

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF AUGUST 20, 2012**

PRESENT: Commissioners:

Larry Bruno	Laurie Tryon
Wayne Clausing	Nick Tatton
Erroll Holt	
Grady McEvoy, Alt.	
Alfred Richens	
Robert Oliver	
Frankie Sacco	

EXCUSED: Commissioner Beacco

OTHERS PRESENT: Paul Bedont, Dave Levanger, Roberta Hardy, Mark Stuckensnyder, Zena Robinson, Kathy Bezyack, Angelo Kiahtipes and Mike Metzger

1. MINUTES of July 23, 2012
MOTION. Commissioner Holt moved to approve the minutes of July 23, 2012 as presented. Motion seconded by Commissioner Oliver and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS- No comments were received.
3. SITE PLAN AMENDMENT-Consideration and possible approval of a site plan amendment for Circle K Storage at 850 South Carbon Avenue within the C-1 zoning district, Angelo Kiahtipes.

Angelo Kiahtipes and Mike Metzger submitted a Conditional Use Permit (CUP) application regarding amending the site plan to accommodate additional storage unit buildings 850 S. Carbon Ave. Nick Tatton provided the following information to the Planning and Zoning Commission, "General evaluation criteria for the land use are in Section 11.1 of the Price City Land Use Management and Development Code (Code) and specific land use evaluation criteria are in Section 11.1.m of the Code. The proposed land use, storage units, is a conditional land use and referenced in Section 11.3.9.11 of the Code. It is the recommendation of staff that the Planning Commission approves the CUP request and recommends final approval to the Price City Council. Mr. Kiahtipes stated that he will possibly add two more storage buildings to the west of the existing two storage units and has purchased the necessary land parcels to accommodate the addition. He stated that he would repair the fencing around the perimeter to accommodate the needs of the units.

Chairman Bruno read aloud the following conditions of approval and acknowledgement agreement with Price City:

- a. Procurement of a valid Price City Building Permit and all building erection and construction under the auspices of said building permit finding that properly permitted and inspected commercial construction protects the health, safety and welfare of the public;
- b. Compliance with all Code requirements relative to storage facilities including hard surfacing of the property within two (2) years, site fencing, fire truck access, lighting, etc. finding that construction and development in compliance with the Code protects community property values and is consistent with the Price City General Plan;
- c. Emergency access gate, to remain locked with the exception of an emergency situation, located in the Fairgrounds Road (west) fence line to accommodate emergency vehicle entrance to the overall site finding that secondary site access for emergency vehicles protects property values and the health, safety and welfare of the community;
- d. Completion of a storm water management plan and concurrence with the storm water

management plan by the Price City Engineer and development in accordance with the approved storm water management plan finding that properly planned storm water management mitigates flooding hazards within the community;

- e. No conditions at the property or structure that place the property or structure in violation of the Price City Property Maintenance Code finding that properly maintained properties and structures protect the health, safety and welfare of the community and protect area property values.

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 Conditional Use Permit and site plan for Angelo Kiahtipes as presented. Motion seconded by Commissioner McEvoy and carried.

- 4. **BUILDING OCCUPANCY**-Consideration and possible approval of a building occupancy Conditional Use Permit, Bezyack Building, professional medical services land use, 350 North 400 East within the Residential 2-7 zoning district.

Kathy Bezyack and Steve Woodhouse from Pinnacle Nursing Rehabilitation presented this request. Ms. Bezyack stated that Mr. Woodhouse will to be the tenant at 350 North 400 East and have an outpatient physical therapy clinic. Ms. Bezyack submitted a Conditional Use Permit (CUP) application regarding the property at 350 North 400 East. Mr. Tatton stated that because the building hasn't been used in over 365 days and because there is a change of land use in the building and a commercial use in a residential zoned area, Ms. Bezyack had to come before the Commission for approval. Ms. Bezyack asked if she could use the metal plate on the front of the building for a sign. Mr. Woodhouse also asked if he could place a sign on the front lawn. Mr. Tatton suggested that they get the size and design of the signs and bring them to him for approval. Ms. Bezyack asked if there could be no parking or private parking signs in the parking lot. Chairman Bruno stated that because the parking lot is private property, they could place signs and also call the police if parking on the property without permission occurs.

Nick Tatton provided the following information to the Commissioners, "The structure on the property is considered legal complying based on the proposed land use that can be accommodated within the building. Since the location is within the Residential 2-7 (R2-7) zoning district a CUP is required and available for the proposed land use. General evaluation criteria for the land use are in Section 10.1 of the Price City Land Use Management and Development Code (Code) and specific land use evaluation criteria are in Section 10.1.m of the Code. The proposed land uses are conditional and found in Section(s) 10.3.5 (medical office services); and, 10.3.10 (professional offices). It is the recommendation of staff that the Planning Commission approves the CUP request and recommends final approval to the Price City Council.

Chairman Bruno read aloud the following conditions and acknowledgement agreement with Price City:

- a. Procurement of a valid Price City Building Permit and all building renovations under the auspices of said building permit finding that properly permitted and inspected commercial and professional building renovations protect the health, safety and welfare of the community;
- b. No on-street parking by owners, customers or employees on 5th Avenue Street or 400 East Street, all parking to be maintained in the off street lot finding that off street parking mitigates congestion in the residential area and further mitigates traffic congestion and safety risks due to the proximity of the Utah State University campus;
- c. Business signage to be reviewed for compliance by the Price City Planning Department prior to installation finding that properly reviewed and approved signage protects commercial encroachment into residential areas and promotes consistency in signage throughout the community;

- d. No conditions at the property or structure that place the property or structure in violation of the Price City Property Maintenance Code finding that properly maintained properties and structures protect the health, safety and welfare of the community and protect area property values.

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 Oliver moved to approve the Conditional Use Permit for Kathy Bezyack. Motion seconded by Commissioner Richens and carried.

5. SITE PLAN AMENDMENT-Consideration and possible approval of a site plan amendment for Pinnacle Canyon Academy School, 650 East 300 North, within the R2-7 zoning district.

Dave Levanger represented Pinnacle Canyon Academy School (PCA) as their private building inspector and development consultant. He stated that the temporary classroom trailers that are being moved to a new location at the same site are being set up in the same manner as they were originally set seven years ago. He stated that the school agrees to the conditions proposed by the City for the land use and will complete all requirements as soon as possible. He stated that PCA has a concern regarding item two on the development agreement in regards to the Hold Harmless agreement that needs to be signed before an occupancy permit can be granted. Roberta Hardy, PCA Administrator, stated that although the school has no problem with the document, it probably won't be that easy to have the papers taken care of by the attorneys in time for school to start and that the school has made arrangements for the students to be located in an alternate location just in case they don't receive the occupancy permit. Price Fire Chief Bedont stated that because of the fire flow issues, the school is required to put in a second fire hydrant to meet the ISO regulations of 3250 gallons per minute (gpm). Mr. Levanger stated that the hydrant will be added and he requests Chief Bedont to meet him at the site to confirm the final location of the hydrant. Mr. Levanger stated that there are two City water pressure zones and Jones & DeMille Engineering created a model of what would happen if they tied the lines together. He stated that there is a water line south of the property by the Eastern Utah Community Credit Union and if an easement or purchase of private property to locate the 2nd water line can be obtained by the school it may expedite installation and eliminate the need for the Hold Harmless agreement. Commissioner Sacco stated that she would like presentable skirting placed around each of the trailers. Ms. Hardy stated that skirting would be placed around the trailers. Chief Bedont stated that the State Fire Marshall has requested a maximum of 9 months to install the second fire hydrant. He stated that he doesn't want the school to have to install fire sprinklers in the temporary buildings and a second fire hydrant should address that need. Ms. Hardy stated that 9 months is fine and that they plan to complete the installation sooner. Both the Planning Commissioner and the PCA Representatives agreed that fire protection, sufficient water and access to protect the children, school, surrounding housing and firefighters was a main concern and all requirements need to be done in a timely manner. Nick Tatton provided the Commission with the following information and recommended that the Price City Planning Commission provide final approval recommendation to the City Council for the amendment to the site plan submitted by Pinnacle Canyon Academy (PCA) regarding the school site at 670 East 300 North based on the conditional land use available in Section 10.3.11 of the Price City Land Use Management and Development Code (Code), the general evaluation criteria for the zone district in Section 10.1 of the Code and the specific land use evaluation criteria/land use checklist in Section 10.1.m of the Code, and subject to the following conditions of approval read aloud by Chairman Bruno:

- a. Install necessary and required water and sewer utility service to the relocated classrooms in compliance with all Price City approved engineering plans and fire safety directives and installation time frames, final installation of secondary fire line of 900 gpm not to exceed two-hundred seventy (270) days from this approval finding that properly connected and installed utility services protect the health, safety and welfare of the community.

- b. Completion of a hold harmless liability waiver, if 2nd water line and fire hydrant are not installed, within twenty (20) days as directed by the State Fire Marshall finding that installation of all water and fire lines may not be completed prior to school opening;
- c. Maintain a minimum of ninety-five (95) off-street striped and identified parking spots, calculated as the present average of possible driving students and faculty and five (5) visitor spaces finding that off-street parking mitigates traffic congestion in the neighborhood. Additional off-street parking may be required if the student, faculty, visitor average mix changes with growth of PCA.
- d. Relocation of the crossing guard, if required by Price City Public Safety, from the location at approximately 350 North 600 East to the intersection of 300 North 600 East including necessary safety signage finding that pedestrian safety will be protected and possible pedestrian accidents will be mitigated. Any relocation of the crossing guard to be coordinated with the Price City Police Chief and Price City Street Department Supervisor.
- e. Removal of all striped on-street parking along 300 North Street between 600 East and 700 East and installation/stripping of a left turn lane from east 300 North onto 600 East as recommended by the Price City Public Works Department and finding that traffic and pedestrian safety will be improved. Re-stripping to be coordinated with the Price City Street Department.
- f. No authorized student drop off on 600 East or 300 North Streets, all student drop-off to be completed at the designated drop-off area on the drop-off loop road finding that limited drop-off zones mitigate pedestrian vehicle conflicts and promote safety.
- g. All driveway ingress and egress points on 300 North and 200 North to be a maximum of twenty-five feet (25') in width finding that 25' is the maximum driveway width within the zoning district.
- h. Drop-off loop road to be constructed in accordance with Price City approved engineering design, and installation completed within ninety (90) days finding that properly designed and constructed ingress and egress mitigates vehicular and pedestrian conflicts, provides property emergency vehicle access and protects the health safety and welfare of the community;
- i. Drop-off loop road and other emergency vehicle routes to be constructed such that the road will support up to 77,000 pound emergency vehicles finding that properly built emergency access roads protect the health, safety and welfare of the community.
- j. Drop-off loop road to have a maximum slope not exceeding eight percent (8%) finding that slopes in excess of 8% do not accommodate emergency vehicles and may impose a barrier to life safety.
- k. Drop-off loop road to maintain a minimum forty-three foot (43') turning radius finding that narrower turning radius' do not accommodate emergency vehicles and may impose a barrier to life safety.
- l. Emergency vehicle access to south side of temporary classrooms from loop road to be maintained free from obstruction and minimum turn-around area available finding that emergency vehicle access protects the health, safety and welfare of the community;
- m. All snow loading from all parking lots and private roadways to be maintained on-site and not placed within the public right-of-way finding that restricting snow placement within the public right-of-way mitigates possible traffic accidents.
- n. Installation of a six foot (6') high sight obscuring fence extending from the southwest corner area of the classroom buildings and extending around the south property line at the edge of the parking lot and to a point parallel with the southeast corner of the classroom buildings, minimum, finding that fencing at that location provides a land use separation from the residential uses to the south and limits access through the area by students, faculty and visitors.

- o. All area, security and parking lot lighting in the “upper” lot and vicinity, as well as other areas at the site, to be angled away from surrounding residential uses finding that restricting light transference to neighboring properties may prevent conflicts with neighboring land uses.
- p. Completion of a qualified storm water management plan and construction of any resulting necessary storm water control facilities within ninety (90) days and concurrence with the storm water management plan, construction and installation by the Price City Engineer and all development in compliance with the City Engineer approved storm water management plan and any direction stemming therefrom by the Price City Engineer finding that properly planned and managed storm water runoffs protect people, structures and property from flooding and other storm water related problems.
- q. Completion of a private utility agreement with the Price City Public Works Department and recorded at the County Recorder’s Office, if required, finding that private utility agreements serve to protect public infrastructure and ensure maintenance on private utilities connected to the Price City public system thereby protecting the health, safety and welfare of the community.
- r. Completion of a public infrastructure development agreement with the Price City Public Works Department, if required, and submission of the required public infrastructure financial surety, if required, finding that properly agreed to and secured public infrastructure installations protect the financial interest of the overall community.
- s. Copies of all as built construction plans, building plans and all inspection reports to be provided to Price City finding that submission of such is a statutory requirement and aids Price City in resolving any possible future development, conflicts or situations at the site.
- t. Future gymnasium located at the northwest area of the site is hereby authorized as indicated on the site plan and only as indicated and authorization is conditional upon ninety (90) day advance submission of copies of building plans, construction document and inspection reports and authorized utility connections as necessary at the time of development of the gymnasium.
- u. Occupancy of relocated structures only upon final occupancy determination by private building inspector and any conditions of occupancy thereby required by the private building inspector, and installation of 2nd water line and fire hydrant or completion and submission of Hold Harmless agreement identified in item “b”, submission of final occupancy report by private building inspector to Price City, finding that submission of inspection and occupancy report is required by State statute and fire safety compliance protects life safety;
- v. Upon determination of final structure occupancy by private building inspector, Price City building inspector to be contacted to provide a courtesy walk-through inspection and submission of recommendations, if any, finding that the courtesy walk-through is authorized by State statute.
- w. Completion of an overall site master plan and submission to Price City prior to December 1, 2012 indication the overall final site permanent build out plan allowing Price City time and opportunity to address development and permitting issues for future site development in advance finding that advance planning mitigates conflicts as development occurs;
- x. No conditions at the property, property frontages or structures that may be a property or structure violation of the Price City Property Maintenance Code finding that properly maintained properties protect community property values.
- y. Completion and submission of a signed development agreement between PCA and Price City detailing and obligating PCA to the conditions of approval finding that properly understood and agreed to development condition promote long-term high quality and safe development within Price City.

Nick Tatton stated that item Q probably won't be required, item R will most likely be required and item U will include the Hold Harmless Agreement. Roberta Hardy asked what the site plan for the new gymnasium and the overall site plan should include when she turns them in to the City. Chairman Bruno stated that it needs to be the design build, location and size, where it will set and issues such utility that the issues can be evaluated ahead of time.

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 McEvoy moved to recommend the City Council to approve the amended site plan with all conditions discussed and presented for Pinnacle School. Motion seconded by Commissioner Holt and carried.

- 6. UNFINISHED BUSINESS-No update provided
- 7. CUSTOMER SERVICE REPORT-No update provided

Meeting adjourned at 7:11 p.m. pursuant to a motion by Commissioner Holt.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon