

**PRICE CITY PLANNING AND ZONING MEETING  
MINUTES OF APRIL 9, 2012**

**PRESENT:** Commissioners:

Larry Bruno	
Judy Beacco	Nick Tatton
Wayne Clausing	Laurie Tryon, City Recorder
Erroll Holt	
Robert Oliver	
Frankie Sacco	
Grady McEvoy, Alt.	

**EXCUSED:** Commissioner Richens

**OTHERS PRESENT:** Stephanie Larsen and Carlos Navarro

1. **MINUTES** of March 26, 2012

**MOTION.** Commissioner Holt moved to approve the minutes of March 26, 2012 as presented. Motion seconded by Commissioner Oliver and carried.

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

3. **RESTAURANT-**Consideration and possible approval of a restaurant land use at 396 South Carbon Avenue within the C-1 zoning district as applied for by the Smoke & Spice BBQ Company, Carlos Navarro.

Carlos Navarro submitted a Conditional Use Permit (CUP) application for business occupancy of a restaurant at 396 South Carbon Avenue within the Commercial 1 (C-1) zoning district. Nick Tatton proved the Commission with the following information: “General evaluation criteria for the proposed land use are in Section 11.1 of the Price City Land Use Management and Development Code (Code) and the specific evaluation criteria/land use checklist are in Section 11.1.m of the Code. The actual land use proposed includes the restaurant use, a conditional use, listed in Section 11.3.4.14 of the Code as ‘Eating Places – Food Consumed on Premises’; retail sales of food items (spices), a permitted use, listed in Section 11.3.4.4 of the Code; and, temporary entertainment uses (musicians), listed in Section 11.3.4.47 of the Code, as a conditional use, as ‘Temporary Use(s) Associated with other Permitted and Conditional Uses’, and, on site alcohol, a conditional use, listed in Section 11.3.4.11 of the Code.”

Mr. Navarro provided the Commission with a plan of how he intends to use the inside of the building and how the restaurant would facilitate the property at 396 S. Carbon Ave. He stated that the restaurant would provide slow cooking BBQ with food prepared in smokers that would begin at approximately 3 a.m. Mr. Navarro stated that the smoker is mobile and uses applewood chips which smell good and should not be overwhelming or offensive to surrounding neighbors. He stated that no deep fried foods would be prepared and food warmers would be used to keep smoked food warm. He stated that they are complying with the Building Inspector’s requirements and they hope to open by the 16<sup>th</sup>. He stated that the business would be applying for a beer license with the State of Utah and local consent to the Price City Council and they hope to provide live entertainment at some point. Chairman Bruno read aloud the conditions and agreement:

- a. Establishment of the business in accordance with all necessary and required business licenses, permits, building plans, building permits and approved Code compliance recommendations from the Price City Building Inspector and Price City Fire Chief, including kitchen, cooking, food preparation, dining, drinking establishment, entertainment land use elements finding that existing building renovations for restaurant land uses best protect the health, safety and welfare of the community based upon proper renovation and inspection;

- b. Handling of all storm water runoff as directed by the Price City Engineer finding that control of storm water runoff protects property and life safety;
- c. Registration of the business with the State of Utah and the Southeastern Utah District Health Department, as required, finding that properly registered and licensed businesses promote a healthy business climate and protect the interest of the public;
- d. Lighting at site to illuminate the business and parking lot only and be installed and adjusted to mitigate light transference to neighboring residential uses finding that limiting light transference to neighboring residential land uses mitigates potential conflicts;
- e. Fencing at site to remain as installed finding that existing site fencing provides a separation of land uses and mitigates neighboring land uses from negatively impacting one-another;
- f. Placement of rubbish and garbage dumpster in a gated and enclosed location; situated and serviced such that no smells or blowing debris/rubbish from the dumpster emanate to or impact surrounding properties finding that control of smells and debris mitigate possible negative impact on surrounding property owners;
- g. Connection of all utilities in a manner approved by the Price City Building Inspector, including compliance with all Price City and Price River Water Improvement District (PRWID) and Southeastern Utah District Health Department waste water protection requirements, such as installation of grease traps and sampling manholes, if and as required, finding that properly maintained and protected waste water systems protect the health, safety and welfare of the community and mitigate negative impact to the public sewer system;
  - i. No additional food service to be permitted at the location that may have an impact on the waste water collection system finding that upgrades to the sewer system and grease-traps may be necessary;
  - ii. Installation of an “under sink” type grease trap/interceptor, reviewed and inspected by the Price City Sewer Department and the Price River Water Improvement District (PRWID), if and as required, (applicant to provide evidence of inspection by both entities prior to occupancy) to provide protection of the Price City sewer system finding that protection of the public infrastructure mitigates sizable preventable sewer system maintenance problems in the future;
  - iii. Daily maintenance of the grease interceptor located within the building by Smoke & Spice BBQ Company staff, verifiable by a daily maintenance log and inspectable at any time by Price City or the Price River Water Improvement District (PRWID), or installation of a grease trap and sampling manhole, finding that protection of the waste water system is a primary objective of Price City;
- h. Outdoor cooking and food preparation area maintained in a secure manner to avoid accident or injury to customers, neighborhood children and in compliance with all food safety requirements finding that safety is a primary community concern;
- i. No on street parking by employees, owners of the business and all customer parking to be maintained off street and signed and striped to prevent parking confusion and property damage finding that prevention of parking conflicts is a primary concern of Price City in C-1 zoning districts;
- j. Parking in the parking lot limited to twenty-eight (28) spaces thereby limiting occupancy in the building to ninety-nine (99) occupants finding that parking in excess of twenty-eight (28) and building potential occupancy in excess of ninety-nine (99) occupants may negatively impact public health, safety and welfare as it relates to building and fire safety;
- k. Business signage, both temporary and permanent, to be reviewed and approved by the Price City Planning Department prior to installation and installed under inspection by the Price City Building Inspector finding that signage compliant with the Code promotes increased commercial activity;

- l. Site landscaping to be maintained in a manner meeting or exceeding the 5% minimum landscaping requirement required by the Code finding that the location is situated on a primary roadway and entry roadway within the community;
- m. No conditions at the property or structures that place the property or structures in violation of the Price City Property Maintenance Code finding the properly maintained property and structures protect property values and promote improved commercial activity;

**MOTION.** Commissioner Sacco moved to approve the land use Conditional Use Permit for Smoke and Spice BBQ Company, LLC with the approval of a business license including alcoholic beverage service under the Land Use Development and Management Code Sections 11.3.4.14, 11.3.4.11, 11.3.4.4 and 11.3.4.47. Motion seconded by Commissioner Clausing and carried.

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.

4. UNFINISHED BUSINESS-No report

5. CUSTOMER SERVICE REPORT-

Program for customer service is now ready for use. Commissioner Holt will begin using the program and reporting to the Commission

Meeting adjourned at 6:20 p.m. pursuant to a motion by Commissioner Holt.

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

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