

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF JULY 25, 2017**

PRESENT:

Commissioners:

Nancy Bentley
Todd Thorne
Dale Evans
Judy Beacco
Robert Oliver
Frankie Sacco
Jan Young

Nick Tatton-Community Director
Sherrie Gordon-City Recorder

EXCUSED: Commissioner Root and Commissioner Holt-Alternate

OTHERS PRESENT: Ronald Kearns, Leif Nelson, Steve Tate, Barry Horsley, Steve Manaznarez, and Terri Manzanarez

1. Commissioner Oliver called the meeting to order at 6:00 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. MINUTES –
 - a. July 10, 2017 Planning and Zoning Training Workshop
 - b. July 10, 2017 Planning and Zoning MeetingCommissioner Young noted an address correction regarding Item 5 on the Planning and Zoning Meeting minutes of July 10, 2017.

MOTION. Commissioner Young moved to approve the minutes of both meetings held on July 10, 2017 with the requested correction. Motion seconded by Commissioner Bentley and carried.
4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received on any of the items.

Chairman Oliver requested to amend the agenda order. He requested Item #5 to be considered and discussed after Item #6.

MOTION. Commissioner Bentley moved to amend the agenda as requested by Chairman Oliver. Motion seconded by Commissioner Evans and carried.

5. GENERAL BUSINESS
 - a. CONTINUED COMPLIANCE REVIEW - Conditional Use Permit compliance review, presentation by permit holder of compliance plan, and possible recommendation to revoke Conditional Use Permit, Castle Country Fencing, 337 N 5th Ave, Steve Manzanarez.

Commissioner Oliver recused himself from discussion and voting on this matter due to a conflict. Vice Chair Sacco conducted the meeting for this item. She asked Mr. Manzanarez to present his compliance plan and timeline for each item as requested at the July 7, 2017 Planning and Zoning Commission meeting. Vice Chair Sacco gave Mr. Manzanarez an opportunity to speak. He stated that he was working toward compliance with all approval conditions. This is his busy time of year. No plan and timeline was presented. Vice Chair Sacco presented pictures to the Commissioners indicating the conditions at the property that she took today, July 25, 2017. She stated that based on a review of the site and the current pictures of the conditions on site only minimal attempts to comply with the Conditional Use Permit discussed at the July 7, 2017 Planning and Zoning Commission meeting were met. (Pictures attached.) The pictures indicated that supplies have been shuffled around and that only two vehicles have been moved. Mr. Manzanarez was once again reminded that he is required to follow the development code and conditions of approval listed on the Conditional Use Permit of November 6, 2006. A detailed discussion has held regarding the current condition of the property and the determined non-compliance of the Conditional Use Permit, property ownership and vehicles. A discussion was held regarding a 6-foot fence Mr. Manzanarez stated he would like to install on the property. He would put all of his supplies behind the fence. The Commission indicated that they will consider an amendment to the existing permit if, and after, Mr. Manzanarez brings the property into compliance with the current permit. It was noted that he can only install a fence according to the present Conditional Use Permit which states:

 - Space used for storage of “on hand” materials or 168 square feet of space not to exceed 21’ x 8’.
 - A sight obscuring fence will be installed at the sides and rear of the storage area.
 - Fittings, top rail, gates, fence fabric and fence posts are the only listed items to be stored.

Mr. Manzanarez informed the Commissioners that he is going to liquidate some vehicles. He is going to keep all of the vehicles with work signs on them.

Commissioner Thorne stated that Mr. Manzanarez was required to present a plan with a timeline for each item at this meeting. No plan was presented. He acknowledged some things have been moved around and a couple of vehicles have been moved. Mr. Manzanarez has not followed the Conditional Use Permit since November 6, 2006. Commissioner Evans stated that Mr. Manzanarez was requested to provide a detailed compliance plan and a timeline for each item listed and that Mr. Manzanarez didn't do it. Commissioner Evans asked Mr. Manzanarez for information and details regarding the failure to provide the compliance plan and timeline as requested. Mr. Manzanarez read a list to the Commission but did not provide a timeline. The following is the list that Mr. Manzanarez read:

"I will keep my storage of materials to a minimal. I will put said material in the very back-end against property line and put up a fence in front of it. Most of my storage is already on pallets and I will continue to keep it on pallets. I have someone coming over to get all of the old vinyl and scrap stuff and take it away. I will clean up the yard to make it look presentable.

I have no large commercial trucks that I use for the business. I have pickup trucks that I own. I have only one that I use to pull around the material and drop it off at customer's locations for the job at hand. I have advertising stickers on all my trucks for free advertising. I always keep one access on the roadway.

Every vehicle that I own is operable and runs. I have no broken vehicles. I plan on selling a few miscellaneous on my property that I feel fit. I will arrange remaining in a fashionable manner."

(Copy attached.)

Mr. Manzanarez requested an additional 45-days from this meeting date to comply with the current Conditional Use Permit. That date is September 8th, 2017.

Commissioner Thorne read the following items from the November 6, 2006 conditions that Mr. Manzanarez is to comply with:

- Space used for storage of "on hand" materials or 168 square feet of space not to exceed 21' x 8'.
- Storage of items is only permitted to be on the back edge of the property up against the fence line.
- Storage items will only be stored on pallets.
- Storage items will be covered at all times and remain presentable.
- A sight obscuring fence will be installed at the sides and rear of the storage area.
- Fittings, top rail, gates, fence fabric and fence posts are the only listed items to be stored.
- Items are to remain minimal to only what will be used on a daily basis.
- Vehicles used for the business are not allowed to park at the home, this includes trucks and trailers.
- The home is to be Office Use Only.
- Customers and employees are not to come to the home for business.
- Inoperable or damaged vehicles are to be removed from the property within 60-days of this meeting.
- Vehicles are not to be parked on the City sidewalks or designated paths.
- Mr. Manzanarez will be allowed 9-months to find and relocate his business and storage to another location within a CD zone. If by September 1, 2007, he is not able to commit to this stipulation, he must return to Planning and Zoning on his own accord and report to the Commission. The only permitted use will be Office Use Only at the address of 337 North 7th Avenue on September 1, 2007.

Commissioner Thorne stated that Mr. Manzanarez is required to abide by all of these conditions. He cannot change the terms of the current Conditional Use Permit without applying for and receiving approval for any amendment to the Conditional Use Permit. Commissioner Thorne recommended that the property be brought into compliance with the November 6, 2006 approval conditions within 45-days. If not, he recommends that the Conditional Use Permit and business license for a home occupied business be revoked. Mr. Manzanarez will need to find another location to do business in the commercial or manufacturing zone if the licenses and permits are revoked for the home occupied location.

Mr. Manzanarez was again asked to present a compliance plan and timeline for each item and include a site plan indicating how compliance with the conditions will be achieved.

Mr. Manzanarez agreed to bring the property into compliance with the November 6, 2006 conditions list and requested the aforementioned additional 45-days to meet this requirement.

MOTION. Commissioner Thorne made a motion to revisit this issue in 45-days (September 8, 2017). This issue will be addressed at the September 11, 2017 Planning and Zoning Commission meeting. At this scheduled meeting Mr. Manzanarez is to have complied with the following items listed on the Conditional Use Permit issued on November 9, 2006 or the Conditional Use Permit and Home Occupied Business License will be recommended to be revoked:

- Space used for storage of "on hand" materials or 168 square feet of space not to exceed 21' x 8'.
- Storage of items is only permitted to be on the back edge of the property up against the fence line.
- Storage items will only be stored on pallets.
- Storage items will be covered at all times and remain presentable.
- A sight obscuring fence will be installed at the sides and rear of the storage area.
- Fittings, top rail, gates, fence fabric and fence posts are the only listed items to be stored.
- Items are to remain minimal to only what will be used on a daily basis.
- Vehicles used for the business are not allowed to park at the home, this includes trucks and trailers.
- The home is to be Office Use Only.

- Customers and employees are not to come to the home for business.
- Inoperable or damaged vehicles are to be removed from the property within 60-days of this meeting.
- Vehicles are not to be parked on the City sidewalks or designated paths.
- Mr. Manzanarez will be allowed 9-months to find and relocate his business and storage to another location within a CD zone. If by September 1, 2007, he is not able to commit to this stipulation, he must return to Planning and Zoning on his own accord and report to the Commission. The only permitted use will be Office Use Only at the address of 337 North 7th Avenue on September 1, 2007.

The Commission clarified that Mr. Manzanarez understands that all prior conditions of approval must be complied with exactly as listed, and that if the September 11, 2007 compliance review indicates any areas of non-compliance with the November 6, 2006 conditions, the Conditional Use Permit and Home Occupied Business License will be revoked. Motion seconded by Commissioner Bentley and carried.

6. **CONDITIONAL USE PERMIT –**

a. **EMERGENCY COMMUNICATIONS TOWER REPLACEMENT** - Consideration and possible approval of an 80' Emergency Communications Tower located at approximately 375 N 100 W (on top of Wood Hill), within the Public Facilities (PF) zoning district, Carbon County, Barry Horsley.

A Conditional Use Permit (CUP) application and site plan was submitted by Barry Horsley at Carbon County. Carbon County needs to remove and replace an existing communications tower located on Wood Hill for Emergency Services. The replacement tower is eighty feet (80') in height. The site is approximately 375 North 100 West, although not in a developed area, within the Public Facilities (PF) zoning district and will utilize zoning considerations from the adjoining zoning districts for approval.

The Planning Commission discussed the Conditional Use Permit and specifically acknowledged the pole height of 80 feet. Commissioner Oliver read aloud the following conditions of approval:

- Procurement of a Price City Building Permit for construction and placement of the tower finding that properly permitted and inspected tower construction protects the health, safety and welfare of the community.
- Provision to Price City of engineered stamped and signed pole installation plans that include information on wind loading and foundation stability signed and stamped by a structural engineer finding that properly prepared and engineered plans protect the health, safety and welfare of the community.
- Approval of installation of pole not to exceed eighty feet (80') in height finding that installations consistent with submitted documents mitigates misunderstandings.
- Site and tower to be fenced with a locked gate to restrict access by unauthorized persons finding that restricted access protects public infrastructure and mitigates damage and service interruption.
- Installation of signage on tower or security fence indicating the ownership of the tower and facility and contact information for emergency or service and maintenance matters finding that properly identified utility infrastructure mitigates misunderstandings and promotes increased service to the community.
- No conditions at the property or structure that violation the Price City Property Maintenance Code finding that properly maintained properties and structures protect area property values and is consistent with the Price City General Plan.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Sacco moved to recommend that the Price City Council provide final approval of an 80' Emergency Communications Tower located at approximately 375 N 100 W (on top of Wood Hill), within the Public Facilities (PF) zoning district. Motion seconded by Commissioner Beacco and carried.

B. PIZZA RESTAURANT WITH DELIVERY - Consideration and possible approval of a conditional use permit for a pizza restaurant with delivery located at 640 East Main Street within the Commercial 1 zoning district, DR Pizza, LLC, DBA Dominos, Stephen Tate.

A Conditional Use Permit (CUP) application was submitted by Stephen Tate to locate a pizza restaurant and delivery business (Domino's Pizza) at 640 East Main Street in an existing building within the Commercial 1 (C-1) zoning district. The general land use evaluation criteria is listed in Section 11.1 of the Price City Land Use Management and Development Code (Code) and the specific land use evaluation criteria/land use checklist is listed in Section 11.1.m of the Code. The applicable land uses is conditional and listed in Section 11.3.4.14 of the Code, eating places.

The Planning Commission thoroughly discussed the land use with the applicant. Chairman Oliver read aloud the following conditions of approval:

- **Site requirements:**
 - Exterior lighting to illuminate parking area, pick-up area and delivery parking areas finding that illuminated parking areas mitigate the potential for personal and vehicle accidents. Exterior lighting to be high efficiency LED fixtures.
 - Utilization of existing site ingress/egress only finding that use of existing ingress/egress points may mitigate vehicle or pedestrian traffic pattern changes and accidents.
 - Installation and/or maintenance of a minimum of five percent (5%) landscaping as required in the Code.
 - Installation of a minimum of nine (9) off-street parking spaces on a hard surfaced parking location consistent with Section 6.4.11 of the Code.
 - Installation of garbage dumpster within a screened enclosure and service frequency established to prevent accumulations of garbage, rubbish and debris.
- **Utilities and Building Requirements:**
 - Connection of all public utilities in coordination with the respective Price City utility departments, Dominion Energy, Emery Telcom, etc. finding that properly coordinated utility connections prevent misunderstandings.
 - Completion of a Price River Water Improvement (PRWID) waste water survey and compliance with connection requirements stemming from the survey including installation of a grease trap and sampling manhole.

- Other requirements:
 - Business signage plan submitted to the Price City Planning Department prior to installation for review and potential approval finding that properly reviewed and authorized commercial signage promotes increased commercial activity and is consistent with the Price City General Plan.
 - Inspection of the structure by the Price City Building Inspector and Price City Fire Chief prior to occupancy and compliance with all safety recommendation stemming from the inspection finding that compliance with safety recommendations protects the health, safety and welfare of the community.
 - All building improvements and renovations to be completed under the auspices of a Price City Building Permit finding that properly permitted and inspected commercial building improvements and renovations protect the health, safety and welfare of the community.
 - Procurement of a Price City Business License prior to commencement of business and commercial activity at the location finding that properly licensed businesses protect the health, safety and welfare of the community.
 - No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties and structures mitigates impacts to area property values and is consistent with the Price City General Plan.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Evans moved to recommend that the Price City Council provide final approval of a pizza restaurant with delivery located at 640 East Main Street within the Commercial 1 zoning district, DR Pizza, LLC, DBA Dominos. Motion seconded by Commissioner Bentley and carried.

7. UNFINISHED BUSINESS – Nick Tatton informed the Commission of the Utah League of Cities and Towns annual convention scheduled for September 13-15, 2017. Anyone wanting to attend the land use planning sessions should contact Nick Tatton or Sherrie Gordon for information. The August 7, 2017 Planning and Zoning Commission meeting has been cancelled. The next Planning and Zoning Commission meeting is scheduled for August 21, 2017.

Meeting adjourned at 7:12 p.m. pursuant to a motion by Commissioner Young. Motion seconded by Commissioner Evans and carried.

APPROVED: _____
Chairman, Robert Oliver

ATTEST: _____
City Recorder, Sherrie Gordon

7-25-2017







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