

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF JANUARY 28, 2013**

PRESENT: Commissioners:

Larry Bruno	Laurie Tryon
Judy Beacco	Nick Tatton
Dale Evans	
Angela Sampinos	
McKell Warburton	

EXCUSED: Commissioner Sacco, Commissioner Micoz and Commissioner Oliver

OTHERS PRESENT: Jeff and Heather Nielson and Kathy Hanna-Smith

1. MINUTES of January 14, 2013

MOTION. Commissioner Beacco moved to approve the minutes of January 14, 2013 as presented. Motion seconded by Commissioner Evans and carried.

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

3. CONDITIONAL USE PERMIT AMENDMENT-Consideration and possible approval of a Conditional Use Permit amendment to allow up to 24 dine-in seating capacity at Big Don's Pizza/Eastern Utah Produce located at 170 West 100 North within the C-1 zoning district.
- Jeff Nielson, owner of Big Don's Pizza presented a Conditional Use Permit (CUP) application to amend the existing CUP to add dine-in seating to the location. The previous CUP specifically prohibited dine-in and allowed carry-out and delivery service only. The location, 170 West 100 North, is within the Commercial 1 (C-1) zoning district. General land use evaluation criteria are listed in Section 11.1 of the Price City Land Use Management and Development Code (Code), the specific land use evaluation criteria are in Section 11.1.m of the Code and the actual land use, Eating Places – Food Consumed on Premises, is a conditional use as listed in Section 11.3.4.14 of the Code. Mr. Nielson stated that the Fire Chief and Building Inspector had both been contacted and he is working with them regarding building renovation and safety conditions. He stated that he will have the renovation plans engineer then begin the project. Mr. Nielson stated that customer and employee parking has not been a problem to this point and he does not foresee any problems in the future with the dining in addition as there are already six parking spaces for just take out. He stated that the garbage dumpster is working out well where it is located and it is shared with Four Corners. Mr. Nielson stated that the Eastern Utah Produce business operates early in the morning and only has deliveries two days a week where the pizza sales are mostly in the late afternoon and night so there should be no parking conditions. Mr. Nielson stated that he has a third business in the building and its office use only for his sod business that is physically located in Spring Glen. He stated that he will add a right turn only sign out of his parking lot and he has the grease interceptor cleaned out once a week or every ten days to keep the odor down.
- The Planning Commission reviewed the traffic patterns and parking with the applicant prior to approval. Section 6.4.11 of the Code requires 1 parking space for every 3.5 seats or 1 parking space for each 200 square feet of net usable floor area. The dining area is shown to be 406 square feet within the application indicating that the more restrictive requirement of 1 space per 3.5 seats be enforced. Based on the 7 parking spaces available, a maximum of 24 dine-in seats may be permitted.
- Conditions of approval were read aloud by Chairman Bruno:

- a. All dine-in customer and delivery car parking to be maintained off street in the parking lot immediately east of the building at the site and right turn only when exiting the parking lot, and installation of a sign indicating right turn only (sign dimensions, final placement and content to be approved by the Price City Public Works Department), finding that right turns only when exiting the parking lot will mitigate traffic congestion when entering and exiting the parking lot area and provide for a more efficient use of the limited off-street parking stalls. Parking area to be paint striped and maintained regularly.

- b. All parking for owners and employees to be confined to off-street, off site, parking as previously arranged between Eastern Utah Produce and Gas-N-Go, and no on street parking or parking within the public right of way is permitted finding that off street, off-site parking by owners and employees and no parking on the public right of way will mitigate traffic and congestion at the business location and maximize use of limited parking stalls for customers. Any changes or amendments to the agreed upon parking at the Gas-N-Go property to be cause for re-review and approval by the Price City Planning and Zoning Commission finding that changes or amendments to the agreement may produce traffic congestion and potential negative impacts in the vicinity of Eastern Utah Produce.
- c. Placement of the garbage dumpster and maintenance of the garbage dumpster area to include cleaning of any garbage not in the container and emptying of the dumpster at a schedule that does not allow sight or odor nuisances to occur finding that properly maintained garbage dumpster areas promote an improved community aesthetic on community entry-ways and provide improved health, safety and welfare to the community.
- d. No additional food service to be permitted at the location that will include fryers, etc. that may have an impact on the waste water collection system finding that upgrades to the sewer system and grease-traps may be necessary beyond a pizza baking only use.
- e. No other land uses than the existing produce wholesale and pizza dine-in and delivery/pick up authorized at the subject property finding that reviewed and approved land uses mitigate localized, neighborhood and city-wide impacts and are in the best interest of the health, safety and welfare of the community.
- f. No changes or amendments to the signage at the location finding that prior signage has been approved as consistent with the requirements of the Code.
- g. No signage or advertising of businesses, operations or land uses not approved to be located at the subject property finding that any such signage violates the terms and conditions of Chapter 4 of the Code.
- h. Procurement of a valid Price City Building Permit for all renovations and improvements taking place at the project site finding that properly permitted and inspected building improvements promote long-term sustainable development within Price City and support the goals of the Price City General Plan.
- i. Inspection of the property by the Price City Building Inspector and Price City Fire Chief, prior to final dine-in occupancy, and concurrence with recommendations for safety stemming from those inspections finding that compliance with safety recommendations 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 Warburton moved to approve the Conditional Use Permit amendment for Big Don's Pizza Dine In Seating. Motion seconded by Commissioner Evans and carried.

4. UNFINISHED BUSINESS- No update.

5. CUSTOMER SERVICE REPORT- No update.

Meeting adjourned at 6:20 p.m. pursuant to a motion by Commissioner Beacco. Motion seconded by Commissioner Sampinos and carried.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon