

**PRICE CITY PLANNING AND ZONING MEETING  
MINUTES OF APRIL 7, 2014**

**PRESENT:** Commissioners:

Larry Bruno

Dale Evans

Judy Beacco

Nancy Bentley

Erroll Holt

Nick Tatton, Community Director

Laurie Tryon, City Recorder

**EXCUSED:** Todd Olsen, Frankie Sacco and Robert Oliver

**OTHERS PRESENT:** Fred Neumann, Wayne Clausing, Ben Logue, Paul Bedont, Joe Piccolo, Scott Critchett, Blake Rasmussen, Jason Frandsen, Scott Butler, Russell and Kendra Seeley, Rusty Seeley, Lilly Seeley, Joel Seeley and Andrew Seeley

1. MINUTES OF March 24, 2014.

**MOTION.** Commissioner Bentley moved to approve the minutes of March 24, 2014 as presented. Motion seconded by Commissioner Evans and carried.

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

3. OCCUPANCY REQUEST-Consideration and possible approval of a recommendation of occupancy for building A within the Eastgate Apartments located at 1150 East Main Street within the Commercial 1 zoning district, Ben Logue.

Price City has been approached by the LaPorte Group with a request for advance conditional approval of occupancy ***for Building A only*** at the Eastgate Apartment Complex. The construction project is significantly behind schedule and the occupancy request, ***for Building A only***, would potentially allow conditional residential occupancy of that structure only, since it will be completed in full, while the remainder of the project continues under active construction. The LaPorte Group has been advised that an approval recommendation from the Price City Planning Commission and City Council are required due to the sensitive nature and direct resident safety requirements of any potential occupancy request approval and the nature of the request differing from usual and customary determinations of occupancy at the completion of a full project. Any further advance occupancy requests for any other structures at the project prior to completion and overall occupancy approval must be independently requested and considered similar to this request and potential approval.

The letter of request for this action provided by LaPorte, signed by Mr. Ben Logue, is centered on issues surrounding the 100 year flood zone in and along Meads Wash, however there are numerous other critical considerations involved in any possible recommendation for occupancy on building A.

Ben Logue, LaPorte Group, presented this request. He stated that the project is significantly behind schedule with construction and in order to proceed with the completion of the overall project, he must obtain occupancy for Building A, then the bank will release the rest of the project funding. He stated that he has reviewed this occupancy request and public safety issues involved with moving families into a building where construction is still taking place with his insurance company. He stated that he will have the insurance company send a letter to the City to show their acknowledgment and understanding of liability if the occupancy is approved. The Commissioners stated that their main concern is public safety. Mr. Logue provided a site plan showing how the safety concerns will be addressed with signs, turnaround, and fencing during construction.

The Planning Commission discussed the request for residential occupancy ***of Building A only*** with no

other building or structures authorized for occupancy of any type. The following conditions were read aloud and discussed with Mr. Logue by Chairman Bruno:

- a. Construction and all site development consistent with site plan developed and submitted by LaPorte, attached, as it relates to possible residential occupancy of building A only understanding that any occupancy approval for building A may be amended by Price City to accommodate any occupancy requests for additional structures at Eastgate Apartments and for final overall occupancy approval.
- b. Removal and relocation of the temporary construction power line from the west Main Street ingress/egress into the project site. Temporary construction power to be located away from any locations where residential occupants may access building A. Relocation of temporary construction power to be coordinated with, and under the direction of the Price City Electrical Department. Comment: Scott Critchett stated that the overhead power wires would be placed underground between buildings F and E and a temporary pole between buildings C and D. He stated that this would be done by the end of April so all emergency vehicles will be able to get to the building A.
- c. No construction/delivery access of any type at the west Main Street ingress/egress. Residential access only. All construction access from east Main Street ingress/egress or from 200 South. All clubhouse construction access to be from ramp area indicated on building A occupancy site plan submitted by LaPorte and on opposite side of residential hard barrier safety fence as indicated in “d” below.
- d. Hard barrier fencing, minimum of 6 feet in height, separating all residential living and parking, garbage, school bus, etc. areas from construction areas. Fencing to have signage installed at reasonable intervals along fence indicating dangerous construction areas and restricting residential occupant access. Signage consistent with that indicated on building A occupancy site plan submitted by LaPorte. Comment: Ben Logue stated that safety signs have been ordered and will be placed in the next two weeks and a 6’ chain link fenced in area will separate the construction area. The signs ordered will say, no access, hard hat area, keep out, no access and right turn only onto main street.
- e. All utility services connected and functional and authorized by the respective utility providers for building A. Including electrical power, natural gas, water, sewer, telephone, television, internet, storm water.
- f. Written confirmation from the Price City Water Department and Price City Sewer Department that the looped water system, all necessary and required valves and sewer system is installed and operational.
- g. Written confirmation from Price River Water Improvement District (PRWID) that all waste water and sewer system impact fees and related matters are complete with PRWID as they relate to building A. Comment: Ben Logue stated that he has a meeting scheduled with PRWID for this Thursday to sign the payment agreement papers and pay impact fees that are due. Richard Tatton, representing PRWID, stated that payments will be accepted as units are completed and a new agreement that has been created will need to be signed. Scott Critchett stated that Sam White, Price City Water Department, will provide a letter to PRWID as units are complete. He stated that the water quality has been inspected by the Health Department.
- h. All off-street parking areas for building A fully developed and installed including parking area paint striping, installation of parking canopies and debris removal/sweeping of building A parking areas to mitigate potential for flat tires. Minimum parking stalls for building A to be 27 spaces, including all ADA spaces as required by Code. Comment-Ben Logue stated that this will be done by the end of April 2014 and proposals are being received for fire lanes and paint striping.
- i. Full and final Price City Building Department approval for occupancy of building A indicating that the building meets with all construction code requirements and is safe for

residential occupancy. Written confirmation from the building department required.

Comment: Ben Logue stated that he has reviewed all building code requirements and has agreed to the conditions.

- j. Full and final Price City Fire Department approval for occupancy of building A indicating that the building meets with all fire safety requirements including fire department apparatus access from Main Street and from 700 E-200 S, and tested/approved fire hydrants. All final hard-surfacing of all ingress/egress points to project to be fully completed on or before 6-15-14 to ensure large equipment and fire apparatus access. Written confirmation from the fire department required. Specific fire safety requirements from the Price City Fire Chief:
  - i. Building A shall meet all International Fire Code requirements for a multi-story "R" residential occupancy.
  - ii. All fire systems to be tested and witnessed by the Fire Code Official or designee. Fire safety systems maintained in accordance with Code.
  - iii. Fire hydrants and supply pipes to be flushed and tested and witnessed by the Fire Code Official or designee. Hydrant operation to not be impeded by location or install height.
  - iv. Private fire hydrants to be tested, maintained and inspected annually by qualified inspector/tester and report provided to the Fire Code Official or designee.
  - v. All fire access roads to be a minimum of 26' wide and accommodate support for 75,000 pound fire apparatus access. Full hard surface improvements installed by 6-15-14.
  - vi. Access entrance gates compliant with Code and Fire Code Official approval.
  - vii. No overhead power line or other obstructions that may impede fire apparatus access to site.
- k. Fire lane along Meads Wash to be painted, signed and restricted to parking per all instruction and direction provided by the Price City Fire Chief. Signage consistent with that indicated on building A occupancy site plan submitted by LaPorte. Comment: Ben Logue stated he had no concerns in regards to the fire lane conditions.
- l. Installation of an permanent or temporary garbage dumpster enclosure with gates to service building A consistent with the original approved site plan and not to impact required off-street parking for building A. Temporary optional use of residential cans for building A in a minimum quantity of 12 cans (1 per residential unit) with weekly can service. Residential can option not to impact required off street parking, fire lane or other site plan approvals. Temporary residential cans option not to exceed 90 days from date of this approval. Temporary residential can location as indicated on building A occupancy site plan submitted by LaPorte and can location to be on solid, level surface to prevent spilling and tipping of cans. No refuse, garbage, rubbish or debris to enter Meads Wash. Comment: Ben Logue stated that the garbage collection location is on the building A occupancy site plan and the actual building plans and the second south exit will be done within the next two months and the access between building A and B should be available.
- m. School bus stop identified and signage installed at turn-around area adjacent to west Main Street ingress/egress and written confirmation from the Carbon County School District that the student bussing pick-up and drop-off area meets all requirements including student safety requirements. All school bus pick-up and drop-off areas to have signs placed by LaPorte and paint striping in compliance with letter from Carbon County School District and any direction for child safety provided by the School District or Price City Police Chief. Comment: Chairman Bruno stated that Price City had received a letter from the Carbon School District that they would stop on Main Street in front of the project but would not go onto a private road. Nick Tatton stated he has a called the School District to inquire if a rule or other arrangement can be done to accommodate the bus and

school age children. Nick Tatton recommended that LaPorte contact the School District directly regarding this matter.

- n. All building A area exterior security lighting, parking area lighting to be fully functional an operational.
- o. Right turn only paint striping and signage placed at the west Main Street egress point to mitigate traffic or pedestrian accidents. Signage consistent with that indicated on building A occupancy site plan submitted by LaPorte.
- p. All private roadways within the development that may be accessed by residential occupants to be completed to a state of final construction including all paint striping, parking locations, fire lanes, concrete valve and manhole collars, etc.
- q. All building A final landscaping and landscaping irrigation and maintenance installed to a state of final construction inside of the temporary construction fencing. Full and final landscaping installed within hard barrier safety fencing zone and as indicted on building A occupancy site plan submitted by LaPorte.
- r. Written concurrence from the Price City Engineering Department that the process, construction, plan, filings and other matters related to final FEMA approval of the Letter of Map Revision (LOMR) regarding the construction work in Meads Wash is proceeding as approved and recommended. Comment: Ben Logue stated that they are working on this and hope to have it done in the next 60 days. Russell Seeley, City Engineer stated that the concern is that they get the permit filed because it is a lengthy process. He stated that the City is willing to have the LaPorte Group file a bond with the City that guarantees the FEMA paperwork will be finished no later than 6 months after the work affecting the flood plain is complete.
- s. Written confirmation from the Price City Engineering Department that the utility connections to the new water line in 200 South for the adjoining property owners has been completed as previously agreed.
- t. All conditions of original final approval, discussed or not presently, are still in full force and effect and that LaPorte continues to be bound to comply with all conditions of approval and any additional conditions of approval stemming from this or future advance occupancy requests received by Price City from LaPorte.
  - i. Specific requirement: Full time, on site, LaPorte employee property manager active as required in original final approval. Must be on-site and available for all resident or community needs. Contact information for on-site manager to be provided to Price City prior to occupancy of building A. Ben Logue asked for clarification on this requirement and indicated that LaPorte will locate a manager on-site during business hours and have an on-call person for after business hours and weekends. Scott Critchett will stay in town every other weekend and lives around the corner. Nick Tatton stated that the original approval indicated full time onsite property management was a requirement. The approval did not require 24/7. An office was to be in clubhouse but it's not constructed yet. It was agreed that an on-site manager will be present in building A during business hours, then the manager will be located in an office in the clubhouse once it is constructed. A local on-call manager will be available for after-hours and weekends. Mr. Logue agreed that local means inside of Price City and not located in Ferron, Helper, Salt Lake or other area that limits management response time. Nick Tatton's recommendation is that this requirement not be waived and have it local management available at all times.
- u. Submission of additional and/or transfer existing public infrastructure financial surety to Price City in the following minimum amount:
  - i. Meads Wash Matters: Finish road above culvert (200' long, 26' wide).
    - 1. Incl. curb, gutter, sidewalk \$33,000.00

2. Topo survey – finished area	\$3,000.00
3. Final LOMR prep & submittal	\$10,000.00
4. Road, Imprvmts, LOMR Contingency	\$4,000.00
ii. Garbage services, dumpster, cans.	\$2,500.00
iii. Residential area/construction area barrier fence.	\$5,000.00
iv. 200 South Utility connection finalizations.	\$4,000.00
v. Safety Signage, all areas	\$1,000.00
vi. Building A landscaping	\$5,000.00
vii. Contingency, 10%	\$6,750.00
viii. 1 year retainage, 10%	<u>\$6,750.00</u>
<b>ix. TOTAL Financial Surety</b>	<b><u>\$81,000.00</u></b>

Scott Critchett stated that all paving should be done by mid-May of 2014. Ben Logue stated that he knows he will have to return to the Planning and Zoning Commission to request occupancy any other buildings. He stated that his main concern is the safety of the citizens and does not take any of this lightly. He stated that he understands the liability and is taking all applicable steps to ensure safety. Mr. Critchett stated that he is on the site every day and will be there for the needs of the residents moving into Building A. He stated that he can also be on call for after hours. Mr. Logue stated that a local person will be on call for the needs of the occupants and that an addendum will be added to the leases explaining the extra safety awareness that needs to be taken during construction. He stated that the entire project will be done by the end of the year but hopes to have it complete by fall of 2014. The commission also discussed the possible need for a safety fence along the west road within the project along Meads Wash. This issue will be further evaluated and may become an additional requirement for consideration at the time of any additional preliminary occupancy requests.

Ben Logue stated that he acknowledges and understands that this action applies to building A only and that occupancy of any type at other structures in Eastgate Apartments is not hereby considered or approved. **MOTION**. Commissioner Bentley moved to approve the occupancy request for building A only with the conditions read aloud. Motion seconded by Commissioner Beacco. Vote passed 3 to 1 with Commission Holt voting Nay. Chairman Bruno stated that occupancy would be recommended for revocation if the stated conditions are not fully complied with as discussed.

Commissioner Holt- Nay  
 Commissioner Beacco, Commissioner Evans and Commissioner Bentley-Yay.

Mayor Piccolo stated that this project has had many setbacks but he has seen the work of The LaPorte Group and knows that it will be done right and completed as proposed. He stated that he appreciates the faith of the Planning Commission to recommend occupancy for Building A for this project.

4. UNFINISHED BUSINESS:

- 25 mph on Homestead Blvd.- may need to be reviewed.

Meeting adjourned at 6:44 p.m. pursuant to a motion by Commissioner Beacco. Motion seconded by Commissioner Evans and carried.

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

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