

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF FEBRUARY 9, 2009**

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

EXCUSED: Commissioner Lyon

OTHERS PRESENT: Tom Niederhauser, Scott Critchett, Mike Martak, Tony Siaperas, Matt Niederhauser, Jesse N Tracie Hunsaker and Corina Macknight

I PLEDGE OF ALLEGIANCE

Chairman Bruno led the Pledge of Allegiance

II ROLL CALL

III MINUTES OF JANUARY 26, 2009

Commissioner A. Richens moved to approve the minutes of January 26, 2009 as presented. Motion seconded by Commissioner Shook and carried.

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

V PUBLIC HEARING TO RECEIVE INPUT REGARDING PROPOSED UPDATES TO THE PRICE CITY LAND USE MANAGEMENT AND DEVELOPMENT CODE

MOTION. Commissioner Hanna-Smith moved to open the public hearing at 6:01p.m. Motion seconded by Commissioner Sacco and carried. No public input was received. **MOTION.** Commissioner Shook moved to close the public hearing at 6:02 p.m. Motion seconded by Commissioner A.Richens and carried.

VI RESOLUTION 2009-02PZ-A RESOLUTION OF THE PRICE CITY PLANNING AND ZONING 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 Hanna-Smith moved to adopt Resolution 2009-02PZ. Motion seconded by Commissioner R. Richens and carried.

**VII CONDITIONAL USE PERMIT-NEW RESTAURANT – FINAL
111 N. GOPHER BLVD (800 WEST) - JB'S RESTAURANT- TOM NIEDERHAUSER**

Tom Niederhauser provided the Commission with a site plan of the new JB's Restaurant Construction plans. Nick Tatton stated that all conditions and requirements have been submitted and completed as indicated by the concept and preliminary approvals. He stated that the new sign for JB's would be formerly approved in the sign code change that would be approved at the City Council meeting. Staff recommends final approval. **MOTION.** Commissioner Shook moved to approve the CUP with the understanding that the sign size be formerly approved at the City Council meeting on February 11, 2009 after any potential code change that would allow the sign size. Motion seconded by Commissioner R. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding and intent to comply of the approval conditions by Tom Niederhauser.

**VIII HOME OCCUPIED PERMIT- BUSINESS- OFFICE USE ONLY-FINAL
569 S. CARBON AVE. #1- TRACIE'S PAINTS AND POTS-TRACIE HUNSAKER**

Tracie Hunsaker requested a Home Occupied Business (HOB) Office Use Only (OUO) for an online paintings and pottery sales business to be located in her home at 569 South Carbon Avenue #1 called Tracie's Paints-n-Pots. Staff recommended approval of the business with the following conditions as read aloud by Chairman Bruno:

- a. No employees other than immediate family;

- b. No unusual traffic is permitted;
- c. No parking except customary automobiles, etc.;
- d. No parking lots beyond the driveway;
- e. All parking to be accommodated on site;
- f. No unusual waste, debris, residential or otherwise to be generated;
- g. No unusual electronic interference;
- h. No dust, smoke, odors, or discharges to be generated;

MOTION. Commissioner Hanna-Smith moved to recommend approval of the HOB OOU for Tracie's Paints n Pots subject to the conditions indicated in the code. Motion seconded by Commissioner Sacco and carried. **ACCEPTANCE.** The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Tracie Hunsaker.

**IX HOME OCCUPIED PERMIT- BUSINESS-OFFICE USE ONLY-FINAL
350 S. 100 W. - X-TREME TOYZ, LLC.-JESSE C. NOLEROTH**

Jesse Noleroth requested a Home Occupied Business (HOB) Office Use Only (OOU) permit for an on-line sporting goods sales business to be located in his home at 350 South 100 West called X-Treme Toyz LLC. He stated that he will not store any inventory in his home. Staff recommended final approval for the business with the following conditions as read aloud by Chairman Bruno:

- a. No employees other than immediate family;
- b. No unusual traffic is permitted;
- c. No parking except customary automobiles, etc.;
- d. No parking lots beyond the driveway;
- e. All parking to be accommodated on site;
- f. No unusual waste, debris, residential or otherwise to be generated;
- g. No unusual electronic interference;
- h. No dust, smoke, odors, or discharges to be generated;

MOTION. Commissioner A. Richens moved to recommend approval of the CUP for X-Treme Toyz, LLC. subject to the conditions set by the commission. Motion seconded by Commissioner Hanna-Smith and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding and intent to comply with the approval conditions by Jesse Noleroth.

**X CONDITIONAL USE PERMIT-LOT LINE ADJUSTMENT-FINAL
36 W. MAIN-SILVER CROWN THEATER-TONY SIAPERAS**

Tony Siaperas requested a lot line adjustment to combine three (3) lots into one (1) lot to accommodate the development of the Silver Crown Theater. Nick Tatton stated that the theater, bar and steak house will all be combined into one large building on one (1) lot to comply with code requirements. He stated that due to minimum lot size, once the building and lots are changed it cannot go back to three separate buildings based on the current zoning ordinance.

Parcels affected by the lot line adjustment:

- Lot 1: where the theater sits Parcel #01-0478
- Lot 2: where the bar sits Parcel #01-0479
- Lot 3: where the steakhouse sits Parcel #01-0480

Staff recommended final approval of a lot line adjustment with the following conditions read aloud by Chairman Bruno:

- a. Completion of a final plat indicating the new legal descriptions of the affected lots completed by a qualified engineer or surveyor finding that properly prepared and completed land transactions reduce confusion and mitigate potential land misunderstandings or disputes.
- b. Copies of the final plat to be distributed to the Price City Engineer and the Carbon County Recorder for technical and compliance review prior to recording of a mylar plat
- c. Recording of final mylar plat with the Carbon County Recorder within 10 days of approval.

MOTION. Commissioner Shook moved to recommend approval of the lot line adjustment CUP for Silver Crown Theater subject to the conditions set by the Commission. Motion seconded by Commissioner R. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance and understanding and intent to comply with the approval conditions by Tony Siaperas.

**XI CONDITIONAL USE PERMIT-BUSINESS AND SIGN-FINAL
30 W. MAIN-SILVER CROWN THEATER-TONY SIAPERAS**

Tony Siaperas requested a Conditional Use Permit (CUP) for the Silver Crown Theater, located at

30 West Main Street, within the Commercial 1 (C-1) zoning district. Mr. Siaperas provided the commission with a site plan and drawings of the project explaining how the building would sit and how the inside would be designed. He stated that parking is available on Main Street, a public parking area around the corner, bank parking at the back of the building and parking at Banasky Insurance. The Commission requested that Mr. Siaperas have written approval from both the bank and the insurance business to use their parking lots. Staff recommended final approval subject to the following conditions read aloud by Chairman Bruno:

- a. Procurement of a valid Price City building permit and completion of all building renovations in compliance with the Price City Building Inspector and Price City adopted building and fire codes finding that renovation and construction in compliance with building and fire code mitigates public safety impacts and promotes the health, safety and welfare of the community.
- b. Procurement and recording with the Carbon County Recorder any easements necessary to accommodate improvements to on-site grease traps and sampling manholes required to be placed within the public right of way finding that properly documented and recorded easements mitigate the potential for future misunderstandings surrounding placement of improvements.
- c. Completion of a PRWID waste water survey and compliance with any recommendations resulting from the survey finding that protection of the public sewer system protects vital and expensive public infrastructure and protects the health, safety and welfare of the community.
- d. Verification of 15 off street parking locations available for use by the Silver Crown Theater consistent with Section 6.4.11 of the Code (3,000 net usable square feet / 200 = 15 spaces) finding that off street parking promotes improved economic activity in the C-1 zoning district and is consistent with the goals in the Price City General Plan.
- e. Completion of a lot line adjustment effectively combining the three parcels involved with the Silver Crown Theater into one land parcel and recording of the new plat at the Carbon County Recorders office within 30 days of the final approval, lots 01-0480; 01-0479 and 01-0478, finding that properly completed and recorded land records reduce misunderstandings surrounding real property.

MOTION. Commissioner Hanna-Smith moved to recommend approval of the CUP for Silver Crown Theatre subject to the conditions set by the commission. Motion seconded by Commissioner Shook and carried. **ACCEPTANCE.** The Commission confirmed the acceptance, Understanding and intent to comply with the approval conditions by Tony Siaperas.

**XII CONDITIONAL USE PERMIT-STORAGE FACILITY-CONCEPT, PRELIMINARY AND FINAL-300 S. AND CARBON AVE.-(PERSONAL STORAGE)
TONY BASSO, OWNER**

Mike Martak requested a Conditional Use Permit (CUP) for the development of a personal storage building to be located on the northwest corner of 300 South Street and Carbon Avenue within the Commercial 1 (C-1) zoning district. Commissioner A. Richens suggested that Mr. Martak consider small gravel for the ground cover instead of larger rocks that children may be able to scatter around and throw. The Commission suggested a chainlink fence with slats for privacy and enclosure to the surrounding neighbors. Nick Tatton stated that the area is a commercial district and a 6' fence is acceptable if that is what the commission requires. Mr. Martak stated that he wants to be considerate of the surrounding neighbors so that they can see when pulling out of their driveways and he would like to continue with the six (6') fence on the east side. He stated that the neighbor on the west side of the property needs to see when pulling away from his property so a shorter non sight obscuring fence may be needed. Staff recommended concept approval only of the project with the following conditions read aloud by Chairman Bruno:

- a. Completion of a final site plan indicating all required elements including building location, fencing, dumpster location, parking, landscaping, public infrastructure development, ingress and egress, utility connections and handling of the drainage/irrigation ditch on or adjacent to the property finding that properly prepared, reviewed and approved site plans for development mitigate the possibility for misunderstandings surrounding the development and is consistent with the goals in the Price City General Plan.
- b. Procurement of a valid Price City building permit and submission of appropriate building plans to the building department finding that properly reviewed and approved

- building plans protect the health, safety and welfare of the community.
- c. Completion of a Development Agreement if required for the public infrastructure with the Price City Public Works Department and submission of the required financial surety guarantee finding that properly constructed and guaranteed public infrastructure protect the public investment in perpetual maintenance of infrastructure and also protects the health, safety and welfare of the community.
 - d. Completion of any required storm water management plan and geotechnical evaluation required by the Price City Engineer finding that properly planned and engineered development promotes long term quality development and improved commercial zones within Price City and is consistent with the goals in the Price City General Plan.
 - e. Confirmation of utility connectivity and capacity to serve from all utility providers finding that properly served developments by all utilities promotes the health, safety and welfare of the community.
 - f. Completion of a PRWID sewer system survey and compliance with any recommendations resulting from the survey finding that properly protected sewer system developments protect expensive public infrastructure and protect the health, safety and welfare of the community.
 - g. Notification of the Price City Fire Chief regarding the development and compliance with any fire code recommendations resulting from the notification finding that code compliant fire protection protects the health, safety and welfare of the community.
 - h. Completion of an environmental review and submission of a review statement, consistent with Section 3.3.2.2 of the Code finding that mitigation of any environment circumstances at the development site reduce impact of the development within the community.
 - i. Notification of all property owners within 300' of the development site by certified return receipt mail that the development is taking place, what type of development is taking place, timetables for development and dates/times of public meetings where the development will be considered and placement of a project pending sign on the development site finding that providing an opportunity for additional project input mitigates potential future misunderstandings surrounding the development.

Nick Tatton stated that Mr. Martak has met with Gary Sonntag and understands the public infrastructure requirements. Staff recommends concept and possibly preliminary approval only at this time. The Commission stated that the chain link fencing should be non-obscuring six foot where feasible to not obscure the view of traffic and neighbors. Mr. Martak stated that Gary Sonntag did not request a sidewalk as the adjoining street is not large enough to accommodate sidewalks. The Commission requested that Mr. Martak plan the building drainage system accordingly with rain gutter and siding so not to interfere with surrounding property. **MOTION.** Commissioner Shook moved to recommend concept approval only of the CUP for Tony Basso as presented by his agent, Mr. Martak, subject to the conditions set by the commission with preliminary and final approval to be given administratively. Motion seconded by Commissioner R. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Mike Martak.

XIII CONDITIONAL USE PERMIT- DEVELOPMENT-FINAL

11 W. MAIN-NEWHOUSE APARTMENTS-SCOTT CRITCHETT, REPRESENTATIVE

Scott Critchett representative and agent for Ben Logue, requested final approval for the Newhouse Apartments. He stated that he had been working on the conditions set at concept approval, reviewed at preliminary approval and had completed the requirements for final approval:

- All conditions identified and documented through concept and preliminary approval apply.
- Trash containers will be stored inside of the building in a sanitary trash room with a drain in the floor. City Sanitation will be contacted for multiple pick ups during the week. The garbage containers will be adequate with the amount of rooms. Container service schedule to accommodate building need.
- Parking enforcements will be strictly followed and a 30 minute loading and unloading zone will be added on the Main Street frontage.
- Onsite management will not be feasible for this building. Both a manager and maintenance person will be available within a 5 mile radius for contact at all times. A pager system will also be used when management and maintenance are not on site.
- The sidewalk will be replaced around the front and sides of the building.
- Irrigation and storm drainage will go out into Carbon Ave. via internal collection and drainage systems.

- Power Service-An 800 amp switch will service the building.
- PRWID survey has been completed. A grease trap will be installed in the basement of the building to accommodate future commercial space use.
- Off site parking is located by the substation. Parking places onsite will be repainted so that it will be easy to identify spaces
- Carbon Avenue will have one lane closed during the building reconstruction for traffic. A concrete jersey crash barrier with reflective light material will be used to protect pedestrians during construction. The road will be closed 60-90 days
- A canopy walkway will be built for entrance into the building as needed.
- Fire tap is in for a sprinkler system. Two taps for water ¾ and 1 inch for culinary. 4” sewer appears in good shape will check connection. If its bad he will replace with 6”.
- Rules of the building: No smoking/loitering, each person will have to pass a background check, a credit check, apply for low income status, sign a minimum12-month lease and follow all rules of the facility.
- Signage will be the same on the side and back of the building just changing from Newhouse Hotel to Newhouse Apartments. Any signage changes will be presented to Price City for approval. The main floor may be leased to a small retail or sandwich shop and will have independent approval for a sign and conditions of use.
- City officials have been contacted for power and water and a development agreement terms have been completed.

Staff recommends final approval. **MOTION.** Commissioner Hanna-Smith moved to recommend final approval with the conditions from concept approval carried forward including all of the conditions included at this meeting. Motion seconded by Commissioner A. Richens and carried. **ACCEPTANCE.** The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Scott Critchett, representative/agent for Ben Logue.

XIV PLANNING AND ZONING PERMIT FEE SCHEDULE- REVIEW AND CONSIDERATION

MOTION. Commissioner R. Richens moved to adopt the fee schedule. Motion seconded by Commissioner Hanna-Smith and carried.

XV UNFINISHED BUSINESS

1. Pinnacle Canyon Academy:
 - a. Completion of off street parking requirements by 7-1-09
2. Melody Estates- CUP Compliance 4-15-09

Meeting adjourned at 7:15 p.m. pursuant to a motion by Commissioner Hanna-Smith.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon