

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF AUGUST 9, 2010**

PRESENT: Commissioners:
Chairman Larry Bruno
Rick Davis
Judy Beacco
Erroll Holt
Ed Shook
Frankie Sacco
Grady McEvoy

Laurie Tryon, City Recorder
Nick Tatton, Community Director

EXCUSED: Commissioner Richens

OTHERS PRESENT: Judy Mainord, Gwen Laws, Ben and Jessica Lindley, Charles Colacito, Robert Potts, Holly Greenhalgh, Calvin Childs, Shaunelle Powell, Sheila Koss, Judy Metelko, Taje Boyden and JoAnna Hagen

1. MINUTES of July 12, 2010
MOTION. Commissioner Shook moved to approve the minutes of July 12, 2010 as amended. Motion seconded by Commissioner Holt and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS-No public comment was received
3. PUBLIC HEARING. Public hearing to receive community input regarding consideration of a change to the Price City Land Use Management and Development Code as it relates to group homes.

MOTION. Commissioner Davis moved to open the public hearing at 6:03 p.m. Motion seconded by Commissioner Sacco and carried.

Chairman Bruno explained the public hearing process and requested public comment.

Judy Mainord from the Carbon School District read a letter from the Carbon School District stating their concern regarding the proposed change to the Code. The concerns were:

- Providing educational services to mentally ill students require more programs and qualified educators than the district operates or employs- even six students qualifying for intense special educational services are financially problematic.
- Residential treatment centers are supposed to contact the home district of the unit to disclose several items including, the level of educational services required by residents, the length of time services will be needed, the origin of client residency, (out of state or private placements do not qualify for state funding)level of client supervision in and out of school, criminal history of clients such as courtesy probation officers, possible suspensions and expulsions, request for funding by the State Youth-in Custody program, establishing a signed agreement with the district.

She stated that LookUpYouth Services has not complied with any of the accepted protocols. She also added that Creekview Elementary students will be walking to and from school and may interact with clients from this facility, whose backgrounds are not known. She asked the Commissioners to consider the educational issues.

Roberts Potts, a concerned resident and neighbor of the group home, stated the he is worried about how a home will keep twelve boys under control. He stated that he is o.k. with a group home having six boys but would not like the City to change the code to allow twelve.

Judy Metelko, concerned resident and neighbor, stated that she has the same concerns as other neighbors in regards to safety, conduct, behavior, staffing, proximity to elementary schools and whether the larger capacity group homes would be an asset to the community. She stated that she is a retired counselor from

the Department of Child and Family Services and knows how the kids in these group homes behave. She stated that she opposes a Code change that would permit up to 12 in a group home and feels that many issues have not been addressed with the community.

Ben and Jessica Lindley from Lookup Youth Services, the sponsors of the Code change request, addressed the concerns of the citizens.

Mr. Lindley stated that the expected opening date of his group home is October 1, 2010. He stated that he would coordinate with the Carbon School District on the details but that he had already touched base with a staff person and were following his suggestions. He stated that the group home staff would be at the school with the clients during the day, as there would be 24-hour staffing with a 1 to 3 ratio. He stated that the home would be subcontracting with Four Corners Mental Health for client counseling and that the State of Utah would handle the educational needs. The Lindley's stated that the boys would be from the local area and if the state recommends boys out of the community they do have the right to decline services. Mrs. Lindley stated that an alarm system would be installed even though it is not required. Mr. Lindley stated that there are four parking spaces for employees along the side of the home next to the three foot fence which is around the front of the home and a six foot fence is in the backyard. He stated that the staff must receive many hours of training, be 21 yrs. old, and have a background check and drivers license before they can work in the facility. He said that all staff members would receive training on how to handle troubled teens and there is a monthly state audit that the facility must pass. Mr. Lindley stated that this is the first time he has operated his own group home but that he has worked in group homes for ten years and feels that he has enough experience to make it work with 12 boys in the home. Chairman Bruno stated that the group home has to meet certain zoning, landscaping, maintenance, visual nuisances, parking conditions, ratios and harmony in neighborhood to receive a Conditional Use Permit and Business License in Price City. He stated that if these items are not met, the permit may be revoked. He stated that the group home is allowed in the Price City Land Management and Development Code and that the State of Utah requires that the City allow the group home as long as the conditions set by the City are met. Chairman Bruno confirmed there were no additional comments to be heard from anyone in attendance. **MOTION.** Commissioner Holt moved to close the public hearing at 6:32 p.m. Motion seconded by Commissioner Beacco and carried.

4. **CODE CHANGE.** Consideration of a requested Code change affecting Section 8.4 of the Code, (number of youth in a group home at any one time). Requested change is from 6 to 12.

Mr. Ben Lindley requested consideration of an amendment/update to the Price City Land Use Management and Development Code (Code) as it relates to group homes. Mr. Ben Lindley has requested the Code update consideration subsequent to his recent obtainment of a Conditional Use Permit (CUP) and Business License to operate a group home at 225 South 300 West.

Nick Tatton provided the following information to the Commissioners:

Chapter 8 of the Code pertains to the review and evaluation criteria for group homes. Currently the Code, generally, indicates the following:

- Section 8.1: Construction standards for group homes.
- Section 8.2: Facilities for Elderly Persons.
- Section 8.3: Facilities for Persons with Disabilities.
- Section 8.4: Facilities for Youth.

All group homes must be $\frac{3}{4}$ mile apart and the youth group homes must have no more than 6 youth assigned to the facility at any one time, and the youth facility must not exceed a ratio of 1 adult to 3 youth. The request is to change the Code by increasing the number of youth that may be permitted to a total of 12 youth. Nick Tatton stated that this request is not limited to the specific formerly permitted location that the Lindley's operate. If approved, the Code change will affect all youth group homes anywhere in the city, now or in the future. The Commissioners shared their concerns regarding the addition of six more children to the group home. Commissioner Holt asked Mr. Lindley what the reasoning for the request was if they were just approved for the group home and six children last month. Mr. Lindley stated that, financially the group home could make it with six children, but having twelve would make the difference in being financially independent. He stated that the group home would be

non-profit and therefore need financing from other entities to keep the facility running efficiently and to provide the children with the best opportunities possible. He stated that it's self-funded but money would be tight. Commissioner Holt asked if the original plan included raising capital from fundraising for the general activity and running of the group home. Mr. Lindley stated that he was hoping to get approval for six children and to get the facility open when he first came to Planning and Zoning. He stated it would cost approximately \$15,000 per month for expenses for the first six children. He stated that he wants to provide the best of care and meet the requirements and commitments to those six children by adding six more to receive more funding from the State of Utah. Commissioner Shook stated that without a history of how a larger capacity youth group home would run and with the citizens concerns, the problems are unknown and if the Code is increased to twelve, it would affect not only this group home but all of the others in the City. Commissioner Shook stated that Mr. Lindley's group home did not work, then the Code was there to stay and it would apply to all group homes which could then increase their occupancy. The Commissioners agreed that the group home should make sure that it could handle six children before moving on to twelve, and offered the suggestion to open another home with six more children in a different area that meets the current Code requirements. Jessica Lindley stated that they would like to have the opportunity to have the twelve children and that she doesn't expect the Code to be changed for everyone just the juvenile section. Nick Tatton stated that the requested Code change would affect all youth group homes. The Commissioners agreed that the youth group home should have six children to begin with to gain the neighbors respect and the community's support before adding an additional six children. **MOTION.** Commissioner Shook moved to decline the Code change request from 6 to 12 children as petitioned for by LookUpYouth services finding that the request for the Code change is based on the financial position of 1 business and not the impact in the community. Motion seconded by Commissioner Holt and carried.

5. **HOME OCCUPIED BUSINESS.** Consideration and possible approval of a Home Occupied Business, Holly's Hair Salon at 931 N. Smith Dr.

Holly Greenhalgh requested a Conditional Use Permit (CUP) for a Home Occupied Business (HOB), land use of a salon, to be located at 931 North Smith Drive within the Residential 1-8 (R1-8) zoning district. The land use is available by CUP based on Section 10.3.4 of the Price City Land Use Management and Development Code (Code). General evaluation criteria is listed in Section 10.1.3 of the Code and specific evaluation criteria is listed in Section 1.13.92 of the Code. The applicant has completed 11 neighborhood signatures within the 300' radius of the home, all indicating a positive recommendation for approval. Staff recommended approval of the HOB to the Price City Council with the stated condition read aloud by Chairman Bruno:

- a. Inspection of the property by the Price City Building Inspector and Price City Fire Chief finding that properly inspected home business for building and fire safety protect the health, safety and welfare of the community;
- b. Submission of a copy of State of Utah Department of Professional License certificate to Price City finding that verified and licensed businesses protect the health, safety and welfare of the community and promote improved commercial activity within the community.

ACCEPTANCE: The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Holly Greenhalgh. **MOTION.** Commissioner Holt moved to recommended final approval for Holly's Hair Salon with the stated conditions. Motion seconded by Commissioner Shook and carried.

6. **LINCARE.** Consideration and possible approval of a Conditional Use Permit relative to the relocation of Lincare to 268 South Main Street.

Kalvin Childs requested a Conditional Use Permit (CUP) regarding the relocation of the Lincare business to 268 South Main Street within the Commercial 1 (C-1) zoning district. Evaluation criteria for

the business occupancy at the location is listed in Section 11.1.1 of the Price City Land Use Management and Development Code (Code) and land uses are listed in Section(s) 11.3.5.25 and 11.3.5.26 of the Code). Mr. Childs stated that he had spoken to Bob Bennett, the Price City Building Inspector and has enough parking stalls for the business. He stated that he is installing a new fire alarm system for the business. Staff recommended approval for the CUP for the business relocation to the Price City Council subject to the following conditions read aloud by Chairman Bruno:

- a. Compliance with all existing Code requirements finding that compliance with Code requirements promotes orderly development and improved commercial business activity within the community and is consistent with the goals in the Price City General Plan;
- b. Submission of business signage plans to the Price City Planning Department for review and approval prior to installation finding that properly reviewed business signage promotes consistency within the community and promotes improved local economic conditions;
- c. Procurement of a valid Price City building permit as it relates to all building alterations, improvements, renovations finding that properly permitted and inspected building alterations, improvements; renovations protect the health safety and welfare of the community.

Commissioner Sacco stated that she had a conflict of interest and refrained from voting.

ACCEPTANCE: The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Kalvin Childs. **MOTION**. Commissioner Davis moved recommend final approval of the relocation of Lincare with the stated conditions. Motion seconded by Commissioner Beacco and carried.

7. **BEDTIME STORIES 24 HOUR CHILDCARE.** Consideration and possible approval of a Conditional Use Permit for a 24 hour childcare land use located at 305 East 100 North within the C-1 zoning district.

Joanna Hagen requested a Conditional Use Permit (CUP) for a 24-hour child care facility to be located at 305 East 100 North (former Carbon County Children's Justice Center) within the Commercial 1 (C-1) zoning district. Evaluation criteria for the land use is located in Section 11.1.1 of the Price City Land Use Management and Development Code (Code). Land Use availability is indicted in Section(s) 11.3.10.3.1 (Special Training and Schooling), 11.3.10.6.5 (play lots and tot lots) and 11.3.5.38 (schools-commercial).) The residential use, Mrs. Hagen will be living in the on-site apartment, is considered an accessory use to the business and is available under Section 11.32.1.3 (rooming and boarding).

Mrs. Hagen stated that she has spoken to the neighbors and they are supportive of a childcare facility next to their homes. She stated that the noise would be kept at a level where it wouldn't bother neighbors any more than the busy street of 300 East. Ms. Hagen stated that she will also be used as a foster children's respite care service for the area and has been trained to do so.

She stated that the following items would be done:

- a) limit to 24 kids with 7 full-time staff –(own children do not count as part of the 24 but she does by choice).
- b) staff will be trained appropriately before hired-according to state law
- c) 7 total staff - must finish requirements before starting
- d) respite care will be done age appropriately with children separated by age.
- e) respite care time limit is 3 days in emergency situation only
- f) will follow all state rules, 24 hr. cameras will be available for parents and the State of Utah to view.
- g) have the entire home available for children except unsafe locked areas
- h) care at night changes from care during day- will follow state rules

Staff recommended approval subject to the following conditions read aloud by Chairman Bruno:

- a. Placement/maintenance of fencing around the subject property, in compliance with the Code provisions, and such to minimize light and sound nuisances for neighboring

property owners and to provide security for any children in the yard area finding that mitigation of negative impacts on neighboring land uses and the health, safety and welfare of children attending the facility are consistent with the goals in the Price City General Plan;

- b. No on street parking by parents, staff or owners, all parking to be accommodated off site in approved parking locations finding that maintaining open street parking promotes commercial activity within the community;
- c. Procurement of a valid Price City building permit and compliance with all conditions thereof finding that properly permitted and completed structure renovations and building code updates protect the health, safety and welfare of the community;
- d. Completion of fire safety inspection of the subject property by the Price City Fire Chief and completion of a building safety inspection by the Price City Building Inspector and compliance with all recommendations stemming from the inspections finding that fire and building safety inspections and improvements protect the health, safety and welfare of the community and are consistent with the goals in the Price City General Plan;
- e. Submission of copies of all required state licenses, in good standing, finding that properly reviewed and licensed daycare businesses protect the health, safety and welfare of the children attending the facility;
- f. Completion of site landscaping to the minimum 5% required in the Code and regular maintenance of landscaping finding that ongoing aesthetic improvements to commercial property improve community commercial viability and is consistent with the goals in the Price City General Plan;
- g. Submission of all signage plans to the Price City Planning Department for authorization prior to installation finding that properly reviewed business signage promotes consistency and improves commercial activity and is consistent with the goals in the Price City General Plan.

ACCEPTANCE: The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Joanna Hagen.

MOTION. Commissioner Holt moved to recommend final approval for Bedtime Stories childcare with the stated conditions and for the business not to exceed 24 children at any one time. Motion seconded by Commissioner Sacco and carried.

8. DELI PASQUALE. Consideration and possible approval of a Conditional Use Permit for a deli, bakery, restaurant, catering land use at 86 East 100 South within the C-1 zoning district.

Charles A. Colacito, Sr. requested a Conditional Use Permit (CUP), for a restaurant, deli and limited retail operation (dry food-trinkets) to be located at 86 East 100 South within the Commercial 1 (C-1) zoning district. Mr. Colacito stated that the hours would be Monday-Friday 6 a.m.-10 p.m. and 6 a.m. to 11:00 p.m. on Saturdays with Sundays closed. He stated that he would have approximately ten employees in shifts. He stated that he would have a takeout/catering kitchen in Phase I, then a deli in Phase 2 with 7 tables seating 28, with a restaurant opening in Phase 3. He stated that public parking is available across the street and that he would be contacting Zions Bank for permission to use the parking lot to the west of his location. He stated he would bring a copy of the permission letter to Price City. He stated he is fully aware of procedures and rules for each phase and would return for final approval on each Phase. General review criteria for the land use is listed in Section 11.1.1 of the Price City Land Use Management and Development Code (Code), the various land uses are referenced in the Code as follows:

- Retail bakery, CUP required, Section 11.3.4.2 of the Code;
- Eating places, CUP required, Section 11.3.4.14 of the Code;
- Other retail, permitted use, Section 11.3.4.44 of the Code.

Staff recommended to provide concept approval only for the land use at this time for Phase 2 and Phase 3 and to provide final approval upon verification of site plan requirements and permitting needs for Phase I subject to the following conditions read aloud by Chairman Bruno:

- a. Submission of a written statement or affidavit indicating the nature and types of retail items to be sold from the location finding that fully disclosed retail product types mitigate any instances of permitting misunderstanding that may occur;
- b. Submission of information regarding the days and hours of operation of the restaurant land use finding that the information is necessary to complete the CUP process and mitigate any potential negative impacts on surrounding land uses, specifically residential land uses;
- c. Submission of information regarding the number of employees expected at the restaurant at full operation finding the information is necessary to evaluate impact of employees on the neighborhood and parking at the location;
- d. Indication of garbage dumpster location and service frequency/schedule on the site plan finding that proper dumpster locations on approved site plans reduce the impact of restaurant land uses on adjoining properties and protect the health, safety and welfare of the community;
- e. All parking lot lighting to be angled away from neighboring residential land uses finding that lighting angled away from residential uses mitigates light pollution impacts on adjoining properties;
- f. Right turn only exiting from 100 North Street driveway or all exit from the 100 East exit finding that 100 South between Carbon Avenue and 300 East is heavily impacted by traffic and limited egress reduces traffic congestion and protects the health, safety and welfare of the community;
- g. No alcohol sales from the restaurant finding that no State of Utah alcohol sales permit or local consent application has been presented with the application for the CUP;
- h. Maximum of 56 seats total in the restaurant, cumulative of both north and south end seating, finding that only 16 available parking spaces serve the restaurant counting 11 on the restaurant side (east) and 1/2 , or 5, of those available on the east side of the parking lot and Section 6.4.11 of the Code requires 1 parking space per each 3.5 seats in a restaurant;
- i. Written acknowledgement from surrounding businesses that you would be sharing parking with;
- j. Written acknowledgement from the Southeastern Utah District Health Department that the subject property has been inspected by the Department and that all requirements have been met finding that compliance with Health Department directives protect the health, safety and welfare of the community;
- k. Written acknowledgement from both the Price City Building Inspector and the Price City Fire Chief that the subject property has been inspected by each and that all requirements for building and fire safety have been complied with finding that building and fire safety compliance protect the health, safety and welfare of the community;
- l. Procurement of a valid Price City Building Permit for any and all building improvements, alterations, etc., finding that properly permitted and inspected commercial building renovations protect the health, safety and welfare of the community;
- m. Installation of business signage in compliance with the sign plan submitted with the CUP application only, finding that signage installed in compliance with Chapter 4 of the Code promotes conformity in community signage and increased commercial activity;
- n. Procurement of a valid Price City Business License prior to operation of the business finding that properly licensed businesses protect the health, safety and welfare of the community;

- o. Protection of the Price City sewer system by way of daily maintenance of the grease interceptor located within the building, 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 and completion of a PRWID waste water survey and compliance with all recommendations stemming from the survey;

ACCEPTANCE: The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Charles Colacito.

MOTION. Commissioner Shook moved to recommend final approval for Deli Pasquale with the stated conditions for the kitchen and concept approval only on the deli. Motion seconded by Commissioner McEvoy and carried. Mr. Colacito acknowledged his need to return for final approval on the deli & restaurant land uses prior to implementation.

9. TAJAVU DESIGNS-Consideration and possible approval of a general tattoo, cosmetic tattoo, retail sales, computer and web design land use to be located at 135 West Main within the C-1 zoning district.

Gwendolyn Dee Laws Clawson requested a Conditional Use Permit (CUP) for a business called TAJAVU Designs. The business is a tattoo (both regular and cosmetic) and retail (novelties, decals, clothing) and computer illustration/web design business. The business is to be located at 135 West Main Street, within the Commercial 1 (C-1) zoning district. Evaluation criteria for the land use(s) are listed in Section 11.1.1 of the Price City Land Use Management and Development Code (Code) and the respective land uses are listed in Section(s) 11.3.4.44 (other retail, apparel and accessories); 11.3.5.8 (Beauty and barber shops); 11.3.7.5.1 (Costume jewelry); and 11.3.5.12 (Computer and software maintenance services). Ms. Clawson stated that her shop would do tattooing and permanent cosmetics, vinyl graphics, web design, retail clothing and gifts. She stated the store would not have any sexually oriented or drug related items. She stated that she has been to the Health Department and received approval for the tattoo section and will supply a copy of all documentation to Price City. Ms. Clawson stated that the tattoo area would be completely separate and no under 18 will be allowed a tattoo or in the area of the tattooing. She stated that body piercing will not be offered at this time.

Staff recommended approval subject to the following conditions of approval read aloud by Chairman Bruno:

- a. Submission of the final business sign plan to the Price City Planning Department, with any required fees, prior to final installation of the sign finding that properly reviewed signage for compliance with Chapter 4 of the Code promotes consistent signage in the community and improves the commercial and business climate;
- b. Maintain all state licensing in good standing finding that properly licensed businesses at all jurisdictional levels protects the health, safety and welfare of the community;
- c. Procurement of a valid Price City building permit for all building renovation or alteration activities finding that properly permitted and inspected commercial building renovations/alterations protect the health, safety and welfare of the community;
- d. Inspection of the business location by the Southeastern Utah District Health Department prior to occupancy, compliance with all recommendations stemming from the inspection finding that compliance with health department matters protects the health, safety and welfare of the community;
- e. Inspection of the business location by the Price City Building Inspector and Price City Fire Chief prior to occupancy, compliance with all recommendations stemming from the inspection finding that compliance with all building and fire safety recommendations protects the health, safety and welfare of the community;
- f. No sales of products or services that may be considered or used as illicit drug paraphernalia and no sales of products or services that may subject the business to the provisions of the Sexually Oriented Business (SOB) ordinance and no body piercing

activities or sales finding that restricted sales of potential illicit drug paraphernalia and sexually oriented items mitigates the potential impact of increased enforcement requirements within the community;

- g. Completion of a written agreement between TAJAVU Designs and Price City regarding the restriction of sales of items that may be considered illicit drug paraphernalia or that would subject the business to the provisions of the SOB ordinance finding that a clear and written record of approved land use matters mitigates the potential for future misunderstandings;
- h. No activity or operations that may be considered in violation of any state statute or local municipal finding that legally operating businesses provide economic value to the community and increase commercial activity;
- i. Completion of a background check on the owner of record of the business and compliance with all recommendations forwarded by the Price City Police Department based on the information contained in the background check finding that bona-fide business owners contribute to the positive economic and business climate;

ACCEPTANCE: The Commission confirmed the acceptance, understanding and intent to comply with the approval conditions by Gwendolyn Clawson.

MOTION. Commissioner Shook moved to recommend final approval for Tajavu with the stated conditions. Motion seconded by Commissioner Beacco and carried.

10. UNFINISHED BUSINESS: No unfinished business was discussed.

Meeting adjourned at 8:01 p.m. pursuant to a motion by Commissioner McEvoy.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon