

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF JANUARY 26, 2009**

PRESENT: Commissioners:
 Larry Bruno, Chairman Nick Tatton, Community Director
 Frankie Sacco Laurie Tryon, City Recorder
 Ed Shook
 Alfred Richens
 Robert Richens

EXCUSED: Commissioner Lyon and Commissioner Hanna-Smith

OTHERS PRESENT: Jeanne McEvoy, Ada VanVloten, John Huefner, Ben Logue, Paul Bedont, Tom Niederhauser, Ted Allen, Bill Knott, Mark Jespersen, Kate Alleman and Dave Coon

I PLEDGE OF ALLEGIANCE

Chairman Bruno led the Pledge of Allegiance

II ROLL CALL

III MINUTES OF JANUARY 12, 2009

Commissioner A. Richens moved to approve the minutes of January 12, 2009 as presented. Motion seconded by Commissioner Sacco and carried.

IV PUBLIC COMMENT ON AGENDA ITEMS- No public comment presented.

**V HOME OCCUPIED PERMIT- BUSINESS-OFFICE USE ONLY-FINAL
211 S. 700 E. - JT ROOTER- JACK WITHERS, OWNER**

Jack Wither was not present for the meeting. **MOTION.** Commissioner Sacco moved to deny the permit for the HOB until completed application and fees are received from Mr. Withers based on Section 7.1.7.2 of the Code- no reasonable assurance. The applicant will comply with the conditions of approval. Motion seconded by Commissioner R. Richens and carried.

**VI CONDITIONAL USE PERMIT- BUSINESS AND SIGN-FINAL
70 W. MAIN- MEDICAL OFFICE- DR. ADA VAN VLOTEN, OWNER**

Dr. Ada Van Vloten requested a Conditional Use Permit (CUP) for final approval for a medical office to be located at 70 West Main Street within the Commercial -1 (C-1) zoning district. Ms. Van Vloten stated that there will be two entrances used at the facility and there are four parking spaces available for her and the employees. Staff recommended final approval be recommended to the Price City Council for the business with the following conditions as read aloud by Chairman Bruno:

- a. Containment, removal and disposal of any medical or other wastes generated by the business in accordance with approved medical industry standards finding that properly disposed of medical wastes protect the health, safety and welfare of the community.
- b. Procurement of a valid Price City building permit for any renovations necessary to the building and completion of all building renovations consistent with building codes
- c. Notification of the Price City Police Department of any controlled substances maintained at the location finding that public safety department knowledge of products located at medical offices mitigates crime in the community.
- d. Parking by employees and business owners in the public mid-block lots, maintaining Main Street parking for customers of all businesses finding that improved parking availability in the downtown area promotes economic stability and is consistent with the goals in the Price City General Plan.
- e. Submission of any business signage to the Price City Planning Department for administrative review against the specifications contained in Chapter 4 of the Code and approval prior to placement finding that properly reviewed business signage promotes improved commercial and business activity and provides an element of sign consistency within the community and is consistent with the goals in the Price City General Plan.
- f. Completion of a PRWID waste water survey and compliance with recommendations resulting from the completed survey

MOTION. Commissioner Sacco moved to recommend approval of the CUP for Dr. VanVloten subject to the conditions set by the commission. Motion seconded by Commissioner

Shook and carried. ACCEPTANCE. The Commission confirmed the acceptance and understanding of the approval conditions by AdaVanVloten.

**VII CONDITIONAL USE PERMIT- MOTEL DEVELOPMENT-FINAL
720 WEST MAIN STREET-LA QUINTA- ANGELO KIATIPES AND JACK WRIGHT**

Nick Tatton was directed as staff to complete the final as requested from the Planning and Zoning Commission at a previous meeting. He stated that the development agreement and surety deposit were done today. The request is for final approval of a development of a 78 room motel in west Price, branded LaQuinta. Staff recommended final approval of the project with the following conditions as read aloud by Chairman Bruno:

- a. Recording of the previously approved land subdivision plat with the Carbon County Recorder within ten (10) days finding that properly prepared, reviewed and recorded land and property records mitigate the potential for misunderstandings related to real property, easements and property dedicated to the public for public infrastructure;
- b. Completion of a public infrastructure development agreement with Price City Public Works Department and submission of the required financial surety associated with development of the public infrastructure required finding that properly developed public infrastructure provides a long-term return to the community and is consistent with the Code and Price City General Plan;
- c. Development in compliance with all Code terms and conditions and completed as indicated on the approved final site plan finding that development occurring and complying with the Code mitigates short and long-term financial impact on the community resulting from the development, protects the health, safety and welfare of the community and is consistent with the Price City General Plan;
 - i. Installation of a six foot (6') sight obscuring fence on the north boundary of the development running from Main Street to Gopher Blvd., with the first thirty feet (30') of each end of the fence constructed to a height of three feet (3') finding that aesthetic and sight obscuring fencing at the property line will define the property boundary and separate current and future land uses;
 - ii. Installation of a minimum of five percent (5%) of the site in landscaping finding that the development is located at an entry-way to Price City and landscaping will provide an aesthetic improvement to the entry-way and meet minimum Code requirements;
- d. Maintenance of the storm water collection system and irrigation ditch by private land owners where on private property finding that long-term maintenance is required on storm water collection systems and irrigation systems to maintain a satisfactory level of service and protect the health, safety and welfare of the community;
- e. Inclusion of a minimum of three (3) fire hydrants for fire suppression and maintenance of minimum water flow for fire safety with one (1) hydrant to be located within one-hundred feet (100') of the fire sprinkler systems fire department connection finding that compliance with fire code requirements protects the health, safety and welfare of the community;
- f. Procurement of a valid Price City Building Permit and construction in compliance with Price City building department requirements finding that properly reviewed and approved building plans and construction in accordance with approved building plans protect the health, safety and welfare of the community and is consistent with the Price City General Plan.
- g. Submission of final development signage to the Price City Planning Department for review and approval consistent with the terms, conditions and authority contained within Chapter 4 of the Code finding that properly reviewed and approved signage promotes improved community commercial and economic activity, maintains consistency in signage throughout the community and is consistent with the goals in the Price City General Plan.

MOTION. Commissioner A. Richens moved to recommend approval of the CUP final for the La Quinta Motel. Motion seconded by Commissioner Sacco and carried.

**VIII CONDITIONAL USE PERMIT- NEW DEVELOPMENT-CONCEPT
30 S. 100 W. - BOYS AND GIRLS CLUB- TED ALLEN, REPRESENTATIVE**

Ted Allen, Kate Alleman and John Huefner requested a Conditional Use Permit (CUP) for consideration of a CUP for a Boy's and Girl's Club. Little "T" Construction will do the building renovations, Tony Basso owns the property and Ted Allen is the contact for the boy's and girl's club. Ted Allen stated that the club will be an after school program set up to care for children ages 6th grade to high school seniors so they have a place to hang out and not be home alone. Kate Alleman stated that it will be a structured program for children to do their homework, play games and learning different things. Mr. Allen stated that the building has two levels but that only the main floor will be used. Mr. Allen stated that the Bob Bennett has checked the building and made

his recommendations. Kate Alleman stated that the program is receiving 501(C)(3) funding and different grants and that the hours and times will be based on funding available. Mr. Allen stated that there is not an issue with parking and that there are available spaces to the north of the building. He stated that the design is still in the process for the structure of building and that if anything takes place outside of the building, he will return to the Commissioner for an amendment to the CUP. Nick Tatton stated that background checks for all of the employees should be mandatory and that they should check with the state to see if they need to be bonded. Staff recommended approval of the new development with the following conditions read aloud by Chairman Bruno:

- a. Completion of a background check on all employees employed or volunteering at the boys and girls club finding that properly reviewed employees and volunteers reduce the probability for illegal activity taking place in the presence of or against the boys and girls that will utilize the facility and the background checks will protect the health, safety and welfare of the community.
- b. Procurement of a valid Price City Building Permit for all building renovation activity finding that building renovations completed in compliance with adopted building codes protect the health, safety and welfare of the community.
- c. Completion of a site plan indicating all site development requirements, including dumpster location, parking, landscaping, fencing, signage, ingress and egress, public infrastructure finding that properly reviewed and prepared site plans reduce the occurrence of misunderstandings that may occur due to the development.
- d. Completion of a development agreement with the Price City Public Works Department and submission of the required financial surety, if any, required for the completion of public infrastructure development finding that properly developed public infrastructure promotes long term quality development and is consistent with the Price City General Plan.
- e. Confirmation of utility connectivity from all utility providers, including capacity to serve, and procurement of any fire safety comments from the Price City Fire Chief finding that developments properly served by utilities protect the health safety and welfare of the community and are consistent with the goals in the Price City General Plan.
- f. Notification of all owners of record of real property within 300' of the project site, by certified return receipt mail, that the project will be taking place, the time frame the project is expected to take and the dates and times of any know public meetings regarding the project as well as contact information for the project principals finding that improved community awareness of development projects reduces confusion that may result from development.

MOTION. Commissioner Shook moved to recommend concept approval only of the CUP for the Boys and Girls Club contingent upon conditions. Motion seconded by Commissioner R. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding of the approval conditions by Ted Allen.

IX CONDITIONAL USE PERMIT- REQUEST FOR SIGN CODE CHANGE-FINAL JB'S RESTAURANT- TOM NIEDERHAUSER, OWNER

Tom Niederhauser requested a sign code change to the existing code for sign size in the highway overlay district. He stated that he would like a 7' foot sign placed at the new location of JB's in order to view it from Highway 6. He would like the Commission to review the sign code for acceptance in the upcoming code updates. Nick Tatton stated that a public hearing is set in February for the land use updates and a decision can be made after that as to whether or not the code would change. He stated that the code change would only be for the highway overlay district and not for other areas in town. The Commission was favorable with the matter and recommended the public hearings and City Council consideration.

X CONDITIONAL USE PERMIT- AMENDMENT-FINAL 45 S. 300 E. - BILL'S HOME FURNISHINGS- MARK JESPERSON, REPRESENTATIVE

Mark Jespersen requested an amendment to the Conditional Use Permit (CUP) for Bill's Home Furnishings, located at 45 South 300 East, within the Commercial 1 (C-1) zoning district, to add sporting goods, outdoor products, guns, knives to the product line. Mr. Jespersen stated that he will provide a copy of his FLL license to the police department and work with the fire department on storage of the guns and ammunition. He stated that Bill's has a current alarm system and motion sensor system and that all of the guns and ammunition will be locked up at all times. He stated that the guns will be locked through a gun cable system that is mounted to the wall and that the ammunition will be locked up in a display case and then safes each night. Mr. Jespersen stated that there will be 12-18 guns displayed at one time and that the local police have had three minute

response times to the store in the past. Staff recommended approval of the amendment for Bill's Home Furnishing with the following conditions ready aloud by Chairman Bruno:

- a. Notification made to the Price City Fire Chief regarding storage of and location of any flammable inventory within the building finding that fire department knowledge of potentially flammable materials mitigates fire danger in the community and protects the health safety and welfare of the community.
- b. Notification made to the Price City Police Chief regarding storage and location of guns and knives finding that public safety knowledge of potentially dangerous inventory mitigates potential negative impacts to the community and promotes the health, safety and welfare of the community.
- c. Compliance with any reasonable recommendations regarding inventory storage offered by the Price City Police Chief and Price City Fire Chief finding that recommended safety improvements protect the health, safety and welfare of the community.
- d. Maintain all appropriate state or federal licensing relative to firearms and knives as required at all times finding that properly licensed business activities promote improved commercial activity and are consistent with the goals in the Price City General Plan.

MOTION. Commissioner A. Richens moved to recommend approval of the CUP for Bill's Home Furnishings along with contingencies. Motion seconded by Commissioner R. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding of the approval conditions by Mark Jespersen.

XI CONDITIONAL USE PERMIT- DEVELOPMENT-PRELIMINARY

11 W. MAIN-NEWHOUSE HOTEL- BEN LOGUE, REPRESENTATIVE

Ben Logue requested preliminary and final approval for the Newhouse Hotel development project. He stated that he has been waiting for secured financing for the project but is now ready for the project to start. Concept approval for the project was completed in February of 2008. Note: The project was started under the terms of the 'old' Code and those terms and conditions will apply through the final approval of the project. Also, several public meetings and hearings were held to inform the community about the project. Staff recommended preliminary approval for the Newhouse Hotel project with the following conditions for final approval. The conditions were read aloud by Chairman Bruno:

- a. No on-street parking for hotel residents, visitors, etc., parking for all hotel tenants to be contained within mid-block public parking lots and primarily located in the parking lot entered from the east side of Carbon Avenue at 50 North (Substation lot) finding that properly observed parking plans and parking off-street in primarily the Substation Lot will mitigate negative parking impact generated by the Newhouse Hotel in the downtown Price area in which parking is limited and promote an environment of economic activity consistent with the evaluation criteria for the zoning district and the goals of the Price City General Plan.
 - i. Absent compliance with this condition, the applicant will need to demonstrate parking arrangements meeting the minimum necessary parking for the project as referenced in Chapter 6 of the Code.
- b. No interference with existing business access, ingress/egress from businesses for customers and deliveries due to vehicle parking by hotel tenants, visitors, etc. finding that economic activity within the area and zoning district will be promoted to a higher degree when current business access is not inhibited.
- c. Installation of signage, placed in concurrence with the Price City Pubic Works Director, and enforcement by Newhouse Hotel management of 20 minute loading/unloading zone only in front of the hotel (north side) on Main Street finding that a 20 minute loading/unloading zone will accommodate hotel occupant needs and mitigate negative congestion impacts in the area and that enforcement by Newhouse Hotel management will reduce cost to the public of enforcement associated with individual impacts.
- d. No inoperable vehicles, trailers, etc. to be placed on-street or within any public parking lot by any hotel tenant, visitor, etc. finding that no inoperable vehicles present an improved community aesthetic environment at the Price City 100% intersection consistent with the goals of the Price City General Plan and that congestion will be mitigated in the area.
- e. Maintenance of parking enforcement and any necessary towing of non-complying vehicles by hotel management and a mechanism to report violations of parking conditions finding that properly controlled parking in the area will reduce congestion and promote economic activity while maintaining the mixed use environment consistent with the goals of the Price City General Plan.
- f. No loitering in or around the exterior of the hotel property by tenants or visitors finding that loitering may promote negative community aesthetic impacts at the Price City 100% intersection and reductions in economic activity.

- g. Compliance with the Utah Clean Air Act by all hotel tenants, visitors and management staff including no smoking within the proximity indicated in the Act to the Newhouse Hotel, adjacent businesses entrances or within the public parking lots finding that compliance with the law is essential to a positive commercial district and that non-compliance may result in negative economic, social and aesthetic impacts to the downtown area.
- h. Completion of a minimum of at least two (2) community meetings per year to disseminate information from hotel management and to receive input from community members regarding any project impact concerns finding that a positive environment of information exchange between hotel management and the community will result in fewer misunderstandings, a forum for constructive criticism to be heard and promote long-term project success in the community.
- i. Maintenance of on-site building and property manager, maintenance and janitorial services for building interior and exterior finding that properly and professionally managed and serviced/maintained buildings maintain property values and improve the economic condition of the community as well as maintain property values within the zoning district.
- j. Renovation of building exterior maintaining historic character of building as documented with the State of Utah Historic Preservation Office finding that the Newhouse Hotel is a community icon and the historic character of the building facades is important to the community, the Price City Certified Local Government (Historic Commission) and is consistent with the goals of the Price City General Plan.
- k. Confirmation of utility connectivity by all utility providers finding that properly planned and connected utility service promotes community health, safety and welfare.
 - l. Completion of project environmental comments consistent with Chapter 3 of the Code finding that review and evaluation of environmental impacts and mitigating activity to address any conditions will reduce impact on the environment and is consistent with the provisions of the Code.
- m. Completion of any required development agreement with the Price City Public Works Department finding that properly planned and developed/redeveloped community infrastructure promotes long-term quality development within the community and is consistent with the goals of the Price City General Plan.
- n. Completion of a storm water drainage plan to collect and remove water from the roof of the building without impacting neighboring land uses and concurrence of the water drainage plan by the Price City Engineer finding that properly controlled storm water reduces negative impact on property and that storm water management problems from building roofs in the immediate area of the Newhouse Hotel are known to exist.
- o. Completion of an industrial waste survey or other acceptable documentation with the Price River Water Improvement District (PRWID) and compliance with any recommendations provided finding that properly address waste water management protects high cost community infrastructure and promotes long-term high quality development in the community.
- p. Notification of all property owners within 300' of subject property at 11 West Main Street of scope of project, project progress, project time-lines, etc. finding that properly informed neighboring land uses reduces the opportunity for misunderstandings surrounding development/redevelopment projects and promotes harmonious uses consistent with the evaluation criteria in the Code.
- q. Placement of a Price City Planning and Zoning "pending project" sign at the subject property until such time as the project is provided with final approval finding that providing the community with signage and contact information for additional project information and to voice concerns promotes improved communications and reduces misunderstandings surrounding project development.
- r. Procurement of a valid Price City demolition permit, building permit for all construction work taking place at the project site finding that properly permitted and inspected construction activities promote long-term quality growth consistent with the goals of the Price City General Plan.
- s. Installation of appropriate vehicular and pedestrian traffic safety and routing to include fencing, covered walkways, etc. in compliance with recommendations of Price City Public Works Department finding that properly controlled construction sites reduce incidents of accident/injury and are in the best interest of the health, safety and welfare of the community.
- t. Maintenance of demolition dumpster and servicing of dumpster by sanitation company in compliance with recommendations made by the Price City Public Works Department finding that properly placed and serviced dumpster activity during demolition and construction will mitigate negative impacts on the economic activity in the downtown area.
- u. Submission of building signage to Price City Planning Department for administrative review and authorization consistent with the provisions of Chapter 4 of the Code prior to installation finding that properly permitted and

installed signage promotes consistency throughout the community while providing a mechanism for messaging.

- v. Acknowledgement that retail tenancy on the ground floor space will require additional CUP approval to be independently considered and not as part of this application or any resulting approval finding that additional land uses that may occupy retail space in the building require individual evaluation and may inherently require specific conditions of approval prior to occupancy in the building to mitigate potential negative impact in the area.
- w. Final building and area site plan indicating final building land uses, locations of building support infrastructure (dumpster) and locations of parking for tenants, visitors and employees off-street as required finding that properly prepared and reviewed site plans reduce the opportunity for miscommunication and misunderstanding of project/development conditions and requirements and provide a bona-fide long-term record of the development as approved.

MOTION. Commissioner A. Richens moved to recommend preliminary approval of the CUP for the Newhouse Hotel and the authorization to issue of necessary demolition permit by Price City. Motion seconded by Commissioner Sacco and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding of the approval conditions by Ben Logue.

XII UNFINISHED BUSINESS

1. Pinnacle Canyon Academy:
 - a. Completion of off street parking requirements by 7-1-09
2. Melody Estates- CUP Compliance

Meeting adjourned at 6:53 p.m. pursuant to a motion by Commissioner A. Richens.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon