

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF NOVEMBER 20, 2017**

PRESENT:

Commissioners:

Nancy Bentley
Todd Thorne
Judy Beacco
Dale Evans
Frankie Sacco
Jan Young
Robert Oliver
Richard Root

Nick Tatton-Community Director
Sherrie Gordon-City Recorder

EXCUSED: Commissioner Holt-Alternate

OTHERS PRESENT: Mike Johnson, Leif Nelson, Megan Marshall, Kory Moosman, Shawn Moosman, Brenda Lewis, Stephen Manzanares, and Terri Manzanares

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 of October 10, 2017 -
MOTION. Commissioner Bentley moved to approve the minutes of October 10, 2017. Motion seconded by Commissioner Beacco 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-c to be considered and discussed after Item #5-d.

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

5. **CONDITIONAL USE PERMIT**
 - a. **IMPOUND YARD LAND USE** - Consideration and possible approval of a site plan amendment adding the land use of an impound yard at 396 South Carbon Avenue within the Commercial 1 zoning district, Tony Basso. A Conditional Use Permit Amendment (CUP) was submitted by Tony Basso, to amend the current site plan and establish an automotive impound yard at the existing Helper Towing location at 396 S Carbon Avenue. General evaluation criteria for the zoning district is listed in Section 11.1.1 of the Code, specific evaluation criteria for the land use and the land use checklist are listed in Section 11.1.m of the Code. The site is situated within the Commercial 1 (C-1) zoning district and contains the following land uses, as indicated in the Price City Land Use Management and Development Code (Code):
 - Sales of automobiles as an accessory use, other retail trade, Section 11.3.4.45; conditional use;
 - Motor vehicles and automotive equipment, wholesale trade and warehousing, Section 11.3.9.8, conditional use.

Additionally, the Code identifies an impound lot, per Section 1.13.119. as “A security lot fenced with or without guarding barbwire, and/or illumination, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. A site where damaged vehicles are typically stored after an accident.” The following considerations were evaluated and discussed with the applicant’s agent in attendance at the meeting when reviewing this request included:

- Actual layout of site plan and site plan conditions:
 - Fencing: size; barbed wire top (required by State); sight obscuring;
 - Lot lighting: size; location; angles to traffic on highway; neighboring land uses;
- Signage at location:
 - Required by State of Utah for Impound Yard
 - General business signage
- Restriction on automobile sales lot. Sales should be limited to impounded vehicles acquired only. No sales lot established or operated.
- Restriction on wrecking or salvage yard. Auto wrecking and parts salvage are specifically prohibited in the zone in the Code.

Megan Marshall appeared on behalf of Tony Basso and represented herself as an agent having authority to act on behalf of the applicant, Mr. Basso.

The Planning Commission specifically discussed the site plan with the applicant and confirmed with the applicant's authorized agent that this site cannot be a wrecking or salvage yard. Chairman Oliver read aloud the following conditions of approval:

- Site plan not to be altered or amended from that approved with the below attributes finding that development and land use consistent with approved site plans protects the health, safety and welfare of the community and is consistent with the Price City General Plan:
 - Vehicle impound area to be fenced with a 6 foot tall sight obscuring fence with no more than 3 strands of barbed wire meeting the minimum standard for impound yards mandated by the State of Utah finding that minimum impound yard requirements require barbed wire fencing;
 - Lights for impound yard to be angled away from traffic on adjacent public roads and away from other land uses finding that lighting of the impound yard is necessary and angling lighting away from traffic and other land uses mitigates potential safety matters and disturbances;
 - Surfacing of impound area to be hard surfaced, no vehicles in the impound area beyond the safe capacity of the impound area;
 - All "hold for owner" vehicles not parked in a fenced and screened area to be parked orderly; no placement of crash, salvage or other vehicles in a non-screened location.
 - No on-street parking of vehicles.
- Impound yard signage and business signage to only be placed at the site after review and approval of such signage by the Price City Planning Department finding that properly reviewed and approved signage promotes consistency in signage in the community and improved the commercial viability of businesses;
- No conditions at the property allowed that may subject the land use to enforcement of the Price City Property Maintenance Code terms and conditions now or in the future, finding that properly maintained properties promote improved property values, aesthetic appearance and improved commercial activity in the community consistent with the goals in the Price City General Plan;
- No motor vehicle impoundment beyond that inherently associated with the impound yard land use finding that proper site plan requirements are not in place for additional impoundment locations on the site;
- No automobile wrecking or salvage yard land use is permitted finding that those land uses are not permissible in the C-1 zoning district and that the site plan does not accommodate any such land use;
- All business owner and customer parking, including tow vehicles to be parked off-street at all times finding that off street parking promotes improved vehicular circulation in the community;
- No other land uses beyond those specifically licensed and approved herein authorized finding that additional or differing land uses may require additional consideration and permitting approval.

ACCEPTANCE: The applicant's agent reconfirmed that she has authority to act on behalf of the applicant and further 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 Root moved to recommend that the Price City Council provide final approval of a site plan amendment adding the land use of an impound yard at 396 S Carbon Avenue within the Commercial 1 zoning district. Motion seconded by Commissioner Evans and carried.

b. **AUTOMOTIVE ELECTRIC MOTOR SERVICE** - Consideration and possible approval of an automotive electric motor service business occupancy at 140 E 100 S, within the Commercial 1 zoning district, Titan Auto Electric LLC, Shawn Moosman.

A Conditional Use Permit Amendment (CUP) was submitted by Shawn Moosman to establish an automotive electric motor service location at 140 East 100 South. General evaluation criteria for the zoning district is listed in Section 11.1.1 of the Code, specific evaluation criteria for the land use and the land use checklist are listed in Section 11.1.m of the Code. The site is situated within the Commercial 1 (C-1) zoning district and contains the following land uses, as indicated in the Price City Land Use Management and Development Code (Code):

- Electric Service, Conditional Use, Code Section 11.3.5.18
- Electric Machinery, Equipment, Supplies, Conditional Use, Code Section 11.3.7.12.1
- Electrical Goods, Conditional Use, Code Section 11.3.9.3

The Planning Commission discussed the CUP with the applicant. Chairman Oliver read aloud the following conditions of approval:

- Maintain all exterior area lighting as high efficiency LED fixtures and include timers and/or shields and/or angled away from neighboring residential uses finding that reducing light transference mitigates nighttime impacts on residential properties.
- No on-street parking by owners and employees finding that limited on-street parking promotes commercial activity and is consistent with the Price City General Plan.
- Install a minimum of 5% landscaping as required by the Code and as the site may accommodate.
- Garbage dumpster to be maintained in an enclosure and serviced at a frequency that mitigates accumulations of garbage, rubbish and debris or the wind scatter of garbage, rubbish and debris.
- Ensure no unscreened outside storage of work in progress, materials, inventory, and supplies finding that restricted outdoor storage of work in progress enhances the community aesthetic and is consistent with the Price City General Plan.
- Ensure 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.
 - No service activity that involves disposal of oils, greases or other chemicals finding that a grease trap and sampling manhole are not present on-site.
 - All site floor drains or other possible sources of waste water system contamination to be sealed from use.
- 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.

- 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 indicating 1 sign with a maximum size of 60 square feet attached to the north elevation of the building authorized. No other signage authorized.
- 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: 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 Sacco moved to recommend that the Price City Council provide final approval of an automotive electric motor service business occupancy at 140 E 100 S, within the Commercial 1 zoning district, Titan Auto Electric LLC. Motion seconded by Commissioner Young and carried.

c. **GENERAL CONTRACT CONSTRUCTION SERVICES-FENCING** - Consideration and possible approval of general contract construction services-fencing and office space land use at 1423 East Nelson Lane within the combined Manufacturing 1 and Manufacturing 2 zoning district, Marie T. Manzanares, Castle Country Fencing. Commissioner Oliver recused himself from discussion and voting on this matter and declared that he may have a conflict of interest.

Vice Chair Sacco conducted the meeting for this item.

A Conditional Use Permit (CUP) application was submitted by Marie T. Manzanares to locate the Castle Country Fencing business at 1423 East Nelson Lane within the combined Manufacturing 1 (M-1) and Manufacturing 2 (M-2) zoning district. The land use applied for is the office type operation of the fencing business as well as staging for business supplies, materials, equipment and vehicles. 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:

- General Contract Construction Services-Fencing; Code Section 11.3.5.21; 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. Vice Chair Sacco read aloud the following conditions of approval:

- No nuisance exterior light transference to residential land uses adjacent to subject property finding that nuisance exterior light transference to residential land uses may create conflicts between adjoining property owners and uses.
 - 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.
- No nuisance noise transference to residential land uses adjacent to subject property finding that nuisance noise transference may create conflicts between adjoining property owners and uses.
- No on street parking of any vehicles, equipment, trailers or other business related items finding that restricted on-street parking mitigates the potential for vehicle or pedestrian accidents on Nelson Lane.
 - No vehicle, equipment, trailer or other business items to be parked or stored such that adjoining property owners experience restricted access to property.
 - No site access from Airport Road; all site access from Nelson Lane finding that safe or approved ingress/egress to the site is not present from Airport Road.
- 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 of vehicles, equipment, trailers to be maintained orderly finding that orderly storage and fenced storage mitigates the potential for malfeasance and business interruption.
 - All fittings and equipment to be stored inside of storage shed/building as indicated on the submitted site plan.
- Building and fire safety inspection of structures on the site and used for business purposes 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.
- 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 business operation from the site except that expressly applied for, considered, and approved herein finding that additional business operations may require additional licensing and/or CUP consideration.
- No Castle Country Fencing business operation, materials, equipment, vehicles to be located at, adjacent to or in the vicinity of 337 N 5th Avenue finding that all business operation from that location was previously revoked by Price City.
- 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 she is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

Steve Manzanares addressed the Commissioners regarding vehicles on or adjacent to his property located at 337 N 5th Avenue. There is signage on the vehicles for advertisement only. The Commissioners stated that all work vehicles must be parked and stored at the work site not at the 337 N 5th Avenue address. Any vehicles in the 337 N 5th Ave vicinity must be legally parked at location and can only be personal vehicles. No business activity of any type may be conducted at the 337 N 5th Avenue location or in that vicinity. Mr. Manzanares acknowledged these conditions. Mr. and Mrs. Manzanares were reminded that violations of the Price City Property Maintenance Code must also be removed from the 337 N 5th Ave area, if any, as violations such as parking in a non-parking area, junk, rubbish, debris, etc. may exist even if the business has no activity in the area.

MOTION. Commissioner Root moved to recommend that the Price City Council provide final approval of a Conditional Use Permit to locate the Castle Country Fencing business at 1423 East Nelson Lane within the combined Manufacturing 1 (M-1) and Manufacturing 2 (M-2) zoning district based on the detailed discussion held. Motion seconded by Commissioner Beacco and carried.

d. DRUG AND PROPRIETARY (PHARMACY) LAND USE. - Consideration and possible approval of a drug and proprietary land use at 4 East Main Street within the Commercial 1 zoning district, Price Family Pharmacy, Michael Johnson.

A Conditional Use Permit (CUP) application was submitted by Michael Johnson to locate Price Family Pharmacy, a drug and proprietary land use, business at 4 East Main Street within the Commercial 1 (C-1) zoning district. The land use applied for is identified as Drug and proprietary, a conditional use based on Section 11.3.4.13 of the Price City Land Use Management and Development Code (Code). The general land use evaluation criteria is listed in Section 11.5 of the Code, the specific land use evaluation criteria is listed in Section 11.1.m of the Code. The general retail nature of the proposed land use is permitted in the C-1 zone.

The Planning Commission 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:

- No on street parking by owner or employees of the business, parking by owners and employees to be in mid-block public lots, finding that restricted on-street parking mitigates parking congestion in the downtown area and promotes commercial activity consistent with the Price City General Plan.
- 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.
 - No improper disposal of medications in traditional garbage receptacles.
- Building and fire safety inspection of structures on the site and used for business purposes 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.
- Security review of medication storage and procedure by the Price City Police Chief and compliance with recommendations stemming from the review finding that reviewed and understood medication storage mitigates the potential for theft and disproportionate usage of public safety resources.
- 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 business operation from the site except that expressly applied for, considered, and approved herein finding that additional business operations may require additional licensing and/or CUP consideration.
- Price City business license must be approved prior to operation or occupancy.
- 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. The applicant was reminded of the requirement for a building and fire safety inspection of the proposed location.

MOTION. Commissioner Evans moved to recommend that the Price City Council provide final approval of a Conditional Use Permit of a drug and proprietary land use at 4 East Main Street within the Commercial 1 zoning district, Price Family Pharmacy. Motion seconded by Commissioner Young and carried.

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

Meeting adjourned at 6:47 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