

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF SEPTEMBER 25, 2017**

PRESENT:

Commissioners:

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

EXCUSED: Commissioner Bentley and Commissioner Holt-Alternate

OTHERS PRESENT: Kevin Drolc, Leif Nelson, Marty Robbins, and Orlando LaFontaine

1. Chairman Oliver called the meeting to order at 6:00 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. MINUTES –
 - a. August 21, 2017 Planning and Zoning Training Workshop
 - b. August 21, 2017 Planning and Zoning Meeting

MOTION. Commissioner Young moved to approve the minutes of both meetings held on August 21, 2017. Motion seconded by Commissioner Evans and carried.

4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received on any of the items.

Chairman Oliver requested to amend the agenda order. He requested Item #5 to be considered and discussed after Item #6.

MOTION. Commissioner Evans moved to amend the agenda as requested by Chairman Oliver. Motion seconded by Commissioner Beacco and carried.

5. GENERAL BUSINESS –
 - a. CONTINUED COMPLIANCE REVIEW - Conditional Use Permit final compliance review, consideration and possible approval of a recommendation to revoke the Conditional Use Permit, Castle Country Fencing, 337 N 5th Ave, Steve Manzanarez.
Commissioner Oliver recused himself from discussion and voting on this matter and declared that he may have a conflict of interest.
Steve Manzanarez was not present at the meeting. Staff confirmed that Mr. Manzanarez had been advised of the meeting time, date and location.
Vice Chair Sacco conducted the meeting for this item. The Commissioners held a detailed discussion regarding the current condition of the property and the determined non-compliance of the Conditional Use Permit, property ownership and vehicles. The Commissioners reviewed pictures of the property submitted by Vice Chair Sacco. Vice Chair Sacco stated that the pictures were taken September 25, 2017.







Commissioners noted that they had visited the property. It was also noted some work toward compliance with the conditions was completed but Mr. Manzanarez is still not in compliance. Also, numerous vehicles are still parked in a violation condition both on street and off street.

The Commissioners viewed the time line allowed to bring the property into compliance:

- November 6, 2006 Mr. Manzanarez appeared before the Planning and Zoning Commission.
- July 26, 2017 a second compliance review was conducted. The Commission agreed to a 45-day extension (September 8, 2017).
- September 8, 2017 Planning and Zoning meeting was cancelled. This allowed additional two-weeks for Mr. Manzanarez to bring the property into compliance.
- As of September 25, 2017 the property is still non-compliant.

Per Mr. Manzanarez's request, the City Recorder, by Certified Mail, sent him a copy of the list that was reviewed in detail at the July 26, 2017 Planning and Zoning meeting.

The Commissioners held a detailed discussion and reviewed each requirement of the Conditional Use Permit:

- 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 7th Avenue on September 1, 2007.

The Commissioners agreed that Mr. Manzanarez is required to comply with all of these conditions and as of September 25, 2017 the property is still not in compliance. It was recommended that the Conditional Use Permit and Business License for a home occupied business be revoked. Mr. Manzanarez will need to find another location to do business in the commercial or manufacturing zone to operate his business.

Vice Chair Sacco asked Nick Tatton to review the process of revoking a Conditional Use Permit and Business License. Mr. Tatton outlined the procedure and process for the Commission.

MOTION. Commissioner Thorne made a motion to revoke the Conditional Use Permit and Business License finding that the condition on the property remains in a non-compliant condition with the approved Conditional Use Permit and move this recommendation forward to the Price City Council for final revocation of the Conditional Use Permit and Business License. Motion seconded by Commissioner Evans and carried unanimously.

6. **CONDITIONAL USE PERMIT –**

a. **HOBBY SHOP, PAWNSHOP, ARCADE, CARRY-OUT PIZZA** - Consideration and possible approval of a hobby, pawn, arcade, laundromat land use at 828 East Main Street within the Commercial 1 zoning district, Marty Robbins.

A Conditional Use Permit (CUP) was submitted by Marty S. Robbins to locate a hobby shop, pawn shop and arcade, and laundromat land use at 828 East Main Street in an existing building within the Commercial 1 (C-1) zoning district. The general land use evaluation criteria is listed 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 listed in Section 11.1.m of the Code. The applicable land uses are: Pawnbrokers, a conditional land use, Section 11.3.4.37.5 of the Code; Firearms, a conditional land use, Section 11.3.4.17.5 of the Code; Sporting Goods, a permitted land use, Section 11.3.4.40 of the Code; and, Public Assembly (to accommodate a conditional land use, Section 11.3.10.5.6 of the Code, Other Retail Trade, a permitted land use, Section 11.3.4.43 of the Code, Laundering, dry cleaning and dyeing services, a conditional land use, Section 11.3.5.24 of the Code.

Marty Robbins addressed the Commissioners. He stated that his business, Marty's Pawn, is going to move to 828 East Main Street. The business will have a new name and will be called Castle Country Hobby & Pawn. He was working with a pizza distributor but could not finalize the plans to offer carry-out pizza. Instead, he would like to open a laundromat along with the hobby shop, pawn shop and arcade and amend his application and approval to accommodate the laundromat land use.

The Planning Commission reviewed the Conditional Use Permit in detail. Commissioner Oliver read aloud the following conditions of approval:

- Maintain a minimum of eight (8) off-street parking spaces dedicated to the business in the shared lot to the west of the building finding that dedicated off-street parking mitigates the potential for vehicle and pedestrian accidents.
 - 10,668 sq. ft. bldg. X .5 net usable = 5,334 sq. ft. / 300 feet per parking space = 18 spaces.
- Maintain garbage and rubbish dumpster off-street in a secured and/or enclosed manner with an appropriate service frequency finding that properly sized and serviced garage dumpsters prevent accumulations of garbage and rubbish and wind scatter of garbage and rubbish.
- Completion of a Price River Water Improvement District (PRWID) waste water survey and compliance with all waste water system protection requirements stemming from the survey finding that waste water system protection mitigates impact to the system. No on-site grease disposal or food disposal into the waste water system. Installation of a grease trap and sampling manhole for sewer system protection based on the laundromat land use.
- Installation of business signage only upon review and approval by the Price City Planning Department finding that properly reviewed and approved business signage promotes commercial activity and is consistent with the Price City General Plan.
- Review of all firearms and ammunition storage and security by the Price City Police Chief and compliance with all safety recommendations stemming from the review finding that properly reviewed, stored and maintained firearms mitigate the potential for theft or other crimes.
 - Maintain valid registration with the State of Utah/Federal as a firearms dealer, if applicable.
- Inspection of the building for safety by the Price City Building Inspector and Price City Fire Chief and compliance with all safety recommendation stemming from the inspection finding that reviewed, inspected and updated buildings protect the health, safety and welfare of the community.
 - Any building renovations to be completed under the auspices of a Price City Building Permit and inspection.
- Maintain all business registrations and licensing, as applicable, finding that properly registered and licensed businesses improved commercial and economic activity.
 - Price City Business License.
 - State of Utah Sales Tax Registration and Submission.
- No loitering in the vicinity of the building finding that restricted loitering mitigates the potential for negative impact to surrounding structures and property.
- No smoking compliance with the Utah Indoor Clean Air Act finding that restricted smoking mitigates the potential for negative health impacts to persons conducting business at the location.
- No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties and structures mitigates impacts to 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 Root moved to recommend that the Price City Council provide final approval of a Conditional Use Permit (CUP) for Marty S. Robbins to locate a hobby shop, pawn shop and arcade, and laundromat land use at 828 East Main Street in an existing building within the Commercial 1 (C-1) zoning district. Motion seconded by Commissioner Sacco and carried.

b. **RESTAURANT WITHOUT ALCOHOL SALES** - Consideration and possible approval of a conditional use permit for a restaurant without alcohol sales to be reestablished at 40 W Main St. within the Commercial 1 zoning district, Tony Siaperas.

A Conditional Use Permit (CUP) application was submitted by Tony Siaperas to (re)locate a restaurant business at 40 West Main Street in an existing building within the Commercial 1 (C-1) zoning district. The prior land use and building occupancy expired due to vacancy of the premises for over 365 days necessitating the need to complete the CUP application and potential approval process again. The general land use evaluation criteria is listed 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 listed in Section 11.1.m of the Code. The applicable land uses is Eating Places – Food Consumed on Premises, a conditional use based on Section 11.3.4.14 of the Code.

Orlando LaFontaine appeared on behalf of Tony Siaperas and represented himself as having authority to act on behalf of the applicant, Mr. Siaperas.

The Planning Commission thoroughly discussed the land use(s) with the applicant. The Planning Commission also reminded and made very clear to Mr. LaFontaine that alcohol sales are not authorized as part of this permit. Should the applicant choose to serve alcohol a separate Price City license application, local consent and a State of Utah license are required. Chairman Oliver read aloud the following conditions of approval:

- Complete any and all Southeast Utah District Health Department (Department) physical facility inspection requirements prior to commencement of business and certification of all employees and staff with the Department food handler safety program finding that properly inspected facilities and certified staff mitigates the potential for food related sickness and protects the health, safety and welfare of the community.
- Procurement of a Price City business license for operation of the business at the location finding that properly licensed and permitted businesses protect the health, safety and welfare of the community.
- No sales or service of alcohol at the location finding that no local application has been submitted for consideration of alcohol sales, no local consent has been applied for or provided for alcohol sales and Price City has not received a copy of any State of Utah alcohol permit or application.
- No on site disposal of oils, greases or other chemicals or items that may negatively impact the environment or the waste water system finding that restricted disposal of certain items protects the health, safety and welfare of the community.
 - Completion of a Price River Water Improvement District (PRWID) waste water survey, if necessary, and compliance with all waste water system protection requirements stemming from the survey including grease trap requirements.
 - Service frequency and capacity of grease trap to mitigate waste water system impacts for restaurant operation.
- Inspection of the structure by the Price City Building Inspector and Price City Fire Chief prior to occupancy and compliance with all safety recommendation stemming from the inspection finding that compliance with safety recommendations protects the health, safety and welfare of the community.
 - Completion and verification of all building safety matters as directed by the Price City Building Inspector and Price City Fire Chief. Engineering documents may be required.
 - Occupant load limits at restaurant no to exceed the safe limit set by the Price City Building Inspector and Price City Fire Chief.
- All building renovation to be completed under the auspices of a Price City Building Permit finding that properly permitted and inspected commercial building improvements and renovations protect the health, safety and welfare of the community.
- Business signage plan submitted to the Price City Planning Department prior to installation for review and potential approval finding that properly reviewed and authorized commercial signage promotes increased commercial activity and is consistent with the Price City General Plan.
- All employee and owner parking to be off-street in the mid-block lot to the north of the building finding that increased on-street parking in the downtown area promotes commercial activity and is consistent with the Price City General Plan.
- Business garbage and rubbish collection to be maintained in a screened enclosure and conducted with a service frequency to prevent accumulations of garbage or rubbish in the community finding that controlled garbage and rubbish disposal prevents negative aesthetic conditions and wind scatter of garbage and rubbish.
- No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties and structures mitigates impacts to area property values and is consistent with the Price City General Plan.

ACCEPTANCE: Mr. LaFontaine, on behalf of Mr. Siaperas, acknowledged that he and the applicant are aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval. Mr. LaFontaine will advise Mr. Siaperas that he needs to arrange to sign the Conditional Use Permit prior to it becoming effective.

MOTION. Commissioner Sacco moved to recommend that the Price City Council provide final approval of a Conditional Use Permit for a restaurant without alcohol sales to be reestablished at 40 W Main St. within the Commercial 1 zoning district. Motion seconded by Commissioner Young and carried.

7. UNFINISHED BUSINESS – Nick Tatton reminded the Commissioners of the Price City Planning and Zoning Commission Training Retreat scheduled for December 12, 2017. RSVP by calling Sherrie Gordon.

Meeting adjourned at 6:48 p.m. pursuant to a motion by Commissioner Young. Motion seconded by Commissioner Evans and carried.

APPROVED: _____
Chairman, Robert Oliver

ATTEST: _____
City Recorder, Sherrie Gordon