

**PRICE CITY PLANNING AND ZONING MEETING  
MINUTES OF MARCH 12, 2012**

**PRESENT:** Commissioners:

Larry Bruno	Nick Tatton
Frankie Sacco	Laurie Tryon, City Recorder
Wayne Clausing	
Erroll Holt	
Robert Oliver	
Alfred Richens	
Judy Beacco	

**EXCUSED:** Commissioner McEvoy

**OTHERS PRESENT:** Russell Seeley, Kelly Nielson, Scott Critchett and Joanna Hagen

1. MINUTES of February 21, 2012  
**MOTION.** Commissioner Holt moved to approve the minutes of February 21, 2012 as presented. Motion seconded by Commissioner Beacco and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS: No public comment was received.
3. CREEKVIEW PLAYGROUND-Consideration and possible approval of a Conditional Use Permit for locating and developing a playground and trail head at 650 West 200 South within the C-1 zoning district and subject to R2-7 review criteria.

Nick Tatton provided the following information to the Commission: Price City has submitted a Conditional Use Permit (CUP) regarding placement of a neighborhood playground and trail access. The playground and trail access are proposed to be situated on property donated by the Creekview Shopping Center to Price City, located immediately behind (south) K-Mart and along 200 West Street, identified as 650 West 200 South. The exact location of the proposed playground is located within the Commercial 1 (C-1) zoning district as it relates to actual land use permitting, however, the consideration and mitigation of land use impacts needs to be based on the residential area adjoining the playground site, Residential 2-7 (R2-7). Based on the foregoing information, the proposed land use is listed as a conditional use in Section 11.3.10.6.4 of the Price City Land Use Management and Development Code (Code), the general evaluation criteria are listed in Section 10.1 of the Code and the specific evaluation criteria are listed in Section 10.1.m of the Code. In preparation for the proposed playground project Price City has approved receipt of the land donation from the shopping center for the project and conducted a public hearing on the matter. Letters were sent to all property owners within 300' of the project site describing the proposed project and inviting comments and attendance at the public hearing. A neighborhood spokesman, Todd Olsen, attended the public hearing. Mr. Olsen indicated concerns regarding parking in the neighborhood and the possible need for some fencing around the playground itself. A discussion regarding the project was held by the City Council. Mr. Olsen provided contact information and agreed to be involved in the final site plan development. City Engineer, Russell Seeley stated that parking will not be an issue as K-mart is allowing park visitors to use their parking lot and most children visiting the park will be walking from the surrounding neighborhood. Commissioner Clausing requested that he be appointed to serve as the Planning and Zoning spokesperson on the committee to review the project. Nick Tatton stated that the next committee meeting will be held on March 28<sup>th</sup> at 2 p.m. in City Hall.

Nick Tatton recommended the Commission provide final project approval based on an evaluation of the project against the approval criteria and with the suggested conditions of subject read aloud by Chairman Bruno:

- a. Final site plan and project installation to be developed in partnership with a neighborhood representative and a Price City Planning Commission Representative input finding that long term quality public recreation assets are inherently better suited to the location utilizing the input of all stakeholders;
- b. Installation of the project under the supervision of the Price City Engineer, Price City Park's Department Supervisor, and Price City Building Inspector, including all necessary permits and inspections, finding that properly permitted and inspected equipment protects the health, safety and welfare of the community;
- c. Long-term maintenance and operation of the playground and trail head facility in such a manner that no violations of the Price City Property Maintenance Code become present finding that properly maintained property and structure's protect area 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 Clousing moved to approve the Creekview Playground and trail head. Motion seconded by Commissioner Oliver and carried.

4. EASTGATE APARTMENTS PLANNED UNIT DEVELOPMENT-Consideration and possible final approval of the Eastgate Apartment PUD located at 1170 East Main Street within the Commercial 1 zoning district.

Kelly Nielson and Scott Critchett presented the request for final approval for the LaPorte Group, Ben Logue, for development and land use of a multi-family (apartment) complex to be located at approximately 1170 East Main Street within the Commercial 1 (C-1) zoning district. Nick Tatton provided the Commission with the following: the land use may be authorized as a conditional use based on Section 11.3.2.1.3.1 of the Price City Land Use Management and Development Code (Code). Permitting of the development as a Planned Unit Development (PUD) is a conditional use based on Section 11.3.11.2 of Code. General evaluation criteria for the zoning district is in Section 11.1.1 of the Code and specific evaluation criteria and land use checklist information is listed in Section 11.1.m of the Code. Nick Tatton stated that there are a few outstanding issues separate from the subdivision including a flood plain concern which consists of a culvert where the bridge will be built and a retention pond within the floodplain. He stated that another issue is the utility connection for water and the connection to the 10" line in Main Street. He stated that connections to Price City 10 inch lines and 8 inch lines within the development will be used for the subdivision where several pressures will be connected together with isolation valves and junction boxes for everything to work.

City Engineer, Russell Seeley stated that because of the location of the property and its elevation, there are different pressure zones. He stated that in the event of a fire, the Fire Department may need 1500 gallons per minute of water for this type of structural development. He stated that because the northern Main connection wouldn't handle the water requirement, the development would also connect to the 700 East pressure line as it has enough flow but not enough pressure. A check valve would need to be used which prevents back flow. In case of a fire, the check valve would open up and provide enough water pressure.

Nick Tatton stated that agreements will need to be designed to determine who owns the utilities and who maintains them. Price City and the developer will need to specify what is public and what is private and how items such as fire hydrants and check valves would be tested and maintained. He stated that all utility connections and locations will need to be recorded with the property in case the development is sold. He stated that the agreements will be detailed and the developer will meet all City minimum standards with all utility connections and costs responsibilities will be determined in the agreements. Mr. Seeley stated that the group must receive a letter from FEMA regarding the flood information for the culvert and flood zone to show where the 100 year flood plain goes and then the letter will be added to the official record before work near the wash can be started.

Chairman Bruno read aloud the following proposed conditions for final approval:

- a. Completion of development in compliance with all site plans, planning documents, engineering documents (site plans, area plans, geotechnical study, storm water management plans, etc.), representations to the Price City Planning Commission and representations to Price City staff and all requirements and recommendations from Price City staff and officials regarding development finding that development consistent with approved plans and documents mitigates misunderstandings and promotes long-term high quality development within Price City consistent with the goals in the Price City General Plan;
- b. Utility connections, locations and re-locations located as indicated and approved and to all capacities indicated and required by the respective utility providers and owners finding that properly located, relocated and sized utility services protect the health, safety and welfare of the community;
- c. Completion of public infrastructure development agreement with the Price City Public Works Department and submission of the required financial surety prior to commencement of development finding that properly agreed and secured public infrastructure development protect the overall financial interest of the community;
- d. It is clearly understood by the applicant and by Price City that the infrastructure within the PUD is private, including roads, storm water drains, water utility, sewer utility, lighting, electrical and that the infrastructure shall remain private and that the owner of the PUD shall not at any time approach Price City and request that Price City acquire any of the infrastructure as public and Price City shall not approve any such request finding that that infrastructure does not meet minimum Price City development standards in full;
- e. Coordination of shared utility connections and upgrades, as available and agreed to by Eastgate, with adjoining property owner to PUD on east side, identified as lot #3 on the subdivision plat, and property owners along 200 South Street finding that updated and available utility connections promote long term community goals within the Price City General Plan;
- f. No conditions to become present at the property within the PUD or any of the structures within the PUD that place the property or structures in violation of the Price City Property Maintenance Code in effect now or in the future finding that properly maintained property and structures protect property values within the community and protect the health, safety and welfare of the community;

**MOTION.** Commissioner Holt moved to table consideration and possible final approval of the item to the March 26, 2012 Planning and Zoning meeting in order to finalize the water access and capacity, to process FEMA floodplain matters and to complete the language on infrastructure maintenance agreements. Motion seconded by Commissioner Richens and carried.

5. **BEDTIME STORIES 24-HOUR DAYCARE-**Consideration and possible approval of a HOB CUP for Bedtime Stories Daycare, Joanna Hagen, at 291 South 700 West, within the R2-7 zoning district.

Joanna Hagen presented an application for a Conditional Use Permit (CUP) for (re)location of her 24-hour day care facility to 291 South 700 West within the Residential 2-7 (R2-7) zoning district. Nick Tatton provided the following information to the Commission: general evaluation criteria for the land use is listed in Section 10.1 of the Price City Land Use Management and Development Code (Code); the specific evaluation criteria and land use checklist are in Section 10.1.m of the Code. The Home Occupied Business (HOB) is allowable as a conditional use based on Section 10.3.4 of the Code and the HOB definition and restrictions are listed in Section 1.13.97 of the Code. The applicant has completed 19 neighborhood notices/signatures of those properties within 250' of the proposed HOB. All were positive.

Mrs. Hagen stated that she is not required to have a fence in the front of the property by the State of Utah for a daycare but she does have a chain link fence around both sides of the corner lot. She stated that the

home has been completely remodeled and renovated and she has scheduled the Price City Building and Fire Department inspectors to do a final inspection. She stated that the rose bushes and trees will be cut down at the property so there won't be any safety issues for children. She stated that eventually she will live on the premises. Mrs. Hagen asked if she is responsible for the concrete sidewalk in front of the property because it needs repair. Nick Tatton stated that it is the property owners responsibility to maintain the sidewalk and she could hire a contractor to fix it; it must be constructed to Price City minimum standards.

Chairman Bruno read aloud the following conditions of approval:

- a. Children in outside fenced yard area only with secure gates finding that protection of children from unauthorized entry into the yard area and protection by fencing to keep children from leaving location or entering street is a primary safety measure and further mitigates potential negative impacts on neighboring land uses;
- b. No on street parking by parents, staff or owners, all parking to be accommodated in off-site approved parking locations finding that on street parking is prohibited within the Code and maintaining open street parking promotes safe neighborhood traffic circulation;
- c. Maintain a valid Price City Business License at all times and all improvements or renovations to the property must be completed under a valid Price City building permit and supervision of the Price City Building Inspector finding that proper licensing and permitting and inspection protects the health, safety and welfare of the community;
- d. Inspection of the subject premises by the Price City Fire Chief and Price City Building inspector and compliance with all recommendations and requirements for building and fire safety stemming from the inspections finding that building and fire safety and primary community safety concerns, protect the health, safety and welfare of the community;
- e. Submission of copies of all applicable State licensing, in good standing, finding that properly reviewed and licensed daycare businesses protect the interest, health, safety and welfare of the children at the facility;
- f. All signage to be in compliance with the Code and installed as indicated in the Conditional Use Permit application finding that limited HOB signage in a residential area mitigates impacts to the residential character of the neighborhood;
- g. No violations of the Price City Property Maintenance Code, in effect now or in the future, at the property or structure finding that properly maintained property and structures protect the interest of the neighborhood and 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 Oliver moved to approve the relocation of Bedtime Stories 24 Hour Daycare based on stated conditions. Motion seconded by Commissioner Sacco and carried.

6. UNFINISHED BUSINESS- No report
7. CUSTOMER SERVICE REPORT- No report

Meeting adjourned at 7:00 p.m. pursuant to a motion by Commissioner Holt.

APPROVED: \_\_\_\_\_  
Chairman, Larry Bruno

ATTEST: \_\_\_\_\_  
City Recorder, Laurie Tryon