

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF OCTOBER 24, 2011**

PRESENT: Commissioners:

Frankie Sacco	Nick Tatton, Community Director
Erroll Holt	Laurie Tryon, City Recorder
Alfred Richens	
Rick Davis	
Wayne Clausing	
Grady McEvoy, Alt.	

EXCUSED: Commissioner Beacco and Chairman Bruno

OTHERS PRESENT: Jared and Paige Haddock, Marie Fausett, Gary Lyon, June and Bud Fausett, Kathleen Cox, Hyrum Cox, Dennis and Dot Cole, Jason Cole, Lauren Christiansen, Kirt Rasmussen, Marvin Mutz and Bob Dal Ponte

MOTION. Commissioner Davis moved for Commissioner Holt to serve as Chairperson in the absence of Chairperson Bruno. Motion seconded by Commissioner Clausing and carried.

1. MINUTES of October 11, 2011

MOTION. Commissioner Sacco moved to approve the minutes of October 11, 2011 as written. Motion seconded by Commissioner Davis and carried.

2. PUBLIC COMMENT ON AGENDA ITEMS- No public comment received.

3. SITE VISIT. Planning Commission group site visit to proposed Anadarko gas well site at approximately 350 N 1900 E.

The Planning Commission visited the site at 5 p.m. to review the layout of the well pad for the Anadarko well site. The following items were listed as items that need to be completed before final approval:

- a. Improvement of road from Airport Road to the well site pad.
- b. Location of utility connections.
- c. Actual size of disturbance vs. well site.
- d. Location well service site
- e. Landscaping- non vegetation at the entrance of property
- f. Building around well pad is not necessary
- g. Remediation bond not required based on comments made by Mark Jones from the State of Utah.
- h. Need a pipeline easement where the pipeline crosses to the north of the business park.
- i. Need property owner agreement and comments on building: well location, paint color on pump etc.
- j. No fence, security building or lighting is required by the City.

Nick Tatton stated that he would contact the property owner to recommend he work with Anadarko to work out details. The Commission agreed that although the City is not requiring lighting, secure building or a fence around the well pad location, those requirements may be required if additional development occurs at the business park. Kirt Rasmussen, representing Anadarko agreed with the nature of the discussion and will plan to apply for final approval at the November 7, 2011 Planning and Zoning meeting.

4. EASEMENT REVIEW. Consideration and possible approval of a recommendation to provide an easement from Westwood Boulevard across the road right of way to private property. As a part of the approval requirements and conditions associated with the Jackson medical office development an easement for placement of a driveway extending from the existing developed portion of

Westwood Boulevard, across quite a large road right-of-way to the private property line is necessary. Staff recommended the Planning Commission provide a recommendation to the Price City Council that the easement be approved, granted and recorded. Chairperson Holt stated that the road right of way is much wider than the existing road and if an easement is not provided, the medical office cannot be built because they can't get to the property. **MOTION.** Commissioner McEvoy moved to recommend the Price City Council authorize and record an easement for placement of a driveway accessing the Jackson Medical Office development from Westwood Boulevard across the road right of way. Motion seconded by Commissioner Richens and carried.

5. **PERMIT CONDITIONS AMENDMENT.** Consideration and possible approval of amendments to the land use conditions at 150 North Hospital Drive, Pinnacle Gate Station, Kathleen Cox.

Kathleen Cox requested a revisiting of the conditions of approval for her occupancy and use of the property at 150 N Hospital Drive. Her son Hyrum Cox represented the Pinnacle Gate Station concerns. Nick Tatton provided the Commission with the following information:

- a copy of the original conditions of approval from last May:

Chronology of items:

- March 2011 – Kathleen Contacted to present land use to Planning & Zoning
- May 2011 – Conditional Use Permit Issued
- July 2011 – Deadline for completion of CUP requirements
- October 2011 – Property Maintenance Code and CUP violation notice issued

Hyrum Cox stated that he needed clarification on the conditions regarding the signs and the canopy over the gas pumps that were set back in May 2011. He stated that removal of all of the signs and the canopy would make it more difficult to sell the building as a gas station or restaurant and would like to just take the wording down but leave the structures. He stated that Pierce Oil will be removing the fuel dispensers on October 25, 2011. He stated that the vehicles that are parked on the property are to make people think it's not vacant to keep the vandalism down. He stated that Winger's Restaurant, Fed Ex and the Holiday Inn use parking spaces at the property. He stated that he would like to keep the building ready for sale as a gas station and is requesting modification to the Conditional Use Permit to change those conditions. Mrs. Cox stated that no one lives in the building at this time but that they are still working to meet the residential code. Mr. Cox stated that there is no fuel left in the underground tanks and pump lines will be permanently capped. Chairman Holt stated that the trailer on the north end of the property needs to be removed by November 15, 2011 as it was supposed to be removed in May. Chairman Holt stated that the parking needs to be handled wisely with common sense so that the property looks organized and not an unorganized eyesore.

Nick Tatton provided the Commission with the following list of conditions set by the Commission in May 2011 that were acknowledged, understood and agreed to by Kathleen Cox.

- a. All existing and prior land uses are represented and acknowledged to be vacated and no longer approved land uses at the subject property finding that vacation of existing land uses mitigates conflicts and inconsistencies with currently applied for land uses;
- b. Land use for residential must be fully established within sixty (60) days of this approval or land use will become vacated finding that un-established residential uses in a commercial zone promote inconsistency with goals in the Price City General Plan;
- c. Land use for gas pumps must be fully established within sixty (60) days of this approval or land use will become vacated finding that gas pump equipment and signage for a non-existent active land use is inconsistent with the goals in the Price City General Plan;
 - i. All gas pumps to be in service within sixty (60) days or removed and mitigated from property;
 - ii. All gas pump operation signage to be in service within sixty (60) days or removed

- and mitigated from property; copy change only for signage changes, if applicable;
- iii. All gas pump canopy and other related infrastructure to be in service within sixty (60) days or removed and mitigated from property; copy change only for signage changes, if applicable;
- d. All area debris, rubbish, vehicles, trailers to be removed from property immediately finding that the property is on a primary entry-way into the community and heightened aesthetic requirements promote improved community perception and are consistent with the goals in the Price City General Plan;
- e. All windows on building, building façade and other visible areas to be maintained in an occupied conditions consistent with this application and no messages or signage in windows permitted finding that issues of message miscommunication to the public will be mitigated;
- f. No parking at location of trailers, recreational vehicles or other vehicles not considered customary passenger vehicles and no parking in a manner other than typical parking lot orientation finding that controlled parking mitigates the potential for debris accumulation and entry way aesthetics and safety are improved;
- g. Subject property landscaping provided and regularly maintained to minimum Code standard (5%) finding that minimum landscaping standards promote the goals in the Price City General Plan;
- h. Building renovations completed under the auspices of a valid Price City building permit and under the supervision of the Price City Building Inspector finding that properly constructed and inspected building renovations protect the health, safety and welfare of the community;
- i. No violation of the Price City Property Maintenance Code now or in the future, as may be applicable, finding that violations of the Property Maintenance Code promote conditions that are undesirable in the community and may have negative effects on community well-being, property values and commercial activity;

MOTION. Commissioner Clausing moved to allow a modification to the previous Conditional Use Permit to allow Kathleen Cox of Pinnacle Gate Station to keep the canopy in place, to have the large bus and trailer and all property clutter, debris, garbage & rubbish removed by November 15, 2011 and remove the dispensers but leave the underground pumps, leave all sign structures but remove wording and in compliance with item B for future property sale, to follow good practices with all parking of vehicles and continue to follow state law with fuel pumps. Motion seconded by Commissioner McEvoy and carried.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

6. **MEDICAL OFFICE DEVELOPMENT-**Consideration and possible approval of a recommendation of final approval for the Jackson Medical Office Development, approximately 230 North Fairgrounds Road, within the C-1 zoning district.

Nick Tatton provided the Commission with the following information relating to the Jackson medical office building development and a final site plan. He stated that the project has been presented to the Planning Commission for both concept approval and preliminary approval. Mr. Tatton read aloud a list of amendments that needed to be made to the site plan as requested from the Price City Engineer:

- Drive approach on Westwood to be ADA compliant
- Development agreement for Fairgrounds Road side and delayed on Westwood Blvd. side

- Installation of drainage culvert under the driveway on Westwood Blvd. side
- Need the dimensions on the rip rap channel
- Need to move the drainage out fall from the detention basin to the other side of the fence
- Need to get an easement description and recorded for the sewer lateral
- Install a sampling manhole on the sewer lateral
- Identify the water main on Fairgrounds Road as public
- Identify the 8" water valve as private
- Identify the sewer lateral as private

It is the recommendation of staff to provide the Price City Council with a recommendation of final approval, including the conditions of approval herein and read aloud by Chairman Holt:

- a. Development consistent with the final site plan and the elements contained therein, to include, parking orientation, lighting, signage, dumpster, ingress-egress, setbacks, fencing, landscaping, easements, public infrastructure placement, utility connection size-type-capacity, finding that development consistent with approved site plans mitigates development misunderstandings, protects the property interests of the subject development and adjoining property owners and is consistent with the Code;
- b. Development consistent with approved geotechnical reports and approved storm water management plans and consistent with all direction and recommendation from the Price City Engineer finding that development in compliance with technical and safety studies and engineering reports promotes high quality long term development in the community and protects the health safety and welfare of the community;
- c. Completion of a public infrastructure development agreement with the Price City Public Works Department for all required and necessary public infrastructure installations, such as curb, gutter, sidewalk, water lines, sewer lines, electrical lines and transformers, fire hydrants, street improvements, etc., and submission of the required financial surety finding that properly agreed to and guaranteed public infrastructure installations required for development protect the long term financial interest of public and private property interests and is consistent with the Code;
- d. Installation of business signage consistent with approved sign plan finding that approved sign plans in compliance with Code requirements promote increased commercial and professional activity in the community;
- e. Recording of an easement for the driveway connecting the current edge of asphalt on Westwood Blvd. to the east property line finding that the geographic distance from the current improved road across the road right of way to the property line is in excess of the usual and customary right of way distance and crossing;
- f. Procurement of a valid Price City Building Permit and inspection of all construction activity by the Price City Building Inspector finding that properly permitted and inspected construction protects the health, safety and welfare of the community.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

MOTION. Commissioner Richens moved to approve the Jackson Medical Office with stated conditions and recommend final approval to the City Council. Motion seconded by Commissioner Clausing and carried.

7. **ACCESSORY STRUCTURE(S).** Consideration and possible approval for placement of a detached garage and storage shed on lot #1, Haddock PUD, approx 1600 East 500 S, R1-8 zoning district.

Jared Haddock presented a request for a Conditional Use Permit (CUP) application regarding placement

of a detached garage and a storage shed on the property identified as Lot 1 in the Haddock PUD, 1697 East Granite Circle. Nick Tatton presented the following information to the Commission: “typically, an accessory building customary to the main building, such as a garage to a home on a single lot in a single family zone does not require a CUP, only a building permit. However, due to the circumstances at the PUD, a condition of the PUD approval was that all new structures anywhere in the developed or undeveloped property at the site obtain a CUP prior to sighting and installation. Mr. Haddock began sighting a garage for the main home on the property and the building department alerted the planning department to the need for a CUP. The neighbors in the vicinity of the PUD have also contacted the planning department with concerns about the additional development of structures within the PUD. These concerns may or may not have a base in application of the Price City Land Use Management and Development Code (Code) nor in the application of development and engineering standards to the development and structures proposed. The placement of the accessory building(s), both the garage and the shed, may be permitted based on the land use in Section 10.3.1.4 of the Code. General evaluation criteria for the zoning district, Residential 1-8 (R1-8), is listed in Section 10.1.3 of the Code and the specific evaluation criteria/land use checklist is listed in Section 10.1.m of the Code”. Mr. Tatton stated that if the Planning Commission allowed neighbors in attendance to voice their concerns, it would protect the property entitlement rights of the applicant and address the development impact mitigation interests of the neighboring property owners and a public hearing may not be necessary. The Commission reviewed the conditions of approval of the PUD with Mr. Haddock to ensure understanding of the road surfacing requirements and timing as well as other conditions of the previous approval including the requirements for curb; gutter, sidewalk and street lighting to meet minimum city standards within the 2 year period for installation of the permanent street surfacing which would indicate that all street improvements for Granite Circle be installed by 8-8-13. Chairman Bruno asked if anyone in the audience would like to voice their concerns. Marvin Mutz, a representative of neighboring land owners stated that he as well as seven other families had concerns. He stated that the access road is not large enough at this time for a pickup truck and trailer to turn around and he would like that item addressed before any more construction continues. He stated that the other item of concern is the irrigation ditch. He stated that the ditch either needs to be moved or needs to be piped in because it has to be there for property owner’s use. He stated that it follows the fence line behind lot 1, the Coles’ property and down to the Fausett property. He stated that as long as it’s left open and maintained it will not be a problem. Mr. Haddock stated that he would continue to keep the ditch open and maintained as he uses it to water his property. Dennis and Dot Cole, neighbors to Mr. Haddock voiced their concerns regarding foot traffic on Fauett Lane and people cutting across private property to get to town. Nick Tatton stated that the matter would need to be handled between the private landowners as it is not something Planning and Zoning can fix. He stated that in the PUD Agreement, a condition could be made regarding access Fausett Lane and neighboring lots but it would be between landowners. Gary Lyon, a property owner on Fausett Lane asked when the road would be completed. Mr. Tatton stated that the road has been platted to be more accessible for emergency vehicles as the property is developed and the road will be 36’ wide and paved with asphalt within 2 years per the previous PUD approval. .

Chairman Holt read aloud the following conditions:

- a. All prior conditions of approval for the PUD approved by the planning commission during its’ 8-8-11 meeting continue to apply and be necessary finding that the conditions of approval of the PUD previously considered, evaluated and approved are an effective management plan for the PUD;
- b. Installation of an 8” water line within the roadway extending to the western most frontage of the development with a 6” lateral to a fire hydrant to be placed in a location as directed by the Price City Fire Chief and a line clean out at the terminus end of the 8” line installed in compliance with minimum city standards finding that fire safety protection is a primary

- health, safety and welfare consideration in the community;
- c. Installation of all required infrastructure within 2 years of prior PUD approval (by 8-8-13). Items to include but not limited to storm water drainage; street lighting, water utility, sewer utility, electric utility, fire hydrant finding that the additional structure development in the PUD requires the development of the infrastructure to protect neighborhood property values and vehicle and pedestrian safe circulation;
- d. Procurement of a valid Price City building permit from the Price City building department and compliance with all direction from the Price City building inspector finding that property permitted and inspected building activity protects the health, safety and welfare of the community;
- e. No conditions within the PUD that will subject the PUD overall or any property within the PUD to a violation of the Price City Property Maintenance Code in effect now or in the future finding that compliance with the Property Maintenance Code protects property values.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval. **MOTION.** Commissioner Sacco moved to approve placement of a detached garage and storage shed on lot #1, Haddock PUD, approx 1600 East 500 S, R1-8 zoning district. Motion seconded by Commissioner Clausing and carried.

8. **ACCESSORY STRUCTURES.** Consideration and possible approval for placement of a detached garage on lot #3 Haddock PUD, lot line adjustment lot #2 & lot #4, placement of storage shed and agricultural buildings on lot #3, #4, approx 1600 E 500 S, R1-8 zoning district.

Jared Haddock submitted a Conditional Use Permit (CUP) application regarding placement of a detached garage, renovation of an agricultural building and a storage shed on the property *identified as Lot #3 in the Haddock PUD, 1652 East Granite Circle. An agricultural building placement/repair and shed placement is planned for the property identified as Lot #4 in the Haddock PUD, 1644 East Granite Circle.* Nick Tatton provided the following information to the Commission: “typically, an accessory building customary to the main building, such as a garage to a home on a single lot in a single family zone does not require a CUP, only a building permit. However, due to the circumstances at the PUD, a condition of the PUD approval was that all new structures anywhere in the developed or undeveloped property at the site obtain a CUP prior to sighting and installation. Additionally, since this application requests placement of an accessory building on a lot where no main building is located a CUP is required”. Mr. Tatton stated that Mr. Haddock began sighting a garage for the main home on the property and the building department alerted the planning department to the need for a CUP. The neighbors in the vicinity of the PUD have also contacted the planning department with concerns about the additional development of structures within the PUD. Mr. Tatton stated that the placement of the accessory building(s), both the garage and the shed, may be permitted as a conditional use based on the land use in Section 10.3.1.1.1 of the Code – Residential Accessory Building When No Main Residential Building on Subject Property. General evaluation criteria for the zoning district, Residential 1-8 (R1-8), is listed in Section 10.1.3 of the Code and the specific evaluation criteria/land use checklist is listed in Section 10.1.m of the Code.

Mr. Haddock described the project to build a garage plus lot line adjustment so in the future if his lot is sold he could build a garage. He also wants to move a storage shed and rebuild the agricultural buildings corrals that are falling down on lot 4. He will need to prepare a new plat, one lot subdivision with a lot line adjustment.

Chairman Holt read aloud the original conditions of approval of the PUD to ensure understanding of the

road surfacing requirements and timing as well as other conditions of the previous approval.

- a. All prior conditions of approval for the PUD approved by the planning commission during its' 8-8-11 meeting continue to apply and be necessary finding that the conditions of approval of the PUD previously considered, evaluated and approved are an effective management plan for the PUD;
- b. Installation of an 8" water line within the roadway extending to the western most frontage of the development with a 6" lateral to a fire hydrant to be placed in a location as directed by the Price City Fire Chief and a line clean out at the terminus end of the 8" line installed in compliance with minimum city standards finding that fire safety protection is a primary health, safety and welfare consideration in the community;
- c. Installation of all required infrastructure within 2 years of prior PUD approval (by 8-8-13). Items to include but not limited to storm water drainage; street lighting, water utility, sewer utility, electric utility, fire hydrant finding that the additional structure development in the PUD requires the development of the infrastructure to protect neighborhood property values and vehicle and pedestrian safe circulation;
- d. Completion of a new or amended plat and submission of the proposed plat identifying lot #3 and lot #4 to the Price City Planning Department with the required fee for approval, obtainment of that contemplated approval and recording of the plat with the Carbon County Recorder prior to construction, placement or renovation of any structure on the lot finding that properly prepared, applied, reviewed, and recorded property plats mitigate potential property disputes and misunderstandings;
- e. Procurement of a valid Price City building permit from the Price City building department and compliance with all direction from the Price City building inspector finding that property permitted and inspected building activity protects the health, safety and welfare of the community;
- f. No conditions within the PUD that will subject the PUD overall or any property within the PUD to a violation of the Price City Property Maintenance Code in effect now or in the future finding that compliance with the Property Maintenance Code protects property values.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

MOTION. Commissioner McEvoy moved to recommend the Price City Council provide final approval for the placement of a storage shed, renovation to an agricultural building and placement of a detached garage on Lot 3 & 4, Haddock PUD and amend lot line on Lot 2 with a new plat showing the lot line adjustment and a detached garage built on Lot 3 and approval to build a detached garage on Lot #2 after the lot line adjustment. Motion seconded by Commissioner Sacco and carried.

9. UNFINISHED BUSINESS: No new business was discussed.

Meeting adjourned at 7:41 p.m. pursuant to a motion by Commissioner Clausing.

APPROVED: _____
Chairman Protempore, Erroll Holt

ATTEST: _____
City Recorder, Laurie Tryon