

# Minutes Price City Planning and Zoning

## Price City Hall

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March 9, 1998

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**Present:** John Angotti (Chairman), Francis Duzenack (Zoning Administrator), Joe Piccolo, Carolyn Vogrinec (Secretary), Rose Etzel, Gary Lyon, Alfred Richens, Larry Bruno, Penny Sampinos

Meeting convened at 6:00 P.M.

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### I. MINUTES OF FEBRUARY 23, 1998

Joe Piccolo indicated an addition to be made to Item #1, Paragraph 2 whereby Chairman-ProTem for this meeting was Gary Lyon. Gary Lyon moved to accept the minutes of February 23, 1998 as corrected and amended. Rose Etzel seconded and the motion carried.

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### II. HOME OCCUPIED BUSINESS

SUE ANN VALDEZ - 511 ROSE AVENUE, #A  
HOUSECLEANING SERVICE

Francis Duzenack presented this application as Ms. Valdez was ill and unable to attend. All Land Development Code requirements have been met and Staff has no concerns. Larry Bruno moved to forward a favorable recommendation to Price City Council for the Home Occupied Business for Sue Ann Valdez - Housecleaning Service. Penny Sampinos seconded and the motion carried.

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### III. HOME OCCUPIED BUSINESS

THOMAS REX McCOURT - 575 EAST 200 SOUTH  
DATELINE, SPORTS, ENTERTAINMENT TELEPHONE SERVICE

Mr. McCourt appeared before the Commission and explained the nature of his 1-900 business as placing sports and entertainment related ads in newspapers and television from his home. This is a nationwide network based in Phoenix, Arizona so there will be no customers coming to his home or creating a nuisance for the neighbors. There is a \$2.99 per minute charge for the call. All codes have been met and there are no concerns. Alfred Richens moved to forward a favorable recommendation to Price City Council for the Home Occupied Business of Thomas Rex McCourt - Dateline, Sports and Entertainment Telephone Service. Gary Lyon seconded and the motion carried.

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### IV. HOME OCCUPIED BUSINESS

BRAD HARDMAN, GENERAL CONTRACTOR - 1669 EAST 800 NORTH  
CONSTRUCTION SERVICES - OFFICE USE ONLY

Mr. Hardman told the Commission he has taken and passed all of his tests and is awaiting his General Contractors License from the State. He has no other employees and no plans for a sign. He will use his home as an office and store only power hand tools. Francis Duzenack indicated Mr. Hardman can hire other employees if the work performed is done in the field and asked Mr. Hardman to bring his Contractor's License to his office, so that a business license can be issued. There were no concerns and Larry Bruno moved to forward a favorable recommendation to Price City Council for the Home Occupied Business of Brad Hardman, General Contractor, contingent upon receipt of a valid State of Utah General Contractors License. Penny Sampinos seconded and motion carried.

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## **V. TEMPORARY CONDITIONAL USE PERMIT - SIGN**

THE KINGS TABLE RESTAURANT - DAVID HICKS  
11 WEST MAIN STREET - REQUEST FOR EXTENSION OF TEMPORARY SIGN  
APPROVAL

Mr. Hicks was not in attendance, but sent a letter requesting an extension of the Temporary Use Permit for his banner sign. Although there is no specific time request, Francis Duzenack informed the Commission it was permissible to grant a Temporary Use Permit for up to two years. After some discussion on the matter, Gary Lyon moved to forward a favorable recommendation to Price City Council for approval of a six month extension of the Temporary Use Permit for a sign for The Kings Table Restaurant. Rose Etzel seconded and the motion carried.

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## **VI. CONDITIONAL USE PERMIT - SIGN**

HEATHER AND COMPANY - HEATHER CLOWARD  
69 WEST MAIN

Francis Duzenack indicated Ms. Cloward and Mr. Prazen were unable to attend tonight's meeting. However, they provided sign information at the last meeting when their business was approved. They answered questions concerning size of the sign and placement on the building and everything meets code. Investigation has been done in the basement area designated for the gallery and, being under the 1500 square foot requirement, no fire sprinkler system is needed and the basement can be used as is. There are two existing stairways with hand rails and exit signs to be added. There were no further concerns and Rose Etzel moved to forward a favorable recommendation to Price City Council for a Conditional Use Permit - Sign for Heather and Company. Larry Bruno seconded and the motion carried.

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## **VII. CONDITIONAL USE PERMIT - SIGN**

SCOUT SERVICE CENTER - JOE PATTERSON, DISTRICT EXECUTIVE  
90 NORTH 100 EAST, #101

Francis Duzenack indicated he has not heard from this applicant. He has reviewed their plans for the sign and everything meets the Land Development Code with the exception of the location of the sign in the parkway. Allowing the sign to be installed there would require special Council approval. Placing the sign in the lawn would be acceptable. Joe Piccolo indicated plans are being discussed for a central sign listing the names of all tenants in the Price Community Center Building and he will bring

the matter before the Price City Council and report back at the next meeting. Gary Lyon then made a motion to table this item until a report has been made on the sign. Alfred Richens seconded and the motion carried.

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## **VIII. CONDITIONAL USE PERMIT - SIGN**

MARKET EXPRESS-BURGER KING-CHEVRON  
ANGELO AND DINO KIAHTIPES - 124 NORTH CARBONVILLE ROAD

Dino Kiahtipes came before the Commission for approval of two free standing signs for his business at the above address. The 65' sign will be located 100 feet closer to the river than originally planned. It is being moved because the foliage is too dense for the sign to be seen at the original site. The 30' sign is a standard Burger King sign and is being brought from another location. Joe Piccolo asked if the building signs had been approved and Francis Duzenack informed the Commission the building signs had been approved as part of the final approval, but a decision on the free standing signs had not, at that time, been made. The 65' sign is the maximum allowed by Conditional Use Permit out on highway interchanges and the 35' height is the maximum allowed in town. There were no further concerns and Penny Sampinos moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Signs for Market Express-Burger King-Chevron. Joe Piccolo seconded and the motion carried.

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## **IX. CONDITIONAL USE PERMIT**

CARRIAGE HOUSE INN - BEST WESTERN - JAE POTTER  
590 EAST MAIN - CHANGE EXISTING SIGN TO BEST WESTERN

Jae Potter explained that his motel will become a part of Best Western systems and submitted an amended copy of his new sign. The sign is 25' high with an 85 square foot sign above the existing reader board. It will not overhang the sidewalk. There were no concerns and Larry Bruno moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit to change the existing sign to the Best Western Sign as indicated. Joe Piccolo seconded and the motion carried.

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## **X. CONDITIONAL USE PERMIT - SUBDIVISION**

ROBERT L. MILLER - 334 SOUTH 300 WEST  
SPLIT TWO LOTS FROM LARGER PARCEL

Francis Duzenack indicated this parcel is located in an MR 7000 zone and both lots exceed the minimum lot size of 7000 square feet. It is within the Land Development Code and exceeds all minimum widths. Improvements such as sidewalks and curb and gutter are already existing. It is a long parcel of ground, measuring 165' wide and running 2600 feet to the west of 300 West. Mr. Miller wants to subdivide the two lots and sell them. The north lot has a house on it and the south lot is vacant with a garden spot and sheds. Mr. Miller also has future plans for the remaining property. There were no concerns and Gary Lyon moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Subdivision of A Larger Parcel into Two Lots for Robert L. Miller. Penny Sampinos seconded and the motion carried.

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## **XI. CONDITIONAL USE PERMIT**

ROBERTS FLORAL - MARLA ROBERTS  
76 WEST MAIN - BUSINESS AND SIGN

Ms. Roberts told the Commission that the name of her business should read **Roberts Floral and Gifts** as she will be carrying a line of gifts. She will locate at the above address (the old Sun Advocate Bldg.) Her sign will measure 10' x 4' and will be attached to the building. She is aware of the dedicated parking with the building. There were no concerns and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Business and Sign for Roberts Floral and Gifts. Rose Etzel seconded and the motion carried.

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## **XII. CONDITIONAL USE PERMIT**

COMPUTALOG WIRELESS SERVICES - ERIC ROSEMAN  
268 SOUTH HIGHWAY 55, #2 - HEALTH, SAFETY AND ENVIRONMENT  
MANAGER

Francis Duzenack informed the Commission that this company is based in Texas and they were not able to attend tonight. They are moving a service company to River Gas where they will do electronic monitoring on gas wells. It was felt they should appear before Planning and Zoning because of the explosives involved in their business. They use a detonation charge to puncture the well casings and install their electronic monitoring devices. They are going to locate in East Price, are in compliance with UDOT requirements and their products are secured in locked storage containers. The Fire Chief has gone over the situation, but has made no comments at this point. They have other locations throughout the United States and have not had any problems. The explosives are transported by people who are trained in their use and radioactive materials are handled by trained personnel with Federal Safety Regulations implemented. Joe Piccolo asked if the storage building had a fire sprinkler system and reiterated the importance of safety if, or when a fire or explosion should occur. It is not known if the building has a fire sprinkler system. Because of the question of safety, a motion was presented by Penny Sampinos to table the matter until the Planning and Zoning Commission can meet with a representative of Computalog Wireless Services for clarification on matters of concern. Rose Etzel seconded and the motion carried.

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## **XIII. CONDITIONAL USE PERMIT AMENDMENT**

CEU PARKING LOT ACCESS  
REQUEST TO ACCESS 600 NORTH

Kleston H. Laws, Price District Engineer for UDOT appeared before the Commission concerning the State Highway 300 East. UDOT has come before Price City Planning and Zoning to make the request for a new parking lot access. The College of Eastern Utah, Price City Police Department and UDOT have been trying to find ways to promote student crossing at intersections on 300 East. They would like to close the Aaron Jones Dormitory driveway on 300 East and provide a new access on 600 North. The new driveway would come out by the first pathway on the west side of the new dormitory.

While the street is in a residential area, it is also a State Highway. Mr. Laws indicated there was an agreement dated March 8, 1993 stating there would be no access onto 600 North from the dormitory

parking lot as residents were concerned about the traffic impact. There is already a parking lot for the mining/cosmetology building which accesses to 600 North and, at certain times of day, it becomes a very busy street. Traffic has also increased with college classes being held in the Durrant School Building. At the time the agreement was approved, there was concern about having an additional parking lot from the Aaron Jones Dormitory access onto 600 North. There was to be no impact on the residential portion of the adjoining property to the north and heavy traffic should be kept on 300 East. To date, there have been several complaints concerning the amount of traffic on 600 North.

When asked if UDOT had looked at other alternatives, Mr. Law indicated the State could give the road to Price City. In addition, a study has been done by CEU concerning the closing of 300 East and 600 North and re-routing traffic down other City streets. CEU representative Karen Bliss said the reason for tonight's request is that, as the new Student Center is being built, the building crew and students are creating havoc along 300 East. CEU, by itself, is not saying 300 East should be closed. They are working with UDOT and Price City in asking how to get the traffic to flow and keep the students out of the street. The suggestion is to eliminate more of the driveways on 300 East, including those on the west side of the street by the Burtenshaw and Tucker Dorms. This will create a safer environment for the vehicle and student walking traffic. The theory is that if those driveways do not exist and landscaping, in the form of some type of barrier, is done, there is a better chance of students using the crosswalks.

Ms. Bliss also indicated that when construction on the parking lot at the Aaron Hall Dorm ended and a 600 North access was recommended, CEU maintained their agreement and put the access on 300 East. The property, where the dormitory is located, is leased to CEU Foundation and is under the jurisdiction of Price City Planning and Zoning Commission.

This Commission was the supervisor and Mr. Duzenack was the Building Inspector. At the time of this construction, the issue had been addressed with the residents of the neighborhood and CEU told them they would not put an access from the dormitory out to 600 North.

Dale Stapley indicated that because UDOT is the manager of both 300 East and 600 North and, based on safety for both vehicles and pedestrians, they believe we should all take a serious look at moving the driveway on 300 East. The 300 East Street has more daily traffic volume than Price Canyon; it moves much slower, but there are about 300 - 500 more vehicles per day. By moving the driveway approach from 300 East to 600 North, we eliminate vehicle conflict points and work on pedestrian conflict points. Some type of barrier will be placed to physically cause pedestrians to use the crosswalks. Without closing the driveway, pedestrian traffic will continue to cross in the driveway openings. These 300 East closures will increase the traffic along 600 North, but 600 North can handle the increase much better than 300 East. The driveway would measure 40' wide, allowing one 16' driveway going in and two 12' driveways coming out, letting those coming out turn either right or left. He acknowledges there will be some objection from those living along 600 North because of the additional traffic.

After further discussion, Joe Piccolo suggested that, if the Commission is in favor of this project, recommendation can be made to Price City Council and a date set for a Public Hearing. Gary Lyon then made a motion to approve Concept Approval for the amendment of the Conditional Use Permit, originally issued to the College of Eastern Utah on March 8, 1993, subject to the following:

- 1) Contingent to notification by the proponent, College of Eastern Utah, to those residents living on 600 North, and including residents on 400 East between 500 and 600 North who will be affected by this change;

2) Final drawings of the project;

3) Notification by Price City of a Public Hearing to be held on Wednesday, April 22, 1998 in the Price City Council Chambers

Alfred Richens seconded and motion carried.

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#### **XIV. INFORMATION ON EXPIRED NON-CONFORMING USE**

##### **PAULINE SHORTS**

Mrs. Shorts appeared before the Commission concerning the home at 644 North 200 East. Mr. & Mrs. Shorts have purchased the home and would like to use it and the basement apartment as a rental. The former property owner had problems with the sewer backing up and could not get rid of the smell or afford to repair the damage caused by the sewer. The renters left because of the situation and the apartment has not been rented for several years. Price City has repaired the sewer and there have been no further problems. Mrs. Shorts passed around pictures of the home and gave details of the property. She also provided a list of signatures of surrounding neighbors showing their approval.

Francis Duzenack explained to the Commission that once a non-conforming use of this nature has been closed for 365 days, it is expressly prohibited to bring it back. This home is in a R1 single family zone. In years past, there have been several apartments in that area of town, but they have been in continuous use and are pre-existing and non-conforming. In the event the use ceases for one year, it cannot be brought back. In reviewing the Board of Adjustment procedures, Mr. & Mrs. Shorts can apply for a variance, but the BOA cannot approve it under State Law because it doesn't fit the requirements of having to do with matters concerning the property itself. The only option available to bring this property back into use as a duplex would be re-zoning the area to an MR zone.

Chairman Angotti asked if there were any options for help in this matter. Francis Duzenack indicated nothing short of a re-zoning would solve the matter. Rental of the property as a single family dwelling is not the problem; the problem comes in putting an additional apartment in the basement as well as letting a long period of time lapse without renters. After some discussion, the Commission decided to leave the photos and signatures with Joe Piccolo, who will approach Price City Attorney Nick Sampinos for review and opinion. Mr. Piccolo will report back to this Commission at the next meeting.

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#### **XV. STAFF**

##### **1) KAREN DUNN PROPERTY**

This item was again not on the agenda, but Ms. Dunn appeared before the Commission to let them know she had spoken with UDOT and had been referred to the Army Corp of Engineers by the State Division of Water Rights concerning her property as a possible wetlands area. She has been told she would have to install the street improvements on 700 South consisting of curb and gutter, sidewalk and one-half of the road and she will agree to that and sign an agreement.

Joe Piccolo indicated he has been working with Ms. Dunn on this problem and stated 700 South splits down the middle, with the south side of the road belonging to Carbon

County. It is thought this area is not designated as wetlands, but it is not known for certain. Research is being done on behalf of Price City's interest, to find out the status. If it is a designated wetlands area, a road cannot be built on the property at all. In order to protect Price City's interest and not detain this development, it was Price City Engineer Gary Sonntag's recommendation that the improvements on 100 East to the corner of 700 South, including the corner, be completed before the Occupancy Permit is issued. This will include a driveway approach and sidewalk. The curb and gutter and pavement are already in place. The development of 700 South from 100 East to the East corner of the Dunn Property will be set forth in a Developmental Agreement between Karen Dunn and Price City. This will state and protect Price City's interest and allow Ms. Dunn to develop if that road is ever pursued. City Engineer Gary Sonntag doesn't believe there will be any problem with this type of agreement.

Ms. Dunn told the Commission she will be leaving for Denmark in a few days and she would like to have details all arranged so she knows what she must do when she returns. She also asked concerning the price of her building permit as she has heard they may go up in price. Francis Duzenack indicated her permit fee would be a total of \$151.50 and she could apply and pay for the permit as she will be out of town while this process is taking place. The permit itself would not be issued until the Development Agreement was signed with Price City. When asked about the 700 South Street recommendation made by City Engineer Gary Sonntag, Mr. Duzenack feels this is the best way to handle the situation.

Ms. Dunn would like to be placed on the agenda for March 23, 1998 meeting and have someone represent her in her absence. Joe Piccolo will represent Ms. Dunn and ask that her name be placed on the agenda for the March 23, 1998 meeting. Ms. Dunn also asked concerning a culvert to be installed by her home. She indicated she would pay for the culvert and Price City would do the installation, but she was concerned as to where it would drain. Francis Duzenack told Ms. Dunn the drainage needs to be carried further than the property corner. It is now an open ditch, runs down the property, dead-ends and becomes a large mud hole. City Engineer Gary Sonntag would need to look at the situation and see what needs to be done to get the water to a drainage channel.

The Commission held a short discussion on the extension of Temporary Conditional Use Permits and their enforcement.

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There was no further business and the meeting adjourned at 8:09 P. M.