

**PRICE CITY PLANNING AND ZONING COURTESY REVIEW AND DISCUSSION
MINUTES OF APRIL 6, 2015**

PRESENT: Commissioners:

Robert Oliver
Dale Evans
Jan Young

Nick Tatton, Community Director
Sherrie Gordon, City Recorder

EXCUSED: Commissioner Bentley, Commissioner Beacco, Commissioner Root, and Commissioner Sacco

OTHERS PRESENT: Wayne Clausing, Kerry Jensen, David Whittemore, Michael Bryant and Craig Daniels

In the absence of a quorum present, Chairman Oliver suggested moving forward with a courtesy review of the action items for the benefit of the individuals and applicants present and listed on the agenda. No motions will take place at this time. All action items will be placed on the next Planning and Zoning meeting scheduled for April 20, 2015 for final approval and ratification.

1. Commissioner Oliver convened the courtesy discussion at 6:00 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff in attendance.
3. MINUTES OF March 23, 2015 – The Commissioners present did not have any comments regarding the minutes presented and directed staff to forward the minutes to the April 20, 2015 meeting for potential final approval.
4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received.
5. GENERAL BUSINESS –
 - a. GENERAL PLAN REVIEW. The Commission held a short discussion regarding Chapter 5 of the Price City General Plan, Transportation.
 - b. REAL PROPERTY PURCHASE REQUEST. Continued review and discussion regarding proposal by Kerry Jensen to consider surplus and sale of real property located at approximately 850 North 100 East.

Chairman Oliver invited Mr. Kerry Jensen to the podium to present and explain the property purchase request on behalf of the several property owners requesting the possible real property sale. Mr. Jensen commented that he holds a responsibility to the city and his three neighbors to get this matter resolved and finalized. He reviewed the Ware Surveying, L.L.C. map with the Commissioners present and discussed the reason for the forty foot (40') request.

Chairman Oliver said he visited the property to identify the portion Mr. Jensen wants Price City to consider declaring surplus and selling. He discussed the “straight line” and “property to the west” identified by the Planning Commission at the March 23, 2015 Planning and Zoning meeting. Mr. Tatton provided the Commissioners Present with written comments from Commissioner Sacco, who was not able to be in attendance. Commissioner Sacco indicated a concern with the forty foot (40') request and also indicated a need to include all properties along the property boundary line to the west.

Mr. Tatton stated that Mr. Jensen met with Public Works and they are now supportive of the request contingent upon language in all sale or transfer documents that limits or removes all Price City liability regarding the elevation, grade and slope between the existing residential properties and the property they want to acquire.

It was confirmed with Mr. Jensen that all expenses incurred will be paid by the property owners, including surveying, legal and appraisal. Mr. Jensen will contact all property owners involved and bring them up-to-date on the project. He also agreed to contact the property owners to the west of those making the original request to determine if any or all are interested in the same property acquisition for their respective properties.

The Commission requested that Mr. Jensen update the Commissioners at the April 20, 2015 meeting on his results with contacting the other property owners to the west and any other information that may surface. Chairman Oliver directed staff to work with Mr. Jensen and gather additional information.

It was confirmed between Mr. Jensen, the Commissioners present and the Price City staff that in the event the proposal is accepted by Price City the additional process for completion of the requested transaction, roughly, is:

1. The City Council, upon the recommendation of the Planning Commission, will identify the subject property as surplus to the needs of the City and authorize the procurement of bids on the property.
2. Applicant(s) to complete a survey and identify each parcel of land to be potentially sold with a legal description. From the survey and legal description the applicant(s) will need to have Quit Claim deeds prepared that can then be proposed to Price City. Lot line adjustment documents may also be necessary to create a clear record and transaction history.
3. The Planning and Zoning Commission will hold a public hearing regarding the actual potential surplus and sale of the real property and make a further recommendation to the City Council.
4. The City Council will hold a public hearing on the actual surplus and sale of the property, and then potentially accept any bids received and complete the sale.
5. The applicant(s) will be required to record the approved Quit Claim deeds and lot-line adjustment documents with the Carbon County Recorder timely.

6. **CONDITIONAL USE PERMIT –**

a. **SKIN ART, TATTOO, PIERCING LAND USE.** Courtesy review of a skin art, tattooing and piercing land use located at 585 East Main Street within the Commercial 1 (C-1) zoning district called Halo's and Horns, David Lee Whittemoore.

Chairman Oliver invited Mr. David Whittemoore to the podium. Mr. Whittemore discussed his business with the Commissioners present. He would like to open May 1, 2015.

A Conditional Use Permit (CUP) application was submitted by David Whittemoore for a Tattoo business land use within the Commercial 1 (C-1) zoning district located at 585 East Main Street. Nick Tatton provided the following information to the Commission: The general evaluation criteria for the land uses are listed in Section 11.1 of the Price City Land Use Management and Development Code (Code), the specific evaluation criteria/land use checklist is listed in Section 11.1.m of the Code. The land use is conditional based on Section 11.3.5.40, skin art, tattooing, piercing and body alteration. Additionally, the Code requires that the location be a minimum of one-half (1/2) mile from any other facility and that no sales of items that may be considered drug paraphernalia or items that subject the business to the Sexually Oriented Business (SOB) ordinance be authorized.

The planning commission discussed the discussed the business occupancy with the applicant. Chairman Oliver read aloud the following conditions of potential approval. Chairman Oliver informed the applicant that the conditions and approval cannot be voted on and approved until a quorum of the Commission is present at the next meeting:

- a. Completion of building safety inspections by the Price City Building Inspector and Price City Fire Chief, prior to business occupancy, and compliance with all safety recommendations stemming from the review finding that properly inspected and updated commercial buildings protect the health, safety and welfare of the community.
 - i. Any building renovations to be completed under the auspices of a Price City Building Permit.
- b. Completion of a written agreement between Halo's and Horns, David Lee Whitmore, and Price City regarding the restriction of sales of items that may be considered illicit drug paraphernalia or that would subject the business to the provisions of the SOB ordinance finding that a clear and written record of approved land use matters mitigates the potential for future misunderstandings.
- c. No activity or operations that may be considered in violation of any state statute or local municipal rule, regulation or ordinance finding that legally operating businesses provide economic value to the community and increase commercial activity
- d. No on street parking finding that the ingress and egress from the parking lot is adjacent to an intersection and a blind vertical curve in Main Street. All parking to be maintained in the off street parking lot.
- e. No signage, other than window signage depicted in application authorized finding that no sign plan has been submitted for review. Any additional business signage must be submitted for review and consideration and possible approval prior to installation.
- f. Maintenance of all State of Utah and Southeastern Utah District Health Department permits, licenses and other requirements in good standing finding that properly licensed and permitted businesses protect the health, safety and welfare of the community.
- g. No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties protect area property values and is consistent with the Price City General Plan.

The Planning Commission acknowledged that the applicant is aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

7. UNFINISHED BUSINESS – No unfinished business discussed.

Chairman Oliver closed the discussion at 6:35 p.m.

APPROVED: _____
Chairman, Robert Oliver

ATTEST: _____
City Recorder, Sherrie Gordon