

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF AUGUST 8, 2011**

PRESENT: Commissioners:

Larry Bruno, Chairman
Erroll Holt
Judy Beacco
Alfred Richens
Frankie Sacco
Rick Davis
Grady McEvoy

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

EXCUSED: Commissioner Clausing

OTHERS PRESENT: Jared and Paige Haddock, Tony Basso, Aaron Howard, Loren Unsworth, Michael DeCaro, Dennis and Dot Cole, Marie Fausett and Ted Wells

1. MINUTES of June 20, 2011
MOTION. Commissioner Davis moved to approve the minutes of June 20, 2011 as read. Motion seconded by Commissioner Holt and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS- No public comment was received.
3. PUBLIC HEARING- To receive input on the proposed property maintenance code addition to the Price City Land Use Management and Development Code.
MOTION. Commissioner Davis moved to open the public hearing at 6:02 p.m. Motion seconded by Commissioner Sacco and carried. Chairman Bruno discussed how the code would affect the citizens and property within Price City limits. No public comment was received. **MOTION.** Commissioner Holt moved to close the public hearing at 6:04 p.m. Motion seconded by Commissioner Davis and carried.
4. RESOLUTION 2011-04PZ- Consideration and possible approval of a Resolution approving and recommending the Price City Council adopt the proposed Property Maintenance Code.
Chairman Bruno read aloud Resolution 2011-04PZ. The resolution adopts the code updates by the Planning Commission and recommends that the City Council adopt the Code updates by ordinance. These are considered interim code updates and have come about due to needs arising since the last update and the last Planning Commission retreat. The specific subject matter of this update is to adopt, as Chapter 17 to the Code, the property maintenance code. **MOTION.** Commissioner Holt moved to approve Resolution 2011-04PZ approving the adoption of the Property Maintenance Code. Motion seconded by Commissioner Sacco and carried.
5. PUBLIC HEARING-To receive input on the proposed Haddock Single Family PUD 2-lot subdivision at 1400 East 500 South, within the R1-8 zoning district.
MOTION. Commissioner Richens moved to open the public hearing at 6:06 p.m. Motion seconded by Commissioner Beacco and carried. Dennis Cole stated that he was not familiar with what is being proposed. Chairman Bruno reviewed the proposed single family PUD 2-lot subdivision and Mr. Cole stated that he understood the proposal. No other public comment was received. **MOTION.** Commissioner Davis moved to close the public hearing at 6:08 p.m. Motion seconded by Commissioner Richens and carried.
6. CONDITIONAL USE PERMIT
CASTLE COUNTRY SALT AND WATER-Consideration and possible approval of a Conditional Use Permit for warehousing and distribution at 1412 E Airport Road within the C-1 zoning district.

Loren Unsworth submitted an application for a Conditional Use Permit (CUP) for a water and salt distribution warehouse land use and a dry good warehouse land use at 1412 East Airport Road within the Commercial 1 (C-1) zoning district. Mr. Tatton provided the following information to each Commissioner: the dry goods warehousing land use (for the recycling he does in conjunction with the green team) is a conditional use indicated in Section 11.3.9.2 of the Price City Land Use Management and Development Code (Code); the water and salt warehousing and distribution land use is listed as a conditional in Section 11.3.7.1.2 of the Code. Review of the site plan may require temporary uses of storage containers and parking lot surfacing. Loren Unsworth stated that he has a salt and water delivery business in a warehouse located at 1412 Airport Road and has also contracted with the Green Team to empty recycling trailers located at different locations in Price. He stated that he has a 48' diesel trailer box located next to the warehouse where each trailer is emptied into and then a company from Salt Lake picks the diesel trailer up and trades it with an empty trailer box approximately every two months. He stated that he has many plans for the property including: building a loading dock on the east side of the building, lighting, creating a better look for the outside public bins in front of the warehouse, placing the large trailer towards the back of the building, graveling the parking lot, adding bathrooms and an office to the warehouse. He stated that he is working as quickly and on as much as he can with the building and property. Chairman Bruno stated that the smaller recycling bins located in the front of the warehouse are unsightly and commissioners are concerned that they may become aesthetically unpleasing if paper is blown around. Mr. Unsworth stated that he will work on a plan to make the bins look better and contain the paper so that it does not blow around the property. Chairman Bruno stated that the diesel trailer is not allowed in city limits for storage and Mr. Unsworth would need to also come up with a plan to handle the recycling items. The Commission may be able to approve the storage trailer box as a transient trailer if it is continuously moved as part of a transportation schedule and not used for storage. Chairman Bruno stated that Mr. Unsworth is required to put in 5% landscaping and a hard surface parking lot which Mr. Unsworth agreed to do that as soon as he could. Commissioner McEvoy stated that Mr. Unsworth is working hard to make his business successful and thinks that it deserves at least 6 months to develop and plan so it works within the community. He stated that with more capital and time Mr. Unsworth may be able to accomplish what the Commission has requested done at the location. Chairman Bruno stated that parking is required to be a minimum of 4 spaces plus 1 for each employee at the highest shift level, as indicated in Section 6.2.13 of the Code. Chairman Bruno read aloud the following conditions of approval:

- a. No outdoor storage of recycling materials finding that controlled indoor storage of materials mitigates the spread of debris during wind conditions and improves the aesthetic appearance of the community (needs a plan within 6 months that meet aesthetic needs-shelter to contain debris);
- b. Storage box container to be permitted for a period not to exceed one (1) year as a temporary condition, to be replaced by a permanent storage building, finding that temporary placement of containers cannot exceed 1 year based on Section 11.3.9.11.1.5 of the Code; transient transport use for shipping not permanent-return in 6 months with a plan for future storage;
- c. Parking to accommodate a minimum of five (5) spaces at the site consistent with the requirement in Section 6.2.13 of the Code;
- d. Parking area to be surfaced within two (2) years of approval finding that surfaced parking is required in Section 11.3.2.1.9 of the Code;
- e. No additional services or land use at the location without additional consideration and possible approval by the Planning Commission finding that review and consideration of land uses mitigates negative impacts on the community;
- f. 5% landscaping at the site installed.

Mr. Unsworth stated that he would come up with a plan and bring it back to the Commission in six months to indicate how he will handle the larger trailer, landscaping, hard surface, bins and storage of

recycled goods.

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. **MOTION.** Commissioner Holt moved to approve the temporary use final for Castle Country Salt and Water with the stated conditions and noting the requirement to return in six months with the final plan. Motion seconded by Commissioner Davis and carried.

7. DEVELOPMENT APPROVAL-Consideration and possible approval of Florence Subdivision, Plat "B" Phase 1 infrastructure and utility development and installation.

Commissioner Davis disclosed that he is an employee for Tony Basso.

Aaron Howard requested a Conditional Use Permit (CUP) on behalf of Tony Basso for development of infrastructure associated with the Florence Subdivision Plat "B" Phase 1 Development. Nick Tatton provided the Commissioners with the following information: the plat was approved and recorded in 2007 but actual development of the subdivision never commenced. At the time of subdivision approval Mr. Basso signed a development agreement, but those plans have been amended and a new approach, phasing and a new development agreement are required. The application is to develop lots #11, #24, #25, #26, #27, and #28 at this time. The remaining lots associated with Plat B will become the subject of additional phases of subdivision development. The development requirements are listed in Section 10.13 of the Price City Land Use Management and Development Code (Code).

Development matters include the following considerations:

- Water service to each lot (capacity and ability to serve established at time of subdivision approval);
- Sewer service to each lot (capacity and ability to serve established at time of subdivision approval);
- Surface water drainage;
- Electric service to each lot;
- Natural gas service to each lot;
- Completion of street on frontage of each lot, corner lots have 2 front yards. This particularly affects three (3) lots in the subdivision: #11, #24 and #28;
 - Includes grading, base, paving, signage
 - Semi-improvement of 900 North Street east of developed lots that are the subject of this application connecting to the existing improved development.
- Installation of curb, gutter and sidewalk on all frontages;
- Installation of fire hydrants as required by code;
- Installation of street lighting as required by code.

Chairman Bruno read aloud the following conditions of approval:

All frontage for sellable and buildable lots must be completed with public infrastructure and utility service to minimum city standards finding that development of property is the financial responsibility of the developer and consistent with the Price City General Plan. Chairman Bruno read aloud the following requirements:

- a. A minimum of 100 linear feet of 900 North Street extending from Cedar Hills Drive to the east must be improved with utility and infrastructure finding that lots #11 and #24 have 2 front yards by definition and 2 frontages;
- b. Improvement of public infrastructure and utility service on the south side of lot #28 finding that it is a corner lot with 2 front yards and 2 frontages;
- c. Completion of a graded and semi-improved (road base gravel and/or millings) connection of 900 North Street on the frontage of lot #10, #9, #23 and #16 until such time as those lots become the subject of permanent development;

- i. Graded road to be developed to full street width and permanently maintained in such a manner as to facilitate vehicle passage, snow removal and to limit mud track out onto existing surfaced streets.
- d. Landscaping and all yards surrounding lots onto which homes are situated or built to be installed and maintained in compliance with the Price City Property Maintenance Code, as in effect now or in the future, within 12 months of main structure completion and issuance of an occupancy permit by Price City finding that landscaped and maintained residential areas protect area property values and promote the goals in the Price City General Plan;
- e. Completion of all infrastructure installations and utility service under the supervision of the Price City Public Works Department inspection finding that properly inspected infrastructure and utility connections protect the health, safety and welfare of the community;
- f. Completion of a public infrastructure development agreement with the Price City Public Works Department for minimum identified and confirmed infrastructure requirements associated with development of lots #11, #24, #25, #26, #27, #28, identified as Phase 1 Development of Florence Subdivision Plat "B" finding that infrastructure development agreed to via a development agreement mitigates the opportunity for misunderstandings relating to development and financial responsibilities for required public infrastructure;
- g. Submission of the required minimum financial surety associated with the development agreement finding that financially guaranteed infrastructure development protects the community from expensive repairs to sub-standard infrastructure installation;
- h. No development of lots or placement of structures on lots that are not specifically the subject of this approval or application finding that those lots have not received final development approval for verification of infrastructure placement and utility connections;

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. **MOTION.** Commissioner Holt moved to provide approval for Florence Subdivision, Plat "B" Phase 1 infrastructure and utility development and installation for lots specified. Motion seconded by Commissioner McEvoy and carried.

- 8. LAND SUBDIVISION-Consideration and possible approval of the Haddock Single Family 2-lot PUD subdivision located at approximately 1400 East 500 South within the Residential 1-8 zoning district. Jared and Paige Haddock presented a Conditional Use Permit Application (CUP) for the subdivision of land. The property is in the vicinity of 1400 East and 500 South within the Residential 1-8 (R1-8) zoning district. Nick Tatton provided the following information to the Commission: the land subdivision is available within the Price City Land Use Management and Development Code (Code) under Section 10.3.13. The property has been surveyed and the new plat has been reviewed by both the Price City Engineer and the Carbon County Recorders' Office. It is the recommendation of staff that the Commission provide a recommendation to the City Council for approval of the 2-lot subdivision. Chairman Bruno read aloud the following conditions:
 - a. No sale of development of any property not specifically identified as lot #1 or lot #2 on the plat finding that sale and development of 'future' phases of the subdivision require additional Price City review and approval;
 - b. Recording of the plat within thirty (30) days of this approval with the Carbon County Recorder finding that properly and timely recording of approved plats mitigates land record confusion;

MOTION. Commissioner Holt moved to approve a final for the Haddock Single Family 2-lot PUD subdivision with stated conditions. Motion seconded by Commissioner Richens and carried.

- 9. PLANNED UNIT DEVELOPMENT-Consideration and possible approval of the Haddock Single

Family rural oriented Planned Unit Development (PUD) located at approximately 1400 East 500 South within the Residential 1-8 zoning district.

Nick Tatton provided the following information to the Commission: Mr. Haddock presented an application for a residential PUD approximately sixty (60) day ago. Mr. Haddock's information summary, application and a copy of the home-owners association covenants were provided to the Commission. Previously, the Commission requested more information from Mr. Haddock and a more definitive property plat be prepared and tabled the matter. Mr. Haddock has actively completed the requirements and is requesting consideration of approval of the Planned Unit Development (PUD) at this time. Previously, the commission expressed concerns regarding the following:

- Final plat for subdivision;
- Actual covenants for the PUD;
- Final site plan for the PUD.

The final site plan, as indicated on the land subdivision plat incorporates 2 single family residential lots (shows, but not part of this approval, possible future lots in the area) and a private road to serve the developed lots. The nature of the PUD proposed is "rural" and indicates that the private road be semi-improved and maintained as an open easement for emergency and other municipal services. Chairman Bruno read aloud the conditions:

- a. Development of the PUD only as provided herein and as indicated on the previously approved land subdivision plant, known as the Haddock Single Family Planned Unit Development, finding that development consistent with prior approval(s) and imposed conditions mitigates potential negative impacts of development on the neighborhood and overall community;
- b. No variances for current or future development at subject property finding that previous variance consideration has accommodated all potential development at subject property;
- c. No additional structures to be placed on future development property or within the PUD, to include outbuildings, accessory buildings, agricultural buildings, residential buildings or structures without review and permit approval and license by the Price City Council finding that future or additional development at the subject property may have significant impact on existing approved development and may require additional imposition of conditions of approval, such as permanent surfacing of the road, curb, gutter, sidewalk, storm water drainage, street lights, fire hydrants, electrical transformers, to mitigate negative impacts of development in the neighborhood;
- d. Development approval of the PUD contains the following elements finding that the following elements will accommodate the PUD development and protect the health, safety and welfare of the community and promote development in compliance with the goals in the Price City General Plan:
 - i. Individual and distinct utility connections for water, gas, sewer, electricity to each residential structure on lots #1 and #2, no other utility connections, lots or structures authorized;
 - ii. Private street build to be compliant with approval from the Price City Engineer, and to be a minimum of 36 feet wide with 26 feet of semi-improved surface consistent with the 'rural' setting for the PUD (entirely 26 feet of private street to be hard surfaced within 24 months of this approval);
 - iii. Temporary cul-de-sac turn around to be installed at west end of existing 2-lot subdivision, constructed to specifications indicated by the Price City Engineer, minimum of 72 feet in diameter;
 - iv. Set back of not less than 17 feet for rear yard on north property be maintained, no other structures to be built between home and property line;
 - v. Location of private street to be as indicated on subdivision plat requiring removal

of existing storage structures.

- vi. All garbage collection and snow removal/loading to be accommodated within the boundaries of the PUD and not located into 1750 East Street.
- e. Price City to not be requested, now or in the future, to acquire private utility or private road/fire lane infrastructure finding that by definition PUD infrastructure is private and ongoing maintenance obligations shall remain the responsibility of the private property owners;
- f. Acknowledgement by the applicant that development of the property, as applied, may limit or promote future development of the undeveloped property finding that limits of utility connection plans and the fire lane are only sufficient for the 2-lots of development as contemplated herein;
- g. Maintain animal rights on the property consistent with Code requirements for pre-existing non-complying uses.

All construction to be completed upon procurement of a valid Price City building permit and under the supervision of the Price City Building Inspector finding that property constructed and inspected structures protect the health, safety and welfare of the community.

Commissioner Davis stated that if we allow Mr. Haddock to not put in curb, gutter and sidewalk, as a City we are not being consistent with all other requests for a Planned Unit Development.

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. **MOTION.** Commissioner Holt moved to approve the Haddock Single Family rural oriented Planned Unit Development (PUD). Motion seconded by Commissioner McEvoy. Commissioner Davis voted Nay. Motion carried five votes to one.

10. STATE IMPOUND YARD, SALES, ACCESSORIES-Consideration and possible approval of a Conditional Use Permit for a state impound yard, impound vehicle sales and motor vehicle accessory sales, 717 South Nick Lane, M-1 Zoning District.

Mike DeCaro applied for a Conditional Use Permit (CUP) to establish an automotive impound yard, small repairs, towing service, auto sales, and automotive sales business at 717 Nick Lane. No oil or cleanup will be necessary as he stated he would only be doing small repairs such as headlights and possibly bedliners. Mr. DeCaro included a site plan with descriptions and a narrative statement regarding the land use. His plans include lighting on the east and south side to keep the lot brightened, two gates on the west side. He stated that he didn't know how many vehicles at one time there would be because it would depend on calls he received. He stated that all of the cars he received would stay contained in the fenced section. He stated that he plans to put slats in the fence to keep everything looking good and clean. Commissioner Sacco stated that there are two houses on the lot and one of them is a fenced in daycare and Mr. DeCaro needs to keep the yard from becoming a salvage yard. He stated that it would not become a salvage yard. Nick Tatton provided the following information to the Commission: general evaluation criteria for the zoning district is listed in Section 11.1.5 of the Code, specific evaluation criteria for the land use and the land use checklist are listed in Section 11.1 of the Code. The site is situated within the Manufacturing 1 (M-1) zoning district and contains the following land uses, as indicated in the Price City Land Use Management and Development Code (Code):

- Sales of automobiles as an accessory use, other retail trade, Section 11.3.4.45; conditional use;
- Motor vehicle sales, Section 11.3.4.35; permitted use
- Sales of automobile accessories, Section 11.3.4.45; conditional use;
- Motor vehicles and automotive equipment, wholesale trade and warehousing, Section 11.3.9.8, conditional use;

The Commission discussed the following with Mr. DeCaro:

- Gravel impound yard be required to surface within 2 year period;
- Fencing: size; barbed wire top (required by State);

- Lot lighting: size; location; angles to traffic on highway; neighboring land uses;
- Signage at location:
 - Required by State of Utah for Impound Yard
 - General business signage
- Removal and clean-up of debris and rubbish on or about the location of the business;
- 5% landscaping requirement- decorative gravel and other landscaping
- Landlord awareness of land use at location. Mr. Steve Butkovich has signed the CUP as the property owner indicating his awareness of the land use application.
- Restriction on automobile sales lot. Sales should be limited to impounded vehicles acquired only. No sales lot established or operated.
- Restriction on wrecking or salvage yard. Auto wrecking and parts salvage are specifically prohibited in the zone in the Code.
- No mechanical repairs at site to avoid waste water impact.
- No additional uses at the site without specific review, consideration and approval by the Planning Commission for both conditional and permitted uses.

Chairman Bruno read aloud the following conditions:

- a. Site plan not to be altered or amended from that approved with the below attributes finding that development and land use consistent with approved site plans protects the health, safety and welfare of the community and is consistent with the Price City General Plan:
 - i. Vehicle impound area to be fenced with a 6 foot tall sight obscuring fence with no more than 3 strands of barbed wire meeting the minimum standard for impound yards mandated by the State of Utah finding that minimum impound yard requirements require barbed wire fencing;
 - ii. Lights for impound yard to be angled away from traffic on adjacent public roads and away from other land uses finding that lighting of the impound yard is necessary and angling lighting away from traffic and other land uses mitigates potential safety matters and disturbances;
 - iii. Surfacing of impound area to be authorized for gravel and/or millings as a temporary surface for a period not to exceed two (2) years as which time permanent surfacing of the impound yard must be completed finding that the Code requires lot surfacing in Section 6.7 and the maximum temporary period allowed under the code is 24 months;
 - iv. Surfacing of parking lot area to be authorized for gravel and/or millings as a temporary surface for a period not to exceed two (2) years as which time permanent surfacing of the impound yard must be completed finding that the Code requires lot surfacing in Section 6.7 and the maximum temporary period allowed under the code is 24 months;
 - v. Minimum 5% landscaping installed within 60 days.
- b. Impound yard signage and business signage to only be placed at the site after review and approval of such signage by the Price City Planning Department finding that properly reviewed and approved signage promotes consistency in signage in the community and improved the commercial viability of businesses;
- c. Removal of all debris, rubbish, garbage from overall site, or appropriate indoor storage, finding that the physical location of the site is visible from Highway 6 and promotes a positive community aesthetic image consistent with the Price City General Plan;
- d. No conditions at the property allowed that may subject the land use to enforcement of the Price City Property Maintenance Code terms and conditions now or in the future, finding that properly maintained properties promote improved property values, aesthetic

appearance and improved commercial activity in the community consistent with the goals in the Price City General Plan;

- e. No motor vehicle sales beyond that inherently associated with the impound yard land use finding that proper site plan requirements are not in place for a motor vehicles sales lot land use;
- f. No automobile wrecking or salvage yard land use is permitted finding that those land uses are not permissible in the M-1 zoning district and that the site plan does not accommodate any such land use;
- g. No mechanical repairs beyond the installation of accessories finding that the site does not contain the proper sewer system protection, such as a grease trap and sampling manhole, for such land use;
- h. All business owner and customer parking, including tow vehicles to be parked off-street at all times finding that off street parking promotes improved vehicular circulation in the community;
- i. Any building renovations or changes must be completed under the approval of the Price City Building Inspector and issuance of a valid Price City Building Permit finding that properly permitted, inspected and completed building renovations protect the health, safety and welfare of the community;
- j. No other land uses beyond those specifically licensed and approved herein authorized finding that additional or differing land uses may require additional consideration and permitting approval;

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.

MOTION. Commissioner Sacco moved to approve the request with the stated conditions. Motion seconded by Commissioner Beacco and carried.

11. UNFINISHED BUSINESS

- Mont Harmon Junior High-egress/ingress new driveway-will follow up.

Meeting adjourned at 8:20 p.m. pursuant to a motion by Commissioner Holt.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon