

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF JUNE 21, 2010**

PRESENT: Commissioners:
Chairman Larry Bruno
Rick Davis
Alfred Richens
Frankie Sacco
Erroll Holt
Grady McEvoy, Alternate

Laurie Tryon, City Recorder
Nick Tatton, Community Director (via telephone)

EXCUSED: Commissioner Beacco and Commissioner Shook

OTHERS PRESENT:

1. MINUTES of May 10, 2010

MOTION. Commissioner Richens moved to approve the minutes of May 10, 2010 as presented. Motion seconded by Commissioner Davis and carried.

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

3. **CONDITIONAL USE PERMIT-**

An application was submitted by Ben Lindley, Lookup Youth Services, for consideration of a Conditional Use Permit (CUP) for a youth group home to be located at 305 East 100 North, within the Commercial 1 (C-1) zoning district. There were no representatives for this request at the meeting. (Note:) The Price City Planning Department has been in contact with Mr. Lindley and his wife Jessica, intermittently since approximately February 8, 2010. Contact has been to assist in the location of a group home relative to the other existing group homes within the area, given the requirement for placement of a group home listed within the Price City Land Use Management and Development Code (Code). Mr. Lindley was notified in person when he was in the Department office on June 4, 2010 that the location at 305 E. 100 N. could not be permitted for a group home based on the criteria in the Code. Mr. Lindley chose to submit the application. A subsequent review of other group home locations within Price City indicates "near capacity" based on the Code requirements, however, a location on the west side of the community or the southwest may be permitted, if applied for.

The actual application is for "a residential facility for adjudicated youth". This indicates a group home. A group home is defined in the Code, Section 1.13.91 and further referenced in Section 1.13.156, as the home may relate to persons with a disability. The youth in the applied for group home were referenced as 'disabled' by Mr. Lindley when he was in the office on June 4, 2010. Group homes are further referenced in Chapter 8 of the Code, youth group homes specifically within Section 8.4 of the Code. Section 8.4.4 indicates that the youth group home may not be located closer than three-quarters mile, or 3,960 feet from any other facility. While this reference is specific to youth homes, Section 9.5 of the Code indicates that the provisions of Chapter 8 are applicable in all zoning districts. This provision indicates that group homes, regardless of type (elderly, disabled, youth) cannot be located within the proximity restriction to one another. The actual land use (group home) is available within the C-1 zoning district by CUP, if proximity condition (and other specific evaluation criteria) indicated in Chapter 8 are met, based on Section 11.3.2.1.5. The general evaluation criteria for the C-1 zoning district are indicated in Section 11.1.1 of the Code. Subject to Section 1.4 of the Code, additional requirements may be recommended or required of the land use, based on a review of the land use and the evaluation criteria, both general and specific. Additional requirements may include: parking requirements; supervision requirements; county/state/federal regulation compliance; site fencing; site landscaping and public notifications and/or hearings. The proposed location 305 East 100 North, is not situated in the required distance from other group home(s) that would permit of the land use of a group home at the location. A

physical measurement of the distances to confirm the situation was conducted on June 7, 2010. The results of that physical measurement indicate that the existing 870 N 300 E location is .9 miles from the requested site, however the 550 E 400 S site is only .6 miles from the requested site. The requested location is not eligible for a variance based on the variance review criteria indicated in Section 2.2 of the Code. Mr. Lindley was advised that formally requesting a change to the requirements within the Code or removal of the existing group home would be the methods for facilitation of permitting for the requested location.

Staff indicated it would recommend it to the City Council to sustain the code requirement for permitting of a group home. Upholding the Code, as applied for, for the group home land use, at the requested location, 305 East 100 North, requires denial of the CUP request as indicated in Section 7.1.7.4 of the Code.

MOTION. Commissioner Davis moved to deny the application for a Conditional Use Permit (CUP) submitted by Ben Lindley, Lookup Youth Services, for a group home to be located at 305 East 100 North within the Commercial 1 (C-1) zoning district based on Section 7.1.7.4 of the Code, “requested conditional use is not permissible under the provisions of this code” and on the following considerations and findings: requested land use is a group home as defined in Section 1.13.91 and Section 1.13.156 of the Code, specific evaluation criteria indicated in Section 8.4 of the Code are not complied with based on the application received and to acknowledge that the applicant is aware of the denial. Finding for the denial of the application indicates that it would be a violation of the Code by commencement of the group home land use at the subject site by the applicant. Motion seconded by Commissioner McEvoy and carried.

4. **CONDITIONAL USE PERMIT-**

Storage Container- Consideration and possible approval of temporary placement of a storage container at 720 E. Main Street was submitted by Debbie Haworth, representing TNT Fireworks , located at 720 East Main Street, within the Commercial 1 (C-1) zoning district. Mrs. Haworth requested that Nick Tatton represent the item as she lives out of town. Nick Tatton stated that the temporary Conditional Use Permit (CUP) for placement of a storage container for storage of fireworks would be only until August 1, 2010.

MOTION. Commissioner Richens moved to forward a favorable recommendation to the City Council for a CUP for a temporary storage container for TNT Fireworks until August 1, 2010. Motion seconded by Commissioner Sacco and carried.

5. **UNFINISHED BUSINESS:**

Commissioner Sacco stated that she would like to see more attention on weed control on several properties within City limits. Nick Tatton stated that he would contact the Ordinance Officer, Byron Allred to check with private owners on weed control.

Meeting adjourned at 6:10 p.m. pursuant to a motion by Commissioner McEvoy.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon