

# Minutes Price City Planning and Zoning

## Price City Hall

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April 20, 1998

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

**Excused:** John Angotti, Rose Etzel

Meeting convened at 6:00 P.M.

In the absence of Chairman John Angotti, Chairman Pro Tem Larry Bruno presided over this meeting.

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### I. CORRECTION TO THE MINUTES OF MARCH 9, 1998

This correction is being made for the purpose of clarification of a Conditional Use Permit for the CEU Parking Lot Access - Request to Access 600 North. The correction is in Item #13, Paragraph 7, Contingency #1 and should read:

*"Contingent to notification by the proponent, College of Eastern Utah, to those residents living on 600 North, and including residents on 400 East **between 600 and 700 North** who will be affected by this change."*

Francis Duzenack indicated the radius for notification of a Public Hearing is 250 to 300 feet, which is close to a city block. UDOT has notified residents along 600 North and up 400 and 500 East to 700 North of the Public Hearing to be held on Wednesday, April 22, 1998 - 5:30 P.M. in the Price City Council Chambers. Joe Piccolo made a motion to approve the minutes of March 9, 1998 with the above indicated correction. Gary Lyon seconded and the motion carried.

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### II. APPROVAL OF MINUTES OF APRIL 6, 1998

There were no corrections or additions and Alfred Richens made a motion to approve the minutes of April 6, 1998 as read. Gary Lyon seconded and the motion carried.

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### III. TEMPORARY CONDITIONAL USE PERMIT

COLLEGE OF EASTERN UTAH - A-FRAME SIGNS AT 400 NORTH STREET  
ONE DAY ONLY

Karen Bliss of CEU was unable to attend this evening and the presentation was made by Francis Duzenack. He indicated CEU would like to put three A-Frame signs along 400 North for one day on Friday, April 24 from 7:00 A.M. to 3:00 P.M.. The Board of Regents Meeting is being held on the CEU campus and the signs will give direction to the college parking lot. The signs will be placed on

the corner of 300 East, in front of CEU Main Building and CEU parking lot by Veterans Lane. They will be kept off the right-of-way, but visible along 400 North. There were no concerns and Gary Lyon moved to forward a favorable recommendation to Price City Council for the Temporary Conditional Use Permit for College of Eastern Utah - A-Frame signs at the corner of 300 East and along 400 North Street for a period of one day, April 24, 1998 - 7:00 A.M. to 3:00 P.M. Penny Sampinos seconded and the motion carried.

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#### **IV. CONDITIONAL USE PERMIT - BUSINESS AND SIGN**

DSS EXPRESS - 39 EAST MAIN STREET (CURRENTLY IN THE BTAC)  
EDWARD GILBERT

Mr. Gilbert appeared before the Commission to inform them of his move to the above address. His business is that of satellite television sales and he feels this move would give him better business exposure. The requested sign is 4' x 8' and meets the requirements of the Price City Land Use Management and Development Code. There were no concerns and Alfred Richens moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Business and Sign for DSS Express. Joe Piccolo seconded and the motion carried.

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#### **V. CONDITIONAL USE PERMIT - BUSINESS AND SIGN**

FABRIC FRENZY, INC. - RETAIL FABRIC STORE  
545 EAST 100 NORTH - APRIL BARRETT, CO-OWNER

Ms. Barrett and her partners are opening a retail fabric store and they would like to install a 4' x 3' sign between the door and the window showing the name, phone number and merchandise offered by the business. A vinyl lettered sign will cover the existing electrical sign presently in place on the building. There were no concerns and Penny Sampinos moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Business and Sign for Fabric Frenzy, Inc. Gary Lyon seconded and the motion carried.

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#### **VI. CONDITIONAL USE PERMIT - CHANGE OF USE**

FORMER ANTIQUE STORE TO DWELLING  
580 SOUTH HIGHWAY 55 - DAVE COON

Mr. Coon told the Commission he was unable to successfully keep his business, Jo's Oldies and Goodies, open and could not afford the required street improvements. He has since turned it back into a rented dwelling. Francis Duzenack indicated there is a current approval, subject to the street improvements being installed at the property and it is still a requirement, regardless of the use of the building. Changing the use back to a dwelling constitutes a new development and the obligation of street improvements still remains. Mr. Coon told the Commission the dwelling was never approved as a commercial property, however, Mr. Duzenack indicated that the approval came when the dwelling was changed to an retail antique store. The Temporary Conditional Use Permit was granted to allow two years time in which to make the street improvements, while keeping the business running. An extension of this permit was also granted and will expire in November, 1998. Mr. Coon indicated that,

at the time Price City extends the street improvements toward his property, he would be glad to comply.

The other issue concerning this matter is the fact that Mr. Coon is preparing to remodel the building. There is currently a Stop Work Order on the property and a building permit cannot be issued until the street improvement issue is settled. Gary Lyon asked if we were asking them to improve their property without asking others living in the area to do the same. Francis indicated development is done on an individual basis. When development takes place on any property, street improvements come into play. With the current ordinance, there is no way around this requirement except for Development Agreements. Price City has done some recorded Development Agreements to insure that the improvements will be installed and once the Development Agreement is done, a permit can be issued.

Mr. Coon asked if he could paint the dwelling or re-install the old shingles over the tar paper on the dwelling as he is short of funds. Francis Duzenack indicated this would be difficult as the ordinance requires that as **any** development, such as additions, remodeling, new development, changes of use, etc. occurs, it becomes **new** development. When the building was changed from a dwelling to a retail store, the issue of street improvements became significant. This requirement is still in place and changing the use back to a dwelling will not rid the property of the street improvement requirement. It must be handled either with a Development Agreement or the completion of the improvements.

Joe Piccolo suggested the Price City Attorney look at this situation and see if something can be done to help Mr. Coon. He reiterated the fact that the law cannot be broken to satisfy the condition and breaking the law would set a precedent for others. When asked, Francis indicated the dwelling could not be rented without the Conditional Use Permit. Mr. Coon welcomed the help, saying that although he does not want to avoid the improvements, he simply cannot afford the cost at this time.

Following some discussion, Joe Piccolo made a motion to table this matter subject to consideration by the Price City Attorney and place it back on the next agenda following receipt of his review. Mr. Coon is to be notified once this information has been received and advised of the date of the next Planning and Zoning Meeting. Alfred Richens seconded and the motion carried.

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## **VII. INFORMATION ONLY**

### **AFFORDABLE HOUSING - POSSIBLE DEVELOPMENTS OPTIONS 700 EAST 100 SOUTH (BEHIND OLD SAFEWAY BUILDING) - JACK SINGLETON**

Mr. Singleton appeared before the Commission to present information for a possible modular housing development to be situated at 700 East and 100 South. He gave a run down of the original plans and all the recommendations for changes since his last appearance before the Planning and Zoning Commission. Alfred Richens reminded the Commission that Concept Approval had already been given to the project in a previous meeting. Mr. Singleton was asked to contact Price City Engineer Gary Sonntag for review of the plans and proposed changes. If changes are made to the original plans and it has been over a one year time span, the procedure for Concept Approval must begin again. When the preliminary plans have been drawn, he can appear before the Planning and Zoning Commission with the update. The Commission gave their support and recommended Mr. Singleton proceed in this manner.

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## **VIII. STAFF**

A) The Human Services sign has been satisfactorily moved and has been re-installed according to the Price City Land Use Management and Development Code.

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There was no further business and the meeting adjourned at 6:50 P.M.