

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF MAY 23, 2011**

PRESENT: Commissioners:
Larry Bruno, Chairman Nick Tatton, Community Director
Erroll Holt Laurie Tryon, City Recorder
Judy Beacco
Wayne Clausing
Alfred Richens
Frankie Sacco
Grady McEvoy, Alt.

EXCUSED: Commissioner Davis

OTHERS PRESENT: Kathleen Cox, Bob Bennett, Gary Lyon, Dennis and Dot Cole,
Ted Wells and Jared Haddock

1. MINUTES of April 25, 2011 and May 9, 2011
MOTION. Commissioner Richens moved to approve the minutes of April 25, 2011 and May 9, 2011 as read. Motion seconded by Commissioner Holt and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS
Ted Wells, a resident living in the vicinity of 530 South 1750 East, wanted to know what the project regarding Jared Haddock entailed. Chairman Bruno stated that the item was on the agenda and would be explained in detail later in the meeting.
3. PUBLIC HEARING. Public hearing to receive input regarding possible surplus action regarding real property, ID #01-1783-000X, approximately 75 East 500 North.
MOTION. Commissioner Holt moved to open the public hearing at 6:05 p.m. Motion seconded by Commissioner Clausing and carried. No public comment was received. Nick Tatton stated that the City's water tanks on the parcel are out of service and may be removed from the property to if it is surplus.
MOTION. Commissioner Holt moved to close the public hearing at 6:07 p.m. Motion seconded by Commissioner Beacco and carried.
4. SURPLUS PROPERTY-Consideration and possible approval of a recommendation to the Price City Council to declare real property, parcel #01-1783-000X, located at approximately 75 East 500 North-surplus to the needs of Price City. Nick Tatton stated that about 3 years ago, the City conducted a property review which included this parcel, and at that time it was identified as property to sell or lease for development in the community. **MOTION.** Commissioner Holt moved to recommend declaring parcel #01-1783-000X as surplus property to the City by the City Council. Motion seconded by Commissioner Richens and carried.
5. PUBLIC HEARING. Public Hearing to receive input regarding the draft Property Maintenance Code. **MOTION.** Commissioner Richens moved to open the public hearing at 6:10 p.m. Motion seconded by Commissioner McEvoy and carried. No public comment was received. Nick Tatton stated that this is a non action item because the code additions will need to have public hearings and then be approved at the end of the yea but that extra public input is being requested. **MOTION.** Commissioner Clausing moved to close the public hearing at 6:11 p.m. Motion seconded by Commissioner Holt and carried.
6. PROPERTY MAINTENANCE CODE. Presentation of the draft property maintenance code to the Price City Planning & Zoning Commission by the Property Maintenance Code Development Committee. No comments were received and the Planning Commission will review and provide any comments to City

staff. Nick Tatton stated that no motion was necessary as this item as the code was not ready for approval.

7. **CONDITIONAL USE PERMIT-WAYNE & KATHLEEN COX- MIXED USE DEVELOPMENT.**
Consideration and possible approval of a residential and gas station mixed use development at 150 N Hospital Drive, Commercial 1 Zoning District.

Kathleen Cox requested a Conditional Use Permit (CUP) relating to the property located at 150 North Hospital Drive, within the Commercial 1 (C-1) zoning district. The property is formerly the Log Palace Restaurant. The CUP application requests a residential land use and gas pump land use. The residential land use is conditional in the zone and is authorized in Section 11.3.2.1.3.1 of the Price City Land Use Management and Development Code (Code); the gas pump land use is also conditional and is referenced in Section 11.3.4.21 of the Code. Mrs. Cox stated that her and her husband will live in the building and that there were no plans to put in offices or another business except a 24 hour electric gas pump set up where people could just pump fuel using credit cards. Chairman Bruno stated that she would need a CUP at that time for the gas station because it had been over 365 days since the business had closed. She stated that the building is up for sale but that she did not have a buyer at this time. Commissioner Sacco stated that the landscaping needs to be maintained to the original 5% requirement and all signage including pole and building signs needed to be removed within 60 days if the use they represent is not established. Chairman Bruno stated that the storage trailer also needed to be removed from the site. Staff recommended final approval subject to the referenced conditions of approval. Chairman Bruno read aloud the conditions:

- a. All existing and prior land uses are represented and acknowledged to be vacated and no longer approved land uses at the subject property finding that vacation of existing land uses mitigates conflicts and inconsistencies with currently applied for land uses;
- b. Land use for residential must be fully established within sixty (60) days of this approval or land use will become vacated finding that un-established residential uses in a commercial zone promote inconsistency with goals in the Price City General Plan;
- c. Land use for gas pumps must be fully established within sixty (60) days of this approval or land use will become vacated finding that gas pump equipment and signage for a non-existent active land use is inconsistent with the goals in the Price City General Plan;
 - i. All gas pumps to be in service within sixty (60) days or removed and mitigated from property;
 - ii. All gas pump operation signage to be in service within sixty (60) days or removed and mitigated from property; copy change only for signage changes, if applicable;
 - iii. All gas pump canopy and other related infrastructure to be in service within sixty (60) days or removed and mitigated from property; copy change only for signage changes, if applicable;
- d. All area debris, rubbish, vehicles, trailers to be removed from property immediately finding that the property is on a primary entry-way into the community and heightened aesthetic requirements promote improved community perception and are consistent with the goals in the Price City General Plan;
- e. All windows on building, building façade and other visible areas to be maintained in an occupied conditions consistent with this application and no messages or signage in windows permitted finding that issues of message miscommunication to the public will be mitigated;
- f. No parking at location of trailers, recreational vehicles or other vehicles not considered customary passenger vehicles and no parking in a manner other than typical parking lot orientation finding that controlled parking mitigates the potential for debris accumulation and entry way aesthetics and safety are improved;
- g. Subject property landscaping provided and regularly maintained to minimum Code standard (5%) finding that minimum landscaping standards promote the goals in the Price

City General Plan;

- h. Building renovations completed under the auspices of a valid Price City building permit and under the supervision of the Price City Building Inspector finding that properly constructed and inspected building renovations protect the health, safety and welfare of the community;
- i. No violation of the Price City Property Maintenance Code now or in the future, as may be applicable, finding that violations of the Property Maintenance Code promote conditions that are undesirable in the community and may have negative effects on community well-being, property values and commercial activity;

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. Mrs. Cox stated that she understood and accepted the conditions but she thought she may need an extension of time to get the pumps ready for either removal or use because the company that tests them has not responded to her request. Commissioner McEvoy stated that the process must be well on its way and the City contacted to know that she is working on it as a good faith effort. He suggested leaving the 60 day gas pump land use establishment period as long as she shows that she is willing to work with the City and correspond on progress and return to a meeting in July for an extension if necessary. She stated that the residential remodeling would begin immediately as soon as she received a building permit. **MOTION**. Commissioner McEvoy moved to recommend a final approval to the City Council for this request contingent on conditions set and evidence of the 60 day effort to place the fuel pumps in service or remove the pumps, signs and canopy. Motion seconded by Commissioner Sacco and carried.

8. JARED HADDOCK RESIDENTIAL PLANNED UNIT DEVELOPMENT- Consideration and possible approval of a residential planned unit development located at 530 South 1750 East, Residential 1-8 zoning district.

Jared Haddock requested a Conditional Use Permit (CUP) regarding development of his property located at 530 South 1750 East within the Residential 1-8 (R1-8) zoning district. The Planned Unit Development (PUD) is an available land use, as conditional, within the zone under Section 10.3.3.7 of the Price City Land Use Management and Development Code (Code) and the single family dwelling is a permitted use in the zone under Section 10.3.3.1 of the Code. General evaluation criteria for the land use is in Section 10.1.3 of the Code and the specific evaluation criteria and checklist is in Section 10.1.m of the Code.

Mr. Haddock stated that he didn't have a garage after he built his home so he received some trusses and began building a garage. At one point in the building he changed his mind for financial reasons and began building another home to sell for extra income. He stated that he realized at that point if he sold the house he would have to share the driveway and some property with whomever purchased the home so he had to find someone that he could live that close to and stated that his sister could move there and then the building activity stopped because the Price City Building Inspector red tagged the construction. He stated that the inspector told him that he could not build two homes on one lot because it is not permitted in the City Code. Chairman Bruno stated that a garage would be permitted, but two homes would not be and suggested that Mr. Haddock decide what he wanted to do on the lot and have a professional plat and plans done and return to a meeting with a more defined objective. Chairman Bruno stated that he would either need to build the garage, subdivide the property for two homes or create a Planned Unit Development. Mr. Ted Wells, a neighbor to Mr. Haddock stated that tonight is the first time he has heard about two homes on the property and he just wanted to understand the request and let the Commission know that whatever is approved for Mr. Haddock, he may request the same consideration for his property.

Mr. Dennis Cole who also lives in same neighborhood stated that he would like to see everything meet City Code so that nothing compromises the neighborhood. Chairman Bruno stated that two houses on the

same lot is not allowed and not feasible and recommended that Mr. Haddock study the ode and find the right solution for the property and bring it to the Commission for approval. Nick Tatton stated that he would help Mr. Haddock with whichever project he chose to proceed with. **MOTION**. Commissioner McEvoy moved to table the item until the June 20, 2011 meeting stating that more information and a set of developed plans would be necessary in order to proceed. Motion seconded by Commissioner Holt and carried.

9. UNFINISHED BUSINESS

Nick Tatton requested participation from Commission members to an upcoming land use training in Castle Dale to be held on June 16th from 6:30 to 8:30 p.m.

Meeting adjourned at 7:02 p.m. pursuant to a motion by Commissioner Davis.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon