

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF SEPTEMBER 24, 2012**

PRESENT: Commissioners:

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

EXCUSED:

OTHERS PRESENT: Kathy Hanna-Smith, Nick Kiahtipes, McKell Warburton, Spencer Loveless, Joseph Skeikh, Mayor Joe Piccolo, Megan Archibeque-Marshall, Chad Laursen and Ed Howa

1. MINUTES of August 20, 2012

MOTION. Commissioner Holt moved to approve the minutes of August 20, 2012 as presented. Motion seconded by Commissioner Sacco and carried.

2. PUBLIC COMMENT ON AGENDA ITEMS- No comments were received.

3. PUBLIC HEARING-To receive input regarding the transfer of 2 orphan property parcels at approximately 750 East 100 North from Price City to Carbon County to facilitate development of the proposed new Carbon County Courthouse.

MOTION. Commissioner Clausing moved to open the public hearing at 6:02 p.m. Motion seconded by Commissioner Richens and carried.

Chairman Bruno described the request from Carbon County to transfer two orphan property parcels to facilitate development of a new courthouse. Chairman Bruno asked for public comment.

Kathy Hanna-Smith stated that she is opposed to the proposed location for a new Carbon County Courthouse and requested the City require Carbon County to prepare a feasibility study to see how the move of the courthouse would affect the downtown business area. She stated that she would like to see a study that shows that the current building is not structurally sound and cannot be renovated and or what options have been considered. She stated that taxpayers have the right to see why a new building is needed. She asked if anyone was at the public hearing representing Carbon County. Chairman Bruno verified that a representative was not present. Mrs. Hanna-Smith stated that Carbon County government has total disrespect for residents and the City and wants to know why they are handling their business without concern for everyone else. She stated that the current building looks structurally sound and believes that it is sad to take the historic building off of Main Street and leave the downtown property left vacant. She stated that citizens need to be notified of intentions and how taxpayer money is being spent. She stated that she believes it would be a lot cheaper to renovate the building at the current property.

Nick Kiahtipes stated that he is not in favor of the parcel transfer between the City and the County because he has not seen a study that shows a need for a brand new courthouse. He stated that he is concerned about how it will affect the downtown business area and how it will affect the citizen's needs and the City's overall needs.

Chairman Bruno stated that if the City does not transfer the requested parcels of land, the County can still move forward with their project as there is currently enough property at the new location to do so. He stated that a Conditional Use Permit is required for the project and all concerns can be brought up at that time including whether or not a study has been done to show how moving the courthouse off of Main street will affect the downtown area.

Mayor Piccolo stated that Carbon County has not yet petitioned the City to condemn the current courthouse building. He stated that he would like the County to meet with concerned citizens and others that may be impacted by the removal of the current building to answer questions that are not being answered. He stated that City staff members can help with arranging the meetings if the citizens present at this public hearing would serve on a committee to work with Carbon County on the issues that have been brought forward to Price City.

Ed Howa stated that he would like to see an economic impact study on how the relocation of the Carbon County Courthouse will affect the downtown businesses and stated that he hates to see it happen. He stated that a few years ago, the Newhouse Hotel was redone beautifully and it wasn't in half of the shape that the county building is in right now.

Nick Tatton stated that he believes the County has a two year period with the Community Impact Board on funding and will begin the new building construction in the spring of 2013. No further public input was received.

MOTION. Commissioner Clausing moved to close the public hearing at 6:16 p.m. Motion seconded by Commissioner Beacco and carried.

4. **PROPERTY TRANSFER RECOMMENDATION-**Consideration and possible approval of an action to recommend the Price City Council approve the transfer of 2 orphan parcels of property to Carbon County to facilitate development of the proposed Carbon County Courthouse.

Price City received a request from Carbon County to transfer two orphan parcels of property to facilitate development of the proposed Carbon County Courthouse at approximately 725 E. 100 N. A copy of a resolution (for the city council) and quit claim deeds with accompanying map relative to 2 "orphan" parcels of property were provided to the Planning and Zoning Commission. Because the real property belongs to Price City, the request must go before the Planning and Zoning Commission and the City Council. Subsequent to this transfer Carbon County must submit a new plat assembling all parcels at the site into one piece of property to accommodate the contemplated new courthouse development based on the requirements in the Price City Land Use Management and Development Code.

Chairman Bruno stated that based on the information from the public hearing and the citizens of Price City and Carbon County there seems to be many concerns about the economic impact the new courthouse location may burden the taxpayers and the downtown area. Chairman Bruno requested a committee be created that could meet with Carbon County to discuss and review the study for the new courthouse. Ed Howa, Nick Kiahtipes, Kathy Hanna-Smith and Chairman Bruno volunteered to serve on the committee and asked City staff to assist in scheduling a meeting with Carbon County Commissioners. Nick Tatton suggested that the Price City Planning Commission set a time frame for the meetings to take place and time for a study to be done if it has not already been done for the first Planning and Zoning Commission meeting in January 2013. He stated that if the study is already done or is completed before that date, then the item could be returned to an agenda before that time and items can be addressed in the Conditional Use Permit.

Mayor Piccolo suggested that the Commission consider and realize that the issues tonight are

housekeeping issues that the community impact matters can be addressed in the Conditional Use Permit. Commissioner Holt stated that the City must assume that a study has been done to reflect how relocating the courthouse off of Main Street will affect the downtown area, the residents, surrounding business owners and taxpayers as a whole and that all of public comments have been received and considered. He stated that the City cannot hold the parcels to impede the project and the project can still be built with a Conditional Use Permit with conditions under the Land Use Management Code. He stated that the City just wants the County to be aware of the issues brought about by the public hearing as no one benefits from leaving the parcels unused.

Nick Tatton stated that the items addressed tonight can be added to the requirements of the Conditional Use Permit if the Price City Planning Commission requires them.

MOTION. Commissioner Holt moved to recommend the City Council approve the transfer of the 2 orphan parcels of property to Carbon County to facilitate development of the proposed Carbon County Courthouse contingent upon meetings with the community committee to discuss the concerns and impacts brought forth through the City’s public hearing process and the conditions of economic impact and existing building status that will be set as part of the Conditional Use Permit. Commissioner Clausing seconded the motion and carried.

5. **BOYS AND GIRLS CLUB OF CARBON COUNTY**-Consideration and possible approval of a Conditional Use Permit for a youth and teen organized club with educational, charitable, and athletic activities land use at 130 N 200 E within the C-1 zoning district, Megan Archibeque, Chair and McKell Warburton, Director, Boys and Girls Club of Carbon County.
- Megan Archibeque, Board Chair and McKell Warburton, Executive Director of the Boys and Girls Club of Carbon County (Club) submitted a Conditional Use Permit (CUP) to locate a Club land use within an existing structure at 130 North 200 East within the Commercial 1 (C-1) zoning district. General land use evaluation criteria for the zoning district is located in Section 11.1 of the Price City Land Use Management and Development Code (Code), specific land use evaluation criteria/land use checklist is in Section 11.1.m of the Code. The various land use activities of the Club are conditional, with the exception of the administrative staff offices which are a permitted use based on Section 11.3.5.1, in the C-1 zoning district and are as follows:
- Public, Private, Quazi Social and Admin. and Activities
 - Conditional Use Code Section 11.3.5.41
 - Sports Activities Facility Conditional Use Code Section 11.3.6.5;
 - Special Training & Schooling Conditional Use Code Section 11.3.10.3;
 - Welfare and Charitable Services Conditional Use Code Section 11.3.10.4.2;
 - Gymnasium & Athletic Clubs Conditional Use Code Section 11.3.10.6.1;

The development of the overall site is planned to take place in several “stages”, however, at this time all development and land use matters are applied to receive final approval.

Ms. Warburton stated that the hours of the club would be Monday through Friday from 1-6 p.m. during the school year with a summer program from 8a.m. to 5 p.m. Monday through Friday. She stated that the new location will be a place to hold activities for its youth and teen members. She stated that they anticipate 100 or more youth a day, from first grade to twelfth grade. Ms. Archibeque stated that the groups would be separated in the building by age. She stated that there is a drop off/pick up zone and students will arrive at different times by different methods of transportation. Ms. Warburton stated that the corner home that also sits on the property will be rented for about 3 more years and then demolished in June of 2015 to expand either a play area or a parking lot. She stated that she will visit the business across the street and neighboring property owners to see if they foresee any issues but she has not heard anything since a letter was sent out to all property owners within a 300’ radius. She stated that the main

parking area will be next to the rental house and not behind the building and the small strip of land on the north side of the building will not be used as a driveway since it is next to residential areas. She stated that the dumpster will be placed on the north side of the building and the lighting on the building should be sufficient. Chairman Bruno stated that the bike rack and dumpster both may need to be situated out of the public right of way.

Chairman Bruno read aloud the Conditional Use Permit Agreement and the following conditions:

- a. Development and renovation of the property in compliance and consistent with the amended site plan submitted finding that development consistent with submitted and approved site plans mitigates development hardships and promotes long-term, high quality development within the community, site plan elements include the following:
 - i. Fencing: 3' sight obscuring fencing for 30' from 200 E and 100 N streets and 6' sight obscuring fencing surrounding remaining perimeter of site. 3' sight obscuring fence and hedge to be maintained for 60' along 100 N and 200 E from corner. Existing legal non-complying fencing may remain until replaced.
 - ii. Area Lighting: lighting to be shaded and angled to mitigate light transference to neighboring residential uses. Lights to be on timers and motion activated.
 - iii. Outdoor Activities: outdoor activities to be within the hours of 7am to 10pm only finding that limiting outdoor activity time mitigates noise and other potential nuisance impacts from neighboring residential uses;
 - iv. Drop-Off & Pick Up Zone: Boys and Girls Club to coordinate paint striping of drop off and pick up zone with Price City Public Works Department to mitigate any vehicle or pedestrian impacts.
 - v. Bike Rack: location in parking strip approved and must be installed and coordinated with the Price City Public Works Department to mitigate any utility, vehicle or pedestrian impacts. Easement necessary: Boys and Girls Club to prepare legal easement and submit to Price City. Additional bike rack to be placed in no parking area near teen entrance.
 - vi. Landscaping: a minimum of 5% of the site must be landscaped and maintained.
 - vii. Off-Street Parking Lot and Surfacing: minimum of 9 off street parking spots completed based on the need of 4 spaces for staff and 5 spaces for visitors. Off street parking lot to be hard surfaced within 24 months of this approval (October 1, 2014). Storm water drainage design from surfaced lot to be reviewed and concurred with by the Price City Engineer.
 - viii. 100 North Ingress and Egress: maximum 30' driveway entrance permitted. Right turn only upon egress from site onto 100 North Street. Right turn only sign to be installed by Boys and Girls Club.
 - ix. Garbage Enclosure: Garbage location to be enclosed in a 6' sight obscuring and gated enclosure. Garbage service to be such that the size and frequency of disposal does not allow accumulations of garbage or rubbish to overflow the garbage cans.
 - x. Razing of Existing Residential Structure on SW Corner of Site: removal of existing structure (rental house) on SW corner of site to be completed under the auspices of a Price City demolition permit and subsequent parking area to be developed in accordance with all Code requirements including storm water management planning.
- b. All phases of development approved to be completed in full on or before September 1, 2014 finding that phased development plans submitted indicate that development will be completed within that time frame, that the location is on a primary community corridor and timely completion of development promotes increased community aesthetic, and the

- maximum temporary period for development completion authorized within the Code is 24 months, removal of residential structure completed by June 30, 2015;
- c. All building renovations to be completed under the auspices of a valid Price City Building Permit and safety inspection of structures and property completed by the Price City Building Inspector and Price City Fire Chief prior to final occupancy and compliance with all safety recommendations stemming from said inspections and permitting finding that properly constructed, renovated and inspected structures and property protect the health, safety and welfare of the community;
 - d. Signage to be placed at the site only after final review and approval of site signage plan by the Price City Planning Department finding that complying signage promotes increased consistency and commercial operation identification within the community;
 - e. Procurement of a Price City business license and submission of non-profit verification along with annual lists of current members of the board of directors for the Boys and Girls Club of Carbon County finding that proper licensing and tracking of commercial activity in Price City is consistent with the Price City General Plan;
 - f. Control of site and location entry and security of all club participants from unauthorized persons and background checks by qualified law enforcement personnel for all employees and volunteers working with children at the club finding that safety of minor children is a primary concern in the community;
 - g. Completion of all utility connections in compliance with Price City requirements finding that properly connected utility service protects the health, safety and welfare of the community;
 - h. Completion of a storm water management plan and concurrence with the storm water management plan by the Price City Engineer finding that properly controlled and managed storm water flows prevent flooding, protect structures and infrastructure and protect the health, safety and welfare of the community;
 - i. Completion of a public infrastructure development agreement, if required, with the Price City Public Works Department and submission of any required financial surety associated with the agreement finding that agreed to and financially secure public infrastructure development mitigates potential failures from public expense;
 - j. Written notification of all neighboring property owners within three-hundred feet (300') of the subject property regarding the nature and plan for the development finding that formal notification of neighboring land owners of pending development mitigates misunderstandings regarding development and operation;
 - k. Application for, completion of, and recording with the Carbon County Recorder of a lot assembly plat or notice of property boundary adjustment document, approved under separate application and approval finding that the clubhouse, parking lot and adjoining property are currently on separate parcels and the Code requires the development be contained on one parcel;
 - l. No conditions at the property or structure(s) that place the property or structures in violation of the Price City Property Maintenance Code, including all snow removal loading to be maintained on-site and not placed within 100 North Street or 200 East Street, finding that properly maintained properties and structures protect area property values and promote the goals in the Price City General Plan;

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 Conditional Use Permit for the Boys and Girls Club contingent upon the completion of all listed conditions and the amendment to item 10 to include demolition of the rental home by June 30, 2015. Motion seconded by Commissioner Oliver and carried.

6. UNFINISHED BUSINESS-

- Erroll Holt and Alfred Richens-Commission terms expire at end of 2012. Newspaper ad will run for vacancies and a letter from each member must be received stating their intention.
- City Council position will be removed from Planning and Zoning Commission.
- Will need a new member to replace Wayne Clausing and Grady McEvoy.
- December 2012 Planning and Zoning Retreat

7. CUSTOMER SERVICE REPORT- No update

Meeting adjourned at 7:08 p.m. pursuant to a motion by Commissioner Holt.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon