

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF July 10, 2017**

PRESENT:

Commissioners:

Nancy Bentley	Nick Tatton-Community Director
Todd Thorne	Sherrie Gordon-City Recorder
Dale Evans	
Judy Beacco	
Robert Oliver	
Richard Root	
Frankie Sacco	

EXCUSED: Commissioner Young and Commissioner Holt-Alternate

OTHERS PRESENT: Darla Anderson, Thomas Anderson, Nefi Garcia, Matt Dalley and Stephen Manzanarez

1. Commissioner Oliver called the meeting to order at 6:02 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. MINUTES –
 - a. June 26, 2017 Planning and Zoning Training Workshop
 - b. June 26, 2017 2017 Planning and Zoning Meeting

MOTION. Commissioner Bentley moved to approve the minutes of both meetings held on June 26, 2017. Motion seconded by Commissioner Evans and carried.
4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received on any of the items.
5. GENERAL BUSINESS –
 - a. COMPLIANCE REVIEW - Compliance review and possible recommendation to revoke Conditional Use Permit, Castle Country Fencing, 337 N 5th Ave., Steve Manzanarez.
Commissioner Oliver recused himself from discussion and voting on this matter due to a conflict.
Vice Chair Sacco conducted the meeting for this item. She asked Mr. Manzanarez if he had received the letter from Price City mailed June 26, 2017. The letter informed Mr. Manzanarez that Price City Planning Department has received multiple complaints regarding his home occupied business and the conditions present at his property at 337 North 5th Avenue. Price City has investigated these complaints and found that violations of your home occupied business conditional use permit are present and violations of the Price City Property Maintenance Code and the Municipal Code do currently exist. Vice Chair Sacco asked Mr. Manzanarez if he understood why he was here. He said yes.
Vice Chair Sacco gave Mr. Manzanarez an opportunity to speak. He stated that he was working toward compliance with all approval conditions. This is his busy time of year. He is also having problems hiring reliable people. Vice Chair Sacco stated that on November 6, 2006 Mr. Manzanarez returned to Planning Zoning to request a continuance of his Home Occupied Business at the address of 337 North 5th Avenue. The conditions for the fencing business were to follow the specifications of the Commission authorized at that time and as indicated below:
 - Space used for storage of “on hand” materials or 168 square feet of space not to exceed 21’ x 8’.
 - Storage of items is only permitted to be on the back edge of the property up against the fence line.
 - Storage items will only be stored on pallets.
 - Storage items will be covered at all times and remain presentable.
 - A sight obscuring fence will be installed at the sides and rear of the storage area.
 - Fittings, top rail, gates, fence fabric and fence posts are the only listed items to be stored.
 - Items are to remain minimal to only what will be used on a daily basis.
 - Vehicles used for the business are not allowed to park at the home, this includes trucks and trailers.
 - The home is to be Office Use Only.
 - Customers and employees are not to come to the home for business.
 - Inoperable or damaged vehicles are to be removed from the property within 60-days of this meeting.
 - Vehicles are not to be parked on the City sidewalks or designated paths.
 - Mr. Manzanarez will be allowed 9-months to find and relocate his business and storage to another location within a CD zone. If by September 1, 2007, he is not able to commit to this stipulation, he must return to Planning and Zoning on his own accord and report to the Commission. The only permitted use will be Office Use Only at the address of 337 North 5th Avenue on September 1, 2007.Vice Chair Sacco stated that no attempts to mitigate the violations on the property were made until Mr. Manzanarez received the notice. He was informed that he is required to follow the development code and conditions of approval

list of November 6, 2006. A detailed discussion has held regarding the current condition of the property and the determined non-compliance of the Conditional Use Permit, property ownership and vehicles. Emergency vehicles are not able to access the street if dispatched. This is a safety hazard to the citizens that live on 5th Avenue and adjoining streets.

Commissioner Thorne reviewed the pictures of the property and vehicles and commented on his observations of the property. The pictures indicate that Mr. Manzanarez has not followed the Commission's recommendations and what he agreed to do on November 6, 2006. He stated that as a business owner it is his responsibility to comply with the Conditional Use Permit. He recommended that the Conditional Permit be revoked.

Commissioner Evans indicated that it was the intention of the Commission to help him stay in business but that since he has blatantly refused to comply with the Conditional Use Permit his permits and licenses may be revoked.

Vice Chair Sacco asked Mr. Manzanarez for a timeline for compliance with the issues. Mr. Manzanarez asked if he could place metal land-sea storage containers on the property. A discussion has held reviewing all issues for storage containers. Storage containers are not permitted to be placed in residential zones within the City limits. Storage containers may only be placed in the Commercial zone and on a temporary basis.

Commissioner Bentley stated that it appeared that Mr. Manzanarez had not taken the Commission serious until Commissioner Thorne mentioned "revoked". Commissioner Evans asked Mr. Manzanarez what would it take for him to get in compliance and if he could do it. Mr. Manzanarez said yes he could and that he will prepare a compliance plan with timelines and present to the Planning Commission at the next meeting. He asked for consideration due to the fact that it was his busy time of year. He asked for more time to meet the requirements. A discussion was held regarding compliance and a timeline.

MOTION. Commissioner Evans made a motion to revisit this issue at the July 25, 2017 Zoning Commission meeting. At this scheduled meeting Mr. Manzanarez is to provide a detailed compliance plan and a timeline for each of the following items listed on the Conditional Use Permit issued on November 9, 2006:

- Space used for storage of "on hand" materials or 168 square feet of space not to exceed 21' x 8'.
- Storage of items is only permitted to be on the back edge of the property up against the fence line.
- Storage items will only be stored on pallets.
- Storage items will be covered at all times and remain presentable.
- A sight obscuring fence will be installed at the sides and rear of the storage area.
- Fittings, top rail, gates, fence fabric and fence posts are the only listed items to be stored.
- Items are to remain minimal to only what will be used on a daily basis.
- Vehicles used for the business are not allowed to park at the home, this includes trucks and trailers.
- The home is to be Office Use Only.
- Customers and employees are not to come to the home for business.
- Inoperable or damaged vehicles are to be removed from the property within 60-days of this meeting.
- Vehicles are not to be parked on the City sidewalks or designated paths.
- Mr. Manzanarez will be allowed 9-months to find and relocate his business and storage to another location within a CD zone. If by September 1, 2007, he is not able to commit to this stipulation, he must return to Planning and Zoning on his own accord and report to the Commission. The only permitted use will be Office Use Only at the address of 337 North 5th Avenue on September 1, 2007.

Mr. Manzanarez is to continue to work to comply with the Conditional Use Permit until attending the July 25, 2017 Planning and Zoning Committee meeting.

If the plan submitted by Mr. Manzanarez does not address all land use violations and present a viable process to bring every item back into compliance, the Conditional Use Permit may be revoked. Motion seconded by Commissioner Bentley and carried.

Mr. Manzanarez indicated that he is aware of the circumstance and review to take place on July 25, 2017 and that his permit to operate a home occupied business may be revoked if the plan he presents is not complete.

6. **CONSIONAL USE PERMIT –**

a. **ON-LINE RETAIL, WHOLESALE AND WAREHOUSING LAND USE** - Consideration and possible approval of an on-line retail, wholesale and warehousing land use business, Continuous Resources, located at 610 S Nick Lane within the Manufacturing 1 (M-1) zoning district, Matt Daley.

Matt Daley submitted a Conditional Use Permit (CUP) application to locate a business called Continuous Resources at 610 S Nick Lane. Continuous Resources will be a combination of office space, warehousing, wholesale and on-line retail sales. The general land use evaluation criteria is listed in Section 11.5 of the Price City Land Use Management and Development Code (Code), the specific land use evaluation criteria is listed in Section 11.1.m of the Code. The land uses identified are as follows:

- On-line retail: Code Section 11.3.4.45; Permitted Use (identified as other retail);
- Wholesale: Code Section 11.3.9.7; Conditional Use;
- Warehousing: Code Section 11.3.9.2; Conditional Use;
- Office Space: Code Section 11.3.5.1; Permitted Use.

The Planning Commission thoroughly discussed the land uses and restrictions with the applicant to ensure complete understanding of the conditions of approval. Chairman Oliver read aloud the following conditions of approval:

- Maintain a minimum of five (5) off-street parking spaces in a hard surfaced condition finding that off-street parking mitigates the potential for accidents.
 - No relocated or additional or alternate ingress/egress from property. Must use existing.
 - No on-street parking by owners or employees; all owners or employees must park off street finding that open on-street parking facilitates community commercial activity.
- Maintain a minimum of 5% exterior landscaping per Code requirements. All landscaping to be water wise.
- Garbage containers and service frequency utilized that prevent the accumulations of garbage, rubbish and debris finding that properly sized and serviced garbage containers prevent wind scatter and accumulations of garbage, rubbish and debris.
- All outdoor storage to be maintained orderly within a fenced enclosure finding that orderly storage and fenced storage mitigates the potential for malfeasance and business interruption.
- Building and fire safety re-inspection for compliance by the Price City Building Inspector and/or Price City Fire Chief finding that properly inspected buildings protect the health, safety and welfare of the community.
 - Compliance with all safety recommendations stemming from the inspections.
 - Procurement of a Price City Building Permit for any building renovations or improvements that occur.
- All exterior lighting to be high efficiency LED fixtures and bulbs finding that energy efficiency reduces costs in the community and increases the economic competitiveness of business.
- Business signage to be reviewed and approved by the Price City Planning Department prior to installation finding that properly reviewed and approved signage promotes community consistency.
- No conditions at the property or structure that violate the Price City property maintenance code finding that properly maintained properties and structures protect community property values.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Evans moved to recommend that the Price City Council provide final approval of an on-line retail, wholesale and warehousing land use business, Continuous Resources, located at 610 S Nick Lane within the Manufacturing 1 (M-1) zoning district. Motion seconded by Commissioner Beacco and carried.

b. COMMUNICATIONS UTILITY POLE PLACEMENT - Consideration and possible approval for placement of an utility pole in the public right-of-way at 175 W 400 N (Relocation from 50 E 400 N), Mobilitie, Nefi Garcia. A Conditional Use Permit (CUP) application and site plan was submitted by a company called Mobilitie. Mobilitie previously obtained approval for siting of 3 poles/towers and now needs to vacate one of the locations and change it to the location that is the subject of this application. Mobilitie is in the wireless communications business. The sites is 175 W 400 N within the Public Facilities (PF) zoning district and will utilize zoning considerations from the adjoining zoning districts for approval.

Inasmuch as this application is regarding the placement of a utility pole in the public right-of-way a detailed discussion was held regarding the placements, operation, maintenance, etc. be held with the applicant to ensure complete understanding of the conditions of approval by both the City and the applicant. As part of the internal review process the applications have been reviewed by the Price City Street Department, Public Works Department, Engineering Department and Electric Department as well as the Planning Department and Legal. Price City also previously engaged a private consultant to review and opine on the application on behalf of the City and the recommended conditions of approval. The planning commission must also specifically acknowledge and approve the pole height requested (46 feet). Necessary documents (franchise agreement, business registration, etc.) are in place from the prior approvals.

Chairman Oliver read the following conditions of approval:

- Contact, discussion and coordination of final utility pole placement with both the Price City Public Works Department and neighboring/adjoining private/public property owners at location finding that coordinated installation of utility infrastructure and equipment mitigate misunderstandings and serve to promote future development within the community.
 - Comments received to be considered and included in final pole placement locations at each respective location.
 - Coordinate metered connections to the Price City Electric System with the Price City Electric Department.
 - Traffic control during installation to be coordinated with the Price City Public Works Department.
 - Locations for any additional fiber line connections to be reviewed and approved by Price City prior to connections.
- Provision by Mobilitie to Price City of final engineered stamped pole installation plans that include information on wind loading and foundation stability signed and stamped by a structural engineer finding that properly prepared and engineered plans protect the health, safety and welfare of the community.
 - All poles to be placed to be made of steel only.
- Approval of installation of pole not to exceed 46 feet in height finding that installations consistent with submitted documents mitigates misunderstandings.
- Specific notification of the canal company and provision of pole installation information for location finding that the location is adjacent to the canal and State law requires notification of the canal company for development occurring adjacent to the canal.
 - Incorporation of comments received by canal company into final location of pole, foundation design, etc.
 - Notification of Price City of canal company comments.
- Installation and operation consistent with the terms and conditions of the existing franchise agreement between Mobilitie and Price City finding that properly franchised utility providers protect the health, safety and welfare of the community.
- Procurement of Price City Building Permits based on engineered stamped installation drawings received finding that properly permitted and inspected utility infrastructure protects the health safety and welfare of the community.
 - Installation restricted until stamped and signed plans are submitted and building permits are issued.
- Installation of signage on pole indicating the ownership of the pole and contact information for emergency or service and maintenance matters finding that properly identified utility infrastructure mitigates misunderstandings and promotes increased service to the community.
- Procurement of a Price City Business License, if not already in place, for the lawful conduct of business within Price City finding that all businesses are required to be licensed for local operation by Price City.

- Acknowledge that the prior approval (August 2016) for a similar pole located at 400 N between Carbon Avenue and 100 E is vacated per applicant request and that no rights exist for installation or construction at that location.
- No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties and structures protect area property values and is consistent with the Price City General Plan.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Thorne moved to recommend that the Price City Council provide final approval for placement of an utility pole in the public right-of-way at 175 W 400 N (Relocation from 50 E 400 N). Motion seconded by Commissioner Root and carried.

C. DROP-OFF CHILDCARE AND PARTY RENTAL LAND USE - Consideration and possible approval of a drop-off childcare and party rental land use at 1181 East Main Street, within the Commercial 1 zoning district, Darla Anderson.

Darla Anderson submitted an application for a Conditional Use Permit (CUP) for a daycare and party rental business land use at 1181 East Main Street within the Commercial 1 (C-1) zoning district. General land use evaluation criteria are located in Section 11.1 of the Price City Land Use Management and Development Code (Code) and the specific land use evaluation criteria/land use checklist is in Section 11.1.m of the Code. The party rental is considered a permitted use in the C-1 zone, the daycare portion of the business is conditional based on Section 11.3.5.14.5 of the Code.

The Commission discussed the land use, conditions of approval and site related matters thoroughly with the applicant to ensure understanding. Chairman Oliver read the following conditions of approval:

- Customer and child access from front of building only, no alley-way customer or child access finding that front building entrance only mitigates potential vehicle and pedestrian accidents.
 - No parking, no drop-off or pick-up along the fire lane in front of location.
 - All drop-off and pick up to be illuminated for safety during non-daylight hours.
- All garbage collection and disposal to be maintained in the rear of the building and garbage collection service frequency in place to prevent accumulations of garbage, rubbish, debris.
- No unauthorized access to children and security of children in facility at all times finding that security of children is paramount to the health, safety and welfare of the community.
- Building inspection by the Price City Building Inspector and Price City Fire Chief and compliance with all safety recommendations stemming from the inspection finding that properly inspected and safe buildings protect the health, safety and welfare of the community.
 - All building renovations and leasehold improvements to be completed under the auspices of a Price City Building Permit and Certificate of Occupancy issued prior to any use or occupancy.
 - Occupancy of location not to exceed safe capacity as determined by the Price City Building Inspector and Price City Fire Chief.
 - ADA building inspection and compliance with recommendations and requirements stemming from the inspection. Contact Active ReEntry.
- Procurement of a Price City Business License finding that properly licensed businesses protect the health, safety and welfare of the community.
- Business signage approved as submitted with CUP application and not to exceed 32 square feet as indicated and signage to be installed under the auspices of a Price City Building Permit.
- No conditions at the property or site that violate the Price City Property Maintenance Code finding that properly maintained property and structures protect property values in the community.

ACCEPTANCE: The applicant acknowledged that she is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Bentley moved to recommend that the Price City Council provide final approval of a drop-off childcare (50 children) and party rental land use at 1181 East Main Street, within the Commercial 1 zoning district. Motion seconded by Commissioner Thorne and carried.

7. UNFINISHED BUSINESS – Mr. Tatton informed the Commissioners that a training workshop would be scheduled for July 25, 2017 at 5:30 P.M. Russell Seeley, Price City Engineer, would present on storm water flow management. Also, at the July 25, 2017 regular scheduled meeting Barry Horsley with Carbon County will be requesting a Conditional Use Permit for installation of an 80 foot tall emergency communication tower located on Wood Hill. In the near future discussions will be held on home rentals for bed and breakfast. An update to the current ordinances will need to be established to address these upcoming issues.

Meeting adjourned at 7:25 p.m. pursuant to a motion by Commissioner Thorne. Motion seconded by Commissioner Bentley and carried.

APPROVED: _____
Chairman, Robert Oliver

ATTEST: _____
City Recorder, Sherrie Gordon



VIEWS WESTERLY FEOM 5TH AVE. NORTH

6/14/2017 #2017-5 5TH AVE. NORTH PHOTO INSPECTION



VIEWS WESTERLY FROM 5TH AVE. NORTH

6/14/2017 #2017-5 5TH AVE. NORTH PHOTO INSPECTION