game, a period of stagnation set in. Theories about the slowdown arose: a sagging economy, the cost of the game in many areas of the country, the proliferation of golf facilities, the inherent difficulty of the game, and an aging golfer population--none of which, when taken alone, adequately accounted for the decline in rounds played at many facilities.

The *Wall Street Journal* reported on April 2, 2007, this sobering fact: "Last year, for the first time in 60 years, more courses closed in the U.S. than opened." As dire as that may sound and as stagnant as the national golf market has been in recent years, we in Utah have a number of singular advantages that industry managers in others areas of the country do not have. Our population continues to grow at an accelerated pace, fueled by a continued high birth rate and the desirability of Utah as a preferred place of residence by those relocating from other states--both of which predict good news for the future of golf in Utah. Statistically, our senior population lives longer than those in other states and enjoys a healthier, more active lifestyle well into their 70's, 80's and even 90's, a factor that bodes well for golf now and into the future. Compared to facilities around the nation, Utah public golf courses offer their clientele a quality golf experience for a reasonable price. Still, Salt Lake City Golf has not been immune to the decline in rounds played per golf course over the past decade (*see attached Total Rounds Spreadsheet*), and as new golf course construction continues to advance in Salt Lake County, as well as in neighboring counties to the north, south, east, and west (*see attached New Public Golf Course Development List*), the City courses find themselves struggling to fund a timely equipment replacement program and major capital improvement projects in the midst of a highly competitive environment.

The same *Journal* article offered a different perspective on one possible solution to the declining numbers: "Golf has tried hard to draw new players. But it may have missed a bigger opportunity: getting more rounds out of its most avid golfers." Golf professionals know this intuitively; just as they know that avid golfers are always looking for ways to get the "best bang for their buck." Locally, the rapid pace of new public golf course openings, which has outpaced the modest increase in demand, has created a competitive

GOLF DIVISION

2375 SOUTH 900 EAST, SALT LAKE CITY, UTAH 84106  
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environment where “best bang for the buck” has come to mean green fee discounts. This practice has been a boon to some golfers who hop from course to course looking for the deal of the day. But golf course managers, who have offered discounts hoping to increase their share of an over-supplied market, have discovered that although their efforts might have resulted in a small, short-term increase in rounds, this strategy failed to result in long-term revenue growth.

The desirability of maintaining green space in the City demands that we ensure the fiscal health of our Salt Lake City golf courses. If we take into account the *Wall Street Journal's* suggestion that part of the solution lies with our “most avid golfers,” then the problem can be framed by asking what must be done to attract dedicated patrons to Salt Lake City courses and to encourage their loyalty to our facilities while charging them a fair price for these services? Given that facility conditioning ranks as the top factor influencing where golfers play, Salt Lake City golf courses and associated support facilities must be upgraded and brought current with the atmosphere and services found at the best public facilities locally, statewide, and beyond.

Golfers want to feel that their dollar is buying the very best golf experience possible. This experience begins with the amenities provided to anyone walking through the door. What services are offered by the pro shop? Is the clubhouse inviting? Does the restaurant provide quality food service? Are the restrooms clean and attractive? Are the grounds around the clubhouse well maintained? Are practice areas available for driving, iron practice, chipping, and putting? Is the course itself in good condition and enjoyable to play? How is the pace of play? Are golf course employees friendly and helpful—both in the pro shop and on the course? The list goes on. The problem is that too often the money runs out before a course is able to invest into the new maintenance equipment and improved facilities required to provide the very best public golf experience possible.

In Salt Lake City, the factor that contributes most seriously to our failure to meet the standards set by the best public golf facilities is the on-going problem of deferred capital improvements: the practice of allowing machinery and infrastructure to deteriorate by postponing prudent but less than critical renewal, renovation, or replacement in an effort to save cost, labor and/or materials in the short term. Salt Lake City Golf has been in a perpetual state of deferring capital improvements, and the continued neglect or postponement of essential projects has brought our system to a near critical point.

As a governmentally established “enterprise fund,” Salt Lake City’s golf courses are financed and operated in a manner similar to private business enterprises. The costs of providing golf-related goods and services to the general public on a continuing basis are intended to be funded through user charges. However, because a substantial portion of the Golf Fund’s revenue base has been required annually to service the bond associated with the construction of Wingpointe and eighteen additional holes at Mountain Dell, the task of replacing the machinery and improving the infrastructure of Salt Lake City’s golf courses in a prudent manner has proven increasingly difficult over the past decade and will continue to be so without an infusion of capital dollars from new sources.

Salt Lake City Golf cannot be financially successful when facilities include such inadequacies as outdated, wasteful, and labor-intensive manual irrigation systems;



clubhouses that are unable to host corporate tournaments, banquets, and other public events; dilapidated permanent and embarrassing portable on-course restroom facilities; driving ranges that do not allow for the use of today's improved golf equipment; a lack of cart paths in key locations required to provide quality turf conditions; a lack of rip rap or gabion baskets to prevent erosion to lake banks; and maintenance facilities without adequate equipment and chemical storage bays and power and water supplies. In order to compete with the surrounding area golf courses and continue to operate as a self-sufficient enterprise fund, Salt Lake City Golf must find the means to upgrade facilities.

The Director of Golf, in conjunction with the Golf Course Superintendents, Head Golf Professionals, and Golf Enterprise Fund Advisory Board, has compiled a list of deferred capital improvement projects that are now critical to the infrastructure if we expect our golf courses to compete in today's marketplace. This attached CIP Potential Funding Sources, Priorities, and Projected Costs Spreadsheet includes both "A" and "B" priority items that will require a preliminary estimate of \$17 to \$19 million in capital funding.

Unfortunately, the costs associated with these pressing capital improvement needs at all Salt Lake City golf courses extend beyond the Golf Fund's ability to generate funding for this purpose through operating revenues. While funding must come from multiple sources, the primary solution lies in the Golf Division divesting itself of surplus property on selected golf courses. By transferring this property to other Salt Lake City divisions or departments for recreational, open space, or facility needs with a fair market payment going to the Golf Fund, or by selling this surplus property for residential or commercial development purposes, the Salt Lake City Golf Division could fund up to an estimated \$14 million of its top-priority capital improvement projects. A preliminary evaluation including formal property appraisals shows the feasibility of taking such action.

The improved services provided by our golf facilities as a result of these capital improvement projects will most certainly result in an increase in patronage, which in turn will translate into greater revenues. This increased revenue, combined with the FY2008 retirement of the Wingpointe and Mountain Dell Construction Bond, will allow the Golf Division to fund on-going operations, a long-term equipment replacement program, and third tier capital improvements with revenues generated through normal operations.

The citizen members of the Salt Lake City Golf Enterprise Fund Advisory Board strongly urge both the Mayor and the City Council to consider, review, and adopt this innovative solution by allowing the Golf Division to divest itself of land bordering select City courses through transfer or sale for the express purpose of reinvesting all earnings into the Golf Fund. The proceeds from this transfer or sale are to be used solely for implementing and bringing to completion our long-deferred and much needed City golf facility capital improvement projects. Funding of "A" priority Golf CIP items by means of this process is of primary importance; however, after those golf facility infrastructure needs have been met, any surplus funds remaining should then be used to address as many "B" level capital projects as possible.

If the Golf Division is denied the opportunity to generate funding for long-deferred major capital improvement projects through the transfer or sale of surplus golf course property, Salt Lake City's golf courses will be faced with the following two less than acceptable


options: 1) ask the City for a general fund subsidy from tax monies to help pay for the completion of deferred capital improvements at the golf courses, or 2) face a grim financial future as deteriorating golf facility conditions coupled with a very competitive public golf market result in a downward spiral of decreasing rounds and revenues.

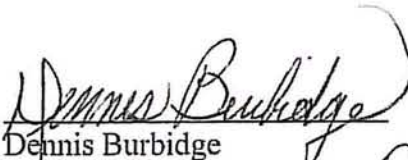
Neither of the above options seems acceptable given Salt Lake City Golf's mandate to remain a self-sufficient enterprise fund free of taxpayer subsidy combined with its potential to be one of the top public golf systems in the country that 1) provides a high-quality, affordable recreational amenity to a significant portion of the community, 2) beautifies and preserves valuable open space, and 3) plays a key role in tourism and economic development efforts.

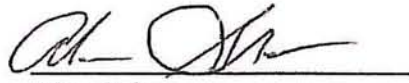
The Golf Enterprise Fund Advisory Board requests that the Mayor and City Council authorize the Golf Director to proceed in solving the problem of deferred capital improvements through the transfer or sale of surplus real property. Concurrently, the potential for the development of partnerships with businesses, educational institutions, golf associations, and private citizens should be explored in an effort to fund additional capital improvement projects and otherwise financially benefit Salt Lake City's golf program.

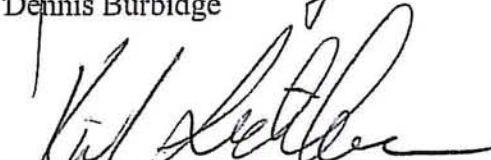
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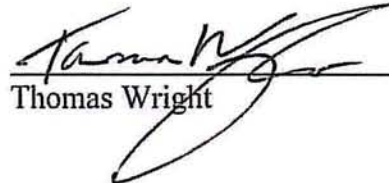
  
Darian Abegglen

  
Cheri Ause

  
Dennis Burbidge

  
Alan Seko

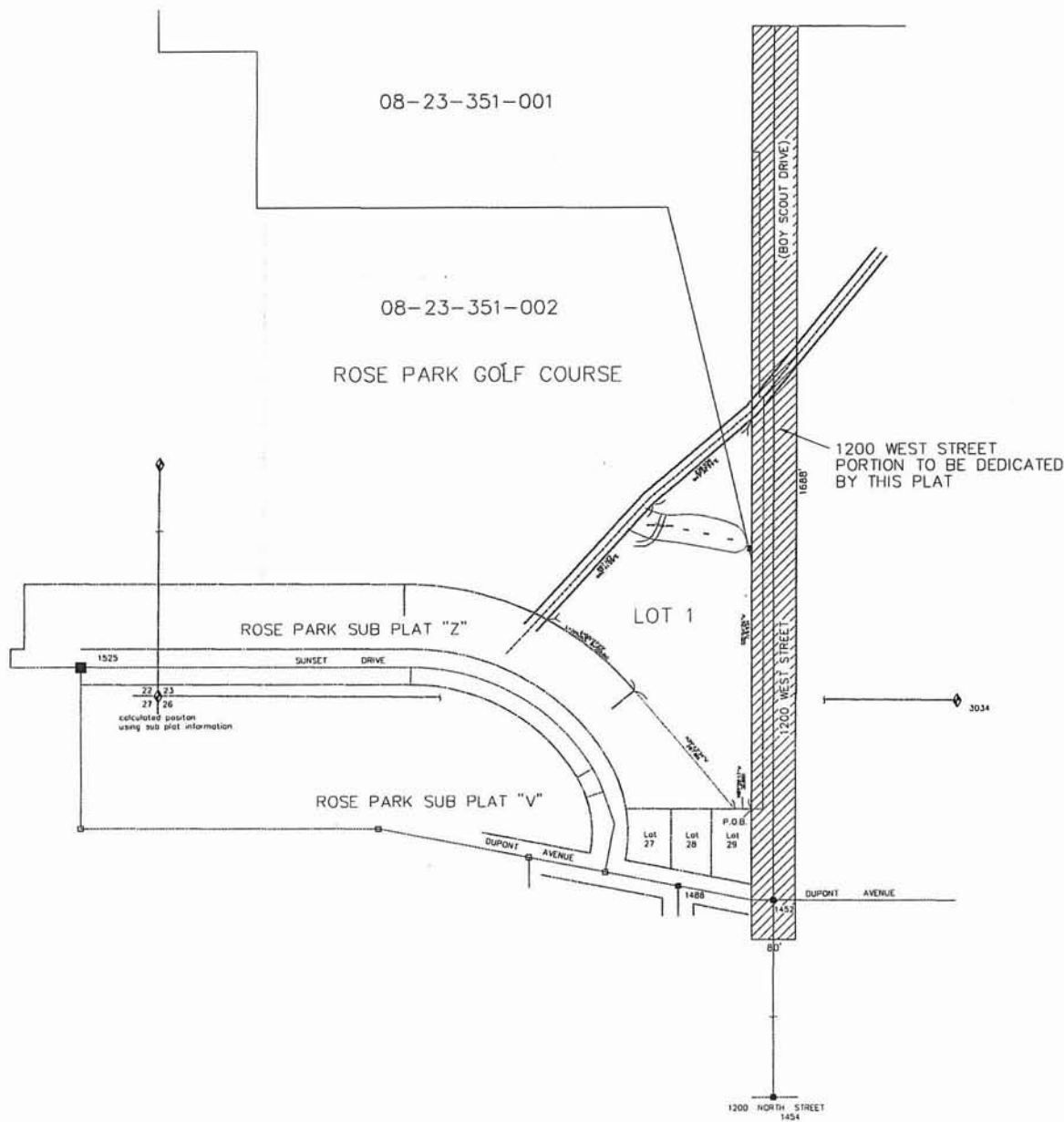
  
Kirk Siddens

  
Thomas Wright





**ROSE PARK GOLF COURSE  
3.16 ACRE PARCEL**



# LOT 1

Beginning at the northeast corner of lot 29, Rose Park Subdivision Plat "V", a subdivision in part of sections 26 & 27, Township 1 North, Range 1 West, Salt Lake Base and Meridian; thence N89°28'17"W 30.88 feet along a fence between Rose Park Subdivision Plat "V" and Rose Park Golf Course; thence N39°43'34"W 287.80 feet along a fence between Rose Park Subdivision Plat "Z" and Rose Park Golf Course to a point of curve, radial line bears S50°16'26"W with a radius of 558.81 feet; thence along said curved fence to the left 209.27 feet to the east line of a 25 foot power line easement; thence along said easement the next 2 courses, N42°41'28"E 287.12 feet and N49°32'24"E 238.54 feet to the west right-of-way of 1200 West Street; thence S00°04'26"W along said right-of-way 719.93 feet to the point of beginning, containing 3.16 acres more or less.

PRELIMINARY AUG 09

Vault Number	08-23-351-001	Acct Number	08-23-351-002	Sheet No	1
SALT LAKE CITY CORPORATION					
RECORD OF SURVEY					
R.S.C. NO. <> OF 1					
SALT LAKE CITY ENGINEERING DIVISION					
348 SOUTH 200 EAST, S.L.C., UT. 84111					
REVISIONS					
APPROVAL					
CITY ENGINEER					
CITY SURVEYOR					
SURVEYORS CERTIFICATE					
I, the undersigned, being a duly qualified and licensed Surveyor under the direction of the State Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey plat as the same appears on the records of the City of Salt Lake.					