

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF JANUARY 22, 2018**

PRESENT:

Commissioners:

Richard Root
Todd Thorne
Judy Beacco
Dale Evans
Jan Young
Nancy Bentley

Nick Tatton-Community Director
Sherrie Gordon-City Recorder

EXCUSED: Commissioner Oliver, Commissioner Root, Commissioner Sacco, and Commissioner Holt-Alternate

OTHERS PRESENT: Leif Nelson, Linda Ingold, Michael Kourianos, Russell Seeley, Kendra Seeley, Nefi Garcia, Joel Smith, Tricia Pilny, and Dan Vowles

1. In the absence of Chairman Oliver and Vice Chair Sacco, Commissioner Evans called the meeting to order at 6:00 P.M. He led the Pledge of Allegiance.
MOTION: Commissioner Bentley moved to accept Commissioner Evans as Chair. Motion seconded by Commissioner Young and carried.
2. Roll was called with the above Commissioners and staff present.
3. MINUTES of December 11, 2017 -
MOTION. Commissioner Thorne moved to approve the minutes of December 11, 2017. Motion seconded by Commissioner Young and carried.
4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received on any of the items.
5. GENERAL BUSINESS –
 - a. ANNUAL CHAIR AND VICE CHAIR ELECTION - Election of the Planning Commission Chair and Vice Chair for 2018.
Commissioner Evans opened nominations.
MOTION. Commissioner Bentley moved to elect Robert Oliver as Chair and to close nominations finding that no other nominations were made. Motion seconded by Commissioner Thorne and carried unanimously.
MOTION. Commissioner Bentley moved to elect Commissioner Young as Vice Chair and to close nominations finding that no other nominations were made. Motion seconded by Commissioner Thorne and carried unanimously.
 - b. RESOLUTION 2018-01PZ - Consideration and possible approval of an annual conflict of interest resolution and inclusion of individual conflict of interest statements by members of the Planning Commission
MOTION. Commissioner Bentley moved to approve Resolution No. 2018-01PZ collective and individual disclosures. Motion seconded by Commissioner Young and carried.
 - c. PUBLIC HEARING - Public hearing to receive input on the proposed 2018 updates to the Price City Land Use Management and Development Code.
MOTION. Commissioner Bentley moved to open the public hearing at 6:07 p.m. Motion seconded by Commissioner Sacco and carried.
Nick Tatton advised the Commission that no inquiries had been received.
No public comment was received.
MOTION. Commissioner Bentley moved to close the public hearing at 6:08 p.m. Motion seconded by Commissioner Thorne and carried.
 - d. RESOLUTION NO. 2018-02PZ - Consideration and possible approval of A Resolution of the Price City Planning Commission Supporting and Recommending Adoption of Certain Updates to the Price City Land Use Management and Development Code, 2008 Edition by the Price City Council.
MOTION. Commissioner Bentley moved to approve Resolution No. 2018-02PZ. Motion seconded by Commissioner Thorne and carried.
6. CONDITIONAL USE PERMIT –
 - a. COMMUNICATIONS TOWERS - Consideration and possible approval of two communications towers to be placed in the public right-of-way at: (1) 175 E 400 N within the Public Facilities (PF) zoning district; and, (2) intersection of Main St.at Carbonville Road within the Commercial 1 (C-1) zoning district, Nefi Garcia, Mobilitee.

In 2016 Price City approved three locations for Mobilitie to install communication towers in the public right of way. Mobilitie did not initiate the installation within the required time frame and the conditional use permit expired. They are now reapplying for locations for two (2) towers. The locations are consistent with those previously considered. Mobilitie submitted two (2) Conditional Use Permits (CUP) and two (2) sets of site plans submitted by a company called Mobilitie. Mobilitie is in the wireless communications business. The sites are identified as follows:

- Location #1: 175 W 400 N. Located in the public facilities (PF) zoning district and will utilize zoning considerations from the adjoining residential zoning districts for approval.
- Location #2: Intersection of Main Street at Carbonville Road. Located in the Commercial 1 zoning district.

During the prior application process and as part of the internal review process the applications have been reviewed by the Price City Street Department, Public Works Department, Engineering Department and Electric Department as well as the Planning Department and Legal. Price City also engaged a private consultant to review and opine on the application on behalf of the City and the recommended conditions of approval. The Planning Commission specifically acknowledged and approved the pole heights requested.

The Commissioners informed the applicant and asked the applicant to openly acknowledge that all prior approvals and consideration have expired and are void and that no prior authorization is in effect.

The applicant acknowledged that he has the authority to enter into this agreement for the conditional use permit. The Commissioners also emphasized the requirement for updated engineered and stamped plans and the written acknowledgements of the various entities.

The Planning Commission reviewed the Conditional Use Permit in detail. Commissioner Evans read aloud the following conditions of approval:

- Updated (2018 version) contact, discussion and coordination of final utility pole placement with the Price City Public Works Department and neighboring/adjoining private property owners at each location finding that coordinated installation of utility infrastructure and equipment mitigate misunderstandings and serve to promote future development within the community. Written comments required to verify each.
 - No attachments to or interference with existing public infrastructure or utility equipment.
 - Comments received to be considered and included in final pole placement locations at each respective location.
 - Coordinate metered connections to the Price City Electric System with the Price City Electric Department. Traffic control during installation to be coordinated with the Price City Public Works Department.
 - Written notice provided by adjoining property owners regarding negotiation and finalization of site for installation.
- Provision by Mobilitie to Price City of updated (2018 version) 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.
 - All poles to be placed to be made of steel, not wood
- Approval of installation of pole in location 1 not to exceed 49.5 feet in height, pole in location 2 not to exceed 46 feet in height, finding that installations consistent with submitted documents mitigates misunderstandings.
- Specific written notification of the canal company and provision of pole installation information for location 1 finding that the location is adjacent to the canal and State law requires notification of the canal company for development occurring adjacent to the canal.
 - Incorporation of comments received by canal company into final location of pole, foundation design, etc.
 - Mobilitie to provide Price City with an updated (2018 version) of written documentation from the Canal Company regarding comments.
- Reaffirmation of the existing franchise agreement between Mobilitie and Price City as part of this approval and prior to installation of any poles finding that properly franchised utility providers protect the health, safety and welfare of the community.
- Procurement of Price City Building Permits based on updated (2018 version) amended and engineered stamped installation drawings received finding that properly permitted and inspected utility infrastructure protects the health safety and welfare of the community.
 - Installation restricted until updated (2018 version), stamped and signed plans are submitted and building permits are issued.
- Installation of signage on each pole indicating the ownership of the pole 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.
- Procurement of a Price City Business License for the lawful conduct of business within Price City finding that all businesses are required to be licensed for local operation by Price City.
- No authorizations or land uses not specifically identified herein approved finding that restricted authorizations and land uses protect the long-term interests of 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 Thorne moved to recommend that the Price City Council provide final approval of two (2) communications towers to be placed in the public right-of-way at: (1) 175 E 400 N within the Public Facilities (PF) zoning district; and, (2) intersection of Main St. at Carbonville Road within the Commercial 1 (C-1) zoning district. Motion seconded by Commissioner Bentley and carried.

b. **MULTIPLE LAND USE FACILITY** - Consideration and possible approval of a multiple land use facility including retail sales, dairy products-ice cream, direct selling, eating places-food consumed on premises, administration office, wearing apparel and accessory manufacturing, special training and schooling and public assembly for miscellaneous purposes at 78 East Main Street within the Commercial 1 zoning district, Thor Roundy, Joel Smith, Tricia Pilny, agent.

A Conditional Use Permit (CUP) application was submitted by a company called Access Castle Country (ACC), Mr. Thor Roundy. ACC is renovating and occupying an existing commercial building located at 78 East Main Street (former JC Penny building) within the Commercial 1 (C-1) zoning district with multipole land uses. The general land use evaluation criteria for the C-1 zoning district is located in Section 11.1 of the Price City Land Use Management

and Development Code (Code), the specific land use evaluation criteria/land use checklist is in Section 11.1.m of the Code. The following land uses are applicable:

- Retail Sales: durable and non-durable goods, a permitted land use, Section 11.3.4 of the Code;
- Books and Stationary, a permitted land use, Section 11.3.4.3 of the Code;
- Dairy Products, a permitted land use, Section 11.3.4.8 of the Code;
- Ice Cream Establishment, a permitted land use, Section 11.3.4.26 of the Code;
- Direct Selling Organization, a permitted land use, Section 11.3.4.10 of the Code;
- Eating Places-Food Consumed on Premises, a conditional land use, Section 11.36.4.14 of the Code;
- Administration Office Space, a permitted land use, Section 11.3.5.1 of the Code;
- Wearing Apparel and Accessories Manufacturing, a conditional land use, Section 11.3.7.2.4 of the Code;
- Special Training and Schooling, a conditional land use, Section 11.3.10.3.1 of the Code;
- Public Assembly for Miscellaneous Purposes, a conditional land use, Section 11.3.10.5.6 of the Code.

Joel Smith and Tricia Pilny updated the Commissioners on the project.

The Planning Commission reviewed the various land uses as well as the construction schedule with the applicant and specifically reviewed the applicant's plans for mitigation of disturbances to neighboring properties in the neighborhood during construction.

Commissioner Evans read aloud the following conditions of approval:

- Installation of exterior lighting on the north and south sides of the building finding that exterior lighting mitigates potential accidents and protects the health, safety and welfare of the community. All exterior lighting to be high efficiency LED fixtures;
- All owners, employees, etc. to utilize the public mid-block parking lots finding that open on-street parking in the downtown area is conducive to increased commercial activity in the downtown area and consistent with the Price City General Plan.
- Install and maintain a garbage dumpster in a fenced dumpster enclosure with a service frequency to prevent accumulations or wind-scatter of garbage, rubbish or debris finding that properly controlled garbage, rubbish and debris mitigates potential negative impacts to the aesthetic condition of the community.
- All inbound and outbound freight receiving and shipping to be conducted from the south side of the building adjacent to the public mid-block parking lot finding that restricted freight services locations mitigate the potential for pedestrian or vehicle accidents protecting the health, safety and welfare of the community.
- Maintain all building signage in the current and existing sizes and locations finding that existing building signage is compliant with Chapter 4 of the Code.
- Submission of building renovation plans to the Price City Building Department for building and fire safety review and issuance of a Price City Building Permit and completion of all building renovations under the auspices of the Price City Building Permit and inspection finding that properly permitted and inspected building renovations protect the health, safety and welfare of the community. Issuance of Certificate of Occupancy (C of O) by the Price City Building Department prior to building occupancy. Submission of electrical load sheet to the Price City Electric Department. Submission of a Price River Water Improvement District (PRWID) waste water survey.
- Procurement of all necessary Price City business license(s) for all identified individual separate businesses operating from the location prior to occupancy and operation finding that properly identified and licensed businesses protect the health, safety and welfare of the community.
- Dissemination of project information within the neighborhood of the development project finding that informing neighboring property owners and business owners of development plans and timelines mitigates the potential for misunderstandings and conflicts.
- No authorizations or land uses not specifically identified herein approved finding that restricted authorizations and land uses protect the long-term interests of the community.
- RESTRICTION: No prepared foods or other acidities that may negatively impact the waste water sewer system without the installation of required grease trap(s) and sampling manhole(s).
- 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 she is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Bentley moved to recommend that the Price City Council provide final approval of a multiple land use facility including retail sales, dairy products-ice cream, direct selling, eating places-food consumed on premises, administration office, wearing apparel and accessory manufacturing, special training and schooling and public assembly for miscellaneous purposes at 78 East Main Street within the Commercial 1 zoning district. Motion seconded by Commissioner Young and carried.

7. UNFINISHED BUSINESS – No unfinished business discussed.

Meeting adjourned at 6:47 p.m. pursuant to a motion by Commissioner Thorne. Motion seconded by Commissioner Beacco and carried.

APPROVED: _____
Commissioner, Dale Evans

ATTEST: _____
City Recorder, Sherrie Gordon