

**Minutes Price City Planning and Zoning
Price City Hall 6:00 P.M.**

September 20, 1999

Present:

John Angotti, Chairman	Francis Duzenack, Zoning Administrator
Larry Bruno, Vice-Chairman	Carolyn Vogrinec, Secretary
Laurel Marinos	Gary Lyon
Penny Sampinos	Joe Piccolo, Councilman
Alfred Richens	Vern Jones, Community Planner

Others Present:

Lynda C. Varner	Cathy Barney
Marjorie Jones	Roberta Hardy
Tom Mannschreck	Barbara Moulton
Rebecca Ann Mason	Nancy Bentley
Jack Leautaud	Travis Leautaud

I. MINUTES OF SEPTEMBER 7, 1999

There were no corrections or additions and Gary Lyon made a motion to approve the minutes of September 7, 1999 as read. Laurel Marinos seconded and the motion carried.

II. CONDITIONAL USE PERMIT

SUBDIVISION OF PROPERTY AND INSTALLATION
OF SINGLE FAMILY HOME IN THE CD ZONE
JOHN AND CATHERINE BARNEY
1329 EAST 150 SOUTH (NELSON LANE)

Chairman Angotti turned the chairmanship over to Vice-Chairman Larry Bruno stating he had a conflict of interest and would abstain from voting. Ms. Barney explained they were in the process of putting a modular home and garage on their piece of property. Commission members were referred to the attached plan showing this modular would be placed on Parcel A. All utilities are in place. Larry Bruno asked concerning the improvements along Nelson Lane. Francis Duzenack indicated they had met with Gary Sonntag and will do a Development Agreement so that when Nelson Lane develops, they will install all improvements.

Currently, it is a problem street, but they are willing to commit to and do a Development Agreement and have it recorded as part of the deed, so the permits will count at such time as the street improves. The only other concern is that Parcel B is slightly under the three-quarter acre requirement that we have in the CD Zone. Evan Hanson is in the process of revising Parcel B to equal three-quarters of an acre and come into compliance. There were no other concerns and Alfred Richens moved to forward a

favorable recommendation to Price City Council for the Conditional Use Permit for John and Catherine Barney for the Subdivision of Property. Penny Sampinos seconded and the motion carried.

Vice-Chairman Larry Bruno then turned the gavel back to Chairman John Angotti to proceed with this meeting.

III. CONDITIONAL USE PERMIT

McDONALD'S RESTAURANT
TEMPORARY USE OF STORAGE CONTAINER
RELOCATED TO THE REAR OF THE BUILDING
SHARON BARADELL, MANAGER

Ms. Marjorie Jones appeared before the Commission representing McDonald's. She indicated they had changed the location of the storage container. It is now located between the garbage corral and the back of the building. She did a drive-around today and only the very top is visible from Main Street and not visible from the parking lot. It does not obstruct traffic at all or take up any parking. Gary Lyon asked if there were any firm plans made for relocation. Ms. Jones indicated they would definitely relocate, but to where has not yet been decided. The owner would still like to have the Conditional Use Permit for a year. There were no further concerns and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for temporary storage for a period of twelve (12) months. Gary Lyon seconded and the motion carried.

IV. CONDITIONAL USE PERMIT - SIGN

HANDS ON HEALTH
55 NORTH 600 EAST
REBECCA ANN MASON, LICENSED MASSAGE THERAPIST

Ms. Mason explained to the Commission that she would like to hang her sign on the sign presently in place. That sign now hangs from a post and is located at South East Chiropractic. Her sign, measuring approximately 33" x 45 ½", would hang underneath the main sign. There were no questions or concerns and Larry Bruno moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Sign for Hands on Health. Penny Sampinos seconded and the motion carried.

V. CONDITIONAL USE PERMIT

EXPANSION OF PINNACLE CANYON ACADEMY
REQUEST TO UTILIZE 6 MORE ROOMS IN THE GREENWELL MOTEL
655 EAST MAIN
ROBERTA HARDY

Ms. Hardy came before the Commission to request expansion and utilization of six (6) more rooms in the Greenwell motel for the Pinnacle Canyon Academy. She explained they had not increased enrollment, but would need additional rooms to serve as a computer room and music room. These rooms are used only class by class during the day. They are on the ground floor with the fire alarm installed and inspected by the Fire Marshall. The students will walk to these rooms for class and return. There is no playground area. Joe Piccolo feels those six rooms should meet the same requirements as the other eleven rooms. Ms. Hardy indicated that all those requirements have been

met. Mr. Piccolo then moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for the utilization of the additional six rooms, contingent upon the fact that those six rooms must meet the all of the same requirements as the other eleven rooms now in use. Larry Bruno seconded and the motion carried.

VI. CONDITIONAL USE PERMIT - FINAL APPROVAL

ROSCREA APARTMENTS
ROSCREA LIMITED PARTNERSHIP
1680 EAST 300 SOUTH
TOM MANNSCHRECK

Mr. Mannschreck appeared before the Commission representing Roscrea Apartments. Chairman John Angotti asked if he had taken care of all the items requested by the Commission at the last meeting. Mr. Mannschreck said they had been addressed. Chairman Angotti referred to a letter from Price City Attorney concerning the 600 foot restriction for the length of dead-end roads. Mr. Mannschreck indicated he had not been provided with a copy of this letter. Mr. Angotti said there is concern regarding the utilities, easements and final detailed plans. Mr. Mannschreck could not say if these items have been addressed because he has not yet seen the letter, but all items that are conditions of the conditional approval have been addressed.

Chairman Angotti asked for comments from the Commission. Joe Piccolo told Mr. Mannschreck the requested items have been furnished, but Staff has not had the opportunity to properly review the finished product. Some plans have come in as late as yesterday or the day before and have come in bits and pieces. This creates concern about Final Approval and he is uncomfortable not allowing Staff the opportunity to look at these plans in depth.

Mr. Mannschreck indicated he would take responsibility concerning the misunderstanding with Mr. Leautaud on the proposed location of the road on the east side of the property. They have looked at a couple of locations for that road and both were presented to Commission at the last meeting. However, the road had to be relocated, taking time and making changes late in coming. Changes of two weeks ago and what is being presented tonight is exactly what the Commission requested. They are providing a street on the east property line; emergency vehicle secondary access; the water system; and the set-back issue on the east property line - these have all been addressed.

Joe Piccolo said he understood the 100 Year Storm Plan has been accommodated inside the property so there have been storm drainage changes as well. Mr. Mannschreck said engineering calculations have been provided to the City meeting that requirement. Mr. Piccolo reiterated he has not reviewed the changes and feels that he cannot give Final Approval unless he is assured that Staff is comfortable with the information presented.

Chairman Angotti asked for further comments and indicated there were a number of issues raised by the Price City Attorney. Alfred Richens asked if the easements for irrigation water and other easements have been settled with the property owners. Mr. Mannschreck said the property owner is Mr. Leautaud. Mr. Richens indicated that there are others involved. Mr. Duzenack has some property there as well and there are some irrigation situations also. Mr. Mannschreck told the Commission that they were not altering the course of irrigation. Mr. Richens asked if they had easements to go through, by-pass, cover or re-direct irrigation water. Gary Lyon asked if they were interrupting any existing irrigation ditches. Mr. Mannschreck said there is a drainage ditch on the south of the property that is uninterrupted and there are no other laterals. Mr. Duzenack indicated all the irrigation ditches are on

the south side of the fence that separates Jack Leautaud's property from this property. However, the irrigation ditches do need to be protected in the event that the contractor develops right down to them, being certain not to cover them and making sure that the water still flows through them.

Chairman Angotti asked Mr. Jones if he had any concerns and he indicated he had none at this time because he has not had a chance to review the plans. Larry Bruno suggested going through the memo from Zoning Administrator Francis Duzenack and City Engineer Gary Sonntag. Mr. Duzenack explained they had set down and made a list of a few of the items. However, everyone needs to realize the plan has changed somewhat from the plan that he and Mr. Sonntag reviewed. There have been either three or four revised plans received since the actual reviewed plan. Plans were received on Monday, Wednesday and another on Friday afternoon. The Wednesday and Friday afternoon plans have not been reviewed yet because of time restraints, but in a brief look, changes have been made. Mr. Sonntag has not yet seen the Friday afternoon plan.

Mr. Bruno indicated he would still like to go over the suggested items as he feels some of these items would apply to all plans. Concerning the electrical power supply, distribution and lighting system - Mr. Duzenack said he did not think it was in the latest plan, but he has not yet had time to look at it. He has seen the changes in the roadway on the east side of the property. Mr. Bruno asked if any letters had been received from the utilities. Mr. Duzenack said he had received only one letter from U.S. West, but nothing from Questar or Pacific Corp.

Mr. Mannschreck indicated they had received verbal assurances for the last eighty days and all inquiries have been made.

Chairman Angotti told the Commission that the main concern is that Staff has not yet had time to review. Gary Lyon and Francis Duzenack concurred. Mr. Mannschreck said he was comfortable with that, but would like to understand, subject to Staff's further review, what the remaining issues are - he thought at the last meeting he knew what the issues were and that he had responded to them. Gary Lyon indicated that some of those issues cannot be communicated until Staff has had a chance to review. Mr. Mannschreck said he has not received copies of the letter from the Price City Attorney or the memo of review from Mr. Duzenack and Mr. Sonntag. The letter dated September 17, 1999 from Price City Attorney concerning the cul-de-sac is in support of the project. Since the Price City Attorney reviewed that site plan, Mr. Mannschreck indicated he has provided a new site plan with an adjacent public road and a secondary access. Mr. Piccolo believes everybody is in support of the project, but part of the problem is that the site plan keeps changing and everyone needs to review the plans.

Mr. Bruno reiterated the importance of reviewing each item in the Duzenack/Sonntag Memo so that everything will have been addressed.

Mr. Mannschreck concurred saying listing the items of concern will allow him to

investigate and get all the needed information. Chairman Angotti asked if the memo contained all the concerns. Mr. Duzenack indicated he really doesn't know. There may be more issues when final plan review is made. The list made on the memo was made in haste and is really a cursory review. If Mr. Mannschreck has identified all the problems listed, that will be a big help, but time is still needed to review the current plans.

Gary Lyon asked Mr. Leautaud concerning his memo and asked if it was still in effect. Mr. Leautaud indicated that memo concerned the road only and they have taken care of that matter.

Lynda Varner, of Carbon County Housing Authority, presented an agreement that Mr. Thomas and she signed on May 20, talking about size of the parcel and of egress. There was some concern about land locking and it also said in the last article in this agreement that each of them agreed that, if this project goes forward, all the items stated in this agreement, prior to the completion of the final site plan approval by Price City Planning and Zoning, will be covered. Basically, Mr. Mannschreck has said she can use that road and the forty-eight foot cul-de-sac, into the one and one-half acres, but she is not entirely sure that it will hold up when she comes to put three homes there because it is forty eight feet long. So that's a question that must be answered. Mr. Mannschreck can tell her she can use it, but she is not sure that she can. She and Mr. Duzenack talked about this because the concern was brought up on land locking. The other matter of concern is the nine foot wide four and one-half foot deep swale on the south side of the property next to the irrigation ditch. It is the drainage off of property. If she comes in through the back part of the property, bending the road around to go east and west, does she bridge that swale or install a culvert. How does she get across the swale to her property.

She feels comfortable with the rest of the items, if, prior to the site plan approval, she can get some of the formal documents in place. Ms. Varner also clarified a point in her letter from the Housing Authority to the Planning and Zoning Commission (included in the information packet) - Paragraph 4 should be corrected to read "The Expansion Zone Deed of Conveyance has not been delivered to Housing Authority to show intent to transfer this property from Thomas Development to Housing Authority." There is also the Active Re-Entry issue on accessibility and Mr. Mannschreck will discuss this issue with Director Nancy Bentley, point by point. Maybe these things should be clarified before Final Approval. Joe Piccolo asked about Active Re-Entry and Ms. Varner explained that Ms. Bentley is a Commissioner on the Housing Authority Board and was present when Mr. Mannschreck made his first presentation in May of 1999. At that time, they had a basic set of plans given to them and they went over those plans and made a few ADA recommendations. In the tax credit section, they are required to provide five accessible units to comply with these tax credit regulations. They discussed how they could help Thomas Development make those units typically what they felt was accessible. Thomas Development agreed to do that and will answer that letter point by point. Ms. Varner would like to see how this will look. Mr. Piccolo indicated this is a verbal agreement, but not a formal written agreement - similar to the current situation with Price City Planning and Zoning.

Mr. Mannschreck indicated that the presentation made to Carbon County Housing Authority included a set of plans which were very similar to the ones they propose to build here. They were reviewed by the Active Re-Entry Architectural Specialist. Mr. Mannschreck has found the plans to be in compliance with the American Disabilities Act. What they are talking about is suggestions or requests Carbon County is making for and above the Federal Law relative to Handicapped Accessibility. This letter has three points in it, two of which they have agreed to do without a problem - their plans show twelve wheelchair accessible parking spaces and Federal Law requires three or four spaces, so they are doing four times the required amount. There is another question on roll-in showers and Thomas Development is willing to do those. The only concern is the different kitchen design relative to power wheelchairs and he is not certain about that. The first two points have been done over and above Federal Law and he will look into the last one.

Alfred Richens indicated on the application there was mention of a sign, but nothing has been seen. Mr. Mannschreck said it should have been included in one of the submittals and it certainly can be provided.

Larry Bruno referred Mr. Mannschreck back to the Duzenack/Sonntag Memo and asked if whether or not all of the items listed had been in compliance with the submittal of the latest plan received on

Friday afternoon. Mr. Mannschreck indicated he would like to spend some time and go through the requested items. Mr. Bruno suggested this be done with the understanding that it is not to the plan. Joe Piccolo feels there should be some active communication between Staff, this Commission and Mr. Mannschreck for the next two weeks until such time as the Commission has a chance to review the information thoroughly. He understands and appreciates the concern, but he will not feel comfortable until it can be seen on paper and have Staff tell him that it is acceptable. He also feels that their job tonight as a Commission is to approve or deny Final Approval.

Mr. Mannschreck requested a continuance of the hearing until the next meeting. Mr. Piccolo said it could indeed be tabled and put back on the agenda for the meeting of Tuesday, October 12, 1999. He feels that Thomas Development has been willing to resolve the problems as they have come up and he doesn't believe that is the issue to be discussed. Mr. Mannschreck told the Commission that he does not want to return next time only to find out someone thinks there is an issue relative to an irrigation ditch that isn't on the property. Mr. Piccolo indicated that issue had been resolved at this meeting and he doesn't see anything big in the way, but something could come up once the plans have been reviewed. However, those items can be handled with dialog between Mr. Mannschreck, Vern Jones and Francis Duzenack and be settled before coming to this Commission.

Larry Bruno indicated it was important to go through the Duzenack/Sonntag review, get all the issues up front and address them right now. Mr. Piccolo concurred.

A) Storm Drainage - Mr. Mannschreck said a soils test was provided with the preliminary plans. Mr. Duzenack indicated this was not a soil percolation test, it was a soil bearing pressure test designed for the footings of their buildings. It appears that there would be approximately twelve inches of standing water in those basins and the only way out is to percolate into the soil. A percolation test would probably help decide how long that water will stay there. It is the percolation in the catch basins that is the concern. Gary Sonntag mentioned that he didn't have any percolations on either your underground drainage or the retention basins and his concern was that, if the water is allowed to remain there and percolate, it could become a swamp. Mr. Mannschreck will contact

Gary Sonntag concerning this matter.

B) Electrical Power Supply and Distribution System - Mr. Duzenack said the plan doesn't appear to have any electrical supply and distribution system in this plan. Mr. Mannschreck will address this issue.

C) Secondary Access - This has been addressed

D) Surface Water Flow - Mr. Mannschreck indicated he did not understand this issue. Mr. Duzenack explained that the excess flow would cross private property and currently, there are no easements for surface water or sewer. Mr. Mannschreck told the Commission they were retaining on site post-development flows and discharging pre-development flows which they have the right to do as an upstream user. Mr. Duzenack said he understood they planned to retain all their storm water on site and, if that is the case, the nine foot drainage ditch shown on the plan won't be necessary.

Mr. Mannschreck indicated this was the post development flow. Pre-development flow is treated and discharged. That's what the calculations on the plans show. Mr. Duzenack indicated he had not seen any calculations on pre-development flows. The calculations shown are based on what will happen when the project is built.

E) Land Use Percentages - Francis Duzenack said there was some question on their area tabulations. They are showing 235,543 square feet and our calculations show something less than that. He asked that this be recalculated and reviewed.

F) Five Foot Planter Strip Between the Curb and Sidewalk - There needs to be a five foot planter strip between the curb and sidewalk that will match up with what is coming off of 300 South. From where 300 South now ends, it will run across their north property line and down their east side to the lower entry, but not all the way to the bottom of the property. There will be a curb, gutter and planter strip developed all along the new road - along the north-south road, the east-west road which currently has a half street developed and they will develop the south half of 300 South at the end. The street going east off 300 South will be approximately 1700 East where the road turns to the South. The project was addressed at 1680 East. Mr. Mannschreck asked if he should change the name of the street on the site plan to 1700 East and Mr. Duzenack indicated that would not be necessary because that responsibility is that of the Planning Commission. They can request that name, but in addition to the name, they will have to use a numerical number so it would say *Roscrea Street - 1700 East*.

G) Road Dedication Plat - Mr. Sonntag has not yet seen a dedication plat for either parcel of streets now proposed. He will need a dedication plat that will serve as a recordable document to be signed off by the Planning Commission and Price City Council that accepts this property as a dedicated street.

Mr. Mannschreck asked if the dedicated site plan and a metes and bounds legal description would suffice. Mr. Duzenack indicated that would be sufficient, but he should talk with Mr. Sonntag concerning this matter.

H) Insufficient Time To Review Plans - This is self explanatory.

I) Verification of Property Boundary Description - Mr. Sonntag mentioned that the description didn't show a tie to the section monument on the southwest corner. Mr. Mannschreck indicated that Carbon County Surveyor Evan Hansen did the property survey and he will contact Mr. Hanson concerning this matter.

J) Street Issue Resolved - This has been addressed.

K) Verify Number of Acres in Project - one plan shows 5.0 acres, another plan shows 5.41 acres.

L) Preliminary Approval Conditions Not Met - Mr. Mannschreck asked which conditions had not yet been met. Mr. Duzenack indicated they were the six items discussed in the previous meeting and recorded in the minutes. They are 1) letters from utilities on file; 2) concrete site plan; 3) fire water flow problem; 4) consultation with Price City Attorney concerning the 700 foot dead-end street as an emergency turn-around; 5) twenty-five foot front yard set-backs; and 6) north to south road to be built within two years time if the Leautaud Development fails. Concerning the water flow, Ms. Varner asked if the development would come up 1600 East. Mr. Mannschreck said he believed so. She indicated that the street is concrete and will be very costly. He indicated he would not have to go very far. Ms. Varner explained the Carbon County Housing Authority had undergone some renovation last summer and the concrete was put over fill that was possibly not as structurally compacted as it should have been, so the concrete is holding itself up. When he open the concrete, he will incur some costs for replacement and that may be more than he realizes. Mr. Mannschreck indicated he would take the matter to his civil engineer. Ms. Varner suggested looking at the soils report initially furnished to Thomas Development because they will have to come up a quarter of a block plus there is the matter

of the asphalt street. They are in the process of repaving the street (1600 East) and she does not want to pave the street if it is going to be broken up right away.

M) Conditional Use Permit Fee - Mr. Duzenack indicated this has yet to be paid and should have been paid at the preliminary stage.

Francis Duzenack told the Commission that some of these items from the original preliminary are still in need of attention. We lack the letters from the utilities; we have a site plan, but are not certain whether or not it is detailed enough; we have not heard back from the Price City Fire Chief on the fire water flow; the set-backs should be addressed and the Conditional Use Permit Fee paid. The main things right now, provided these other things are all here, would be the balance of the letters from utilities; conditional use permit fee and easements from all surrounding property owners. They will need an easement for the water line and an extension from Housing Authority to get the line from their line, up to Nelson Lane. Ms. Varner indicated she thought the big line only comes as far as the last fire hydrant. Gary Lyon mentioned that the Price City Engineer could resolve that problem.

Chairman Angotti asked if all concerns had been addressed. Mr. Mannschreck said he now understands what the issues are and when he comes to the next meeting, everything will be in hand. Chairman Angotti asked Mr. Mannschreck if he would provide everything needed to Staff so it can be reviewed before the next meeting. Mr. Mannschreck indicated everything would be provided.

Joe Piccolo made a motion to table the matter of Roscrea Apartments until the next meeting on **Tuesday, October 12, 1999**. Gary Lyon seconded and the motion carried.

VII. STAFF

A) PLANNING AND ZONING TRAINING SEMINAR

Community Planner Vern Jones told the Commission the training seminar scheduled in November has been canceled, but he is trying to reschedule. He will report back once he receives some information.

There was no further business at this time and the meeting adjourned at 7:15 P.M.