

**PRICE CITY PLANNING AND ZONING MEETING  
MINUTES OF APRIL 25, 2022**

**PRESENT:**

Commissioners:

Judy Beacco  
Dave Black  
Kyle Heffernan  
Richard Root  
Renee Swinburne  
Todd Thorne  
Chris Wood

Sherrie Gordon, City Recorder  
Nick Tatton, Community/Human Resources Director

**EXCUSED:** Commissioner Young and Commissioner Holt-Alt

**STAFF/OTHERS:** See Public Meeting Sign-In Sheet

1. Vice Chair Thorne called the meeting to order at 5:00 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. **SAFETY SECONDS** – Commissioner Swinburne commented on the change in the weather and reminded everyone to watch out for kids that are outside. She reviewed some public safety guideline recommendations. We should also promote safety for downtown traffic and watch out for pedestrians. Let’s keep our community safe.
4. **MINUTES OF April 11, 2022**  
**MOTION.** Commissioner Beacco moved to approve the minutes for April 11, 2022. Motion seconded by Commissioner Heffernan and carried.

5. **PUBLIC COMMENT ON AGENDA ITEMS** - No public comment was received on any item.

6. **CONDITIONAL USE PERMIT**

a. A Conditional Use Permit (CUP) was submitted by Daniel J. White to locate a business with retail furniture sales and public gathering (auction) land uses at 610 S Nick Lane within the Manufacturing 1 (M-1) zoning district. The general land use evaluation criteria are listed in Section 11.1 of the Price City Land Use Management and Development Code (Code), the specific land use evaluation criteria are in Section 11.1.m of the Code. The land uses are retail sales of furniture, furnishings and equipment, a permitted use based on Section 11.3.4.19 of the Code and public assembly, miscellaneous purposes, a conditional use based on Section 11.3.10.5.6 of the Code.

The planning commission thoroughly discussed the land use with the applicant, specifically safety aspects of the public gathering land use. Vice Chair Thorne read aloud the following conditions of approval:

- All exterior areas to be lighted during customer and employee use during any dark hours finding that properly lighted areas mitigate the potential for personal injury accidents. All exterior lighting to be high efficiency LED fixtures.
- Fencing and/or other mitigating barriers to prevent unattended or unnaturalized access from the site to adjacent hazards such as storm control channels and railroad corridors finding that controlled access to potential hazards mitigates the potential for accidents and injuries.
- Garbage, rubbish and debris to be controlled in an enclosed dumpster location with a service frequency that prevents accumulations of garbage, rubbish and debris or wind scatter of garbage, rubbish and debris finding that controlled garbage, rubbish and debris improves the community aesthetic consistent with the Price City General Plan.
- Business signage to be reviewed and approved by the Price City Planning Department prior to installation finding that properly reviewed and approved business signage promotes consistency in the community and serves to improve commercial activity.
- Installation and maintenance of a minimum of 5% landscaping consistent with Code requirements, as the site may allow or accommodate. Landscaping to be water wise.
- Maintain not less than twenty-four (24) off street parking spaces including requisite ADA spaces, as indicated in the submitted site plan, finding that adequate off street parking mitigates the potential for vehicle and pedestrian accidents and injuries on public streets. All off-street parking areas to be hard surfaced consistent with Section 11.3.2.1.9 of the Code within not more than twenty-four (24) months of this date of approval.
- Any building renovations to be completed under the auspices of a building permit and building inspection finding that building permits and inspection protect the health, safety and welfare of the community. In the event no new renovations are completed, a safety inspection by the building inspector and Fire Chief and compliance with recommendations stemming from the inspection is required. Any fire lanes identified by the Fire Chief to be clearly signed and marked – may require adjustment to site plan.
- Procurement of a Price City business license and submission of copies of State of Utah registrations, if any.
- Restrictions:
  - No authorized on-street parking along public streets.
  - No changes to existing ingress and egress points.
  - No land uses other than retail furniture sales and periodic public gatherings authorized.
  - No manufacturing or other non-compliant land uses authorized.

- o No outdoor storage of materials, inventory, supplies or other items.
- o No occupancy of the building or property in excess of the safe occupancy of the building and property as identified by the building inspector and Fire Chief.
- o No generation or disposal of any hazardous materials or materials that may be considered hazardous to the health, safety and welfare of the community.
- o No conditions at the property or structure that violate the Price City Property Maintenance Code.

**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 approve a Conditional Use Permit to locate a business with retail furniture sales and public gathering (auction) land uses at 610 S Nick Lane within the Manufacturing 1 (M-1) zoning district . Motion seconded by Commissioner Black and carried.

b. **RESTAURANT LAND USE.** Consideration and possible approval of a restaurant land use at 700 W Price River Drive, Yaoqun Lin, Asian Gourmet.

A Conditional Use Permit (CUP) application was submitted by Yaoqun Lin, Asian Gourmet, to (re)establish the restaurant land use at 700 West Price River Drive within the Commercial 1 (C-1) zoning district. The land use was previously authorized but expired as the property and structure were vacant for over 365 days as indicated in Section 5.5 of the Price City Land Use Management and Development Code (Code) regarding Pre-Existing Provisions. The restaurant land use is conditional and found in Section 11.3.4.14 Easting Places, food consumed on premises. The general evaluation criteria for the land use are listed in Section 11.1 of the Code and the specific land use evaluation criteria/land use checklist is in Section 11.1.m of the Code.

A discussion was held on the applicants plans for remediation of the former location that burned down at 355 E Main. Also discussed was the applicant needs to supply landlord verification of knowledge of land use – either sign the CUP application or provide a written acknowledgment.

The planning commission thoroughly discussed the restaurant land use with the applicant. Vice Chair Thorne read aloud the following conditions of approval:

- All building renovations and signage installations, if any, to be completed under the auspices of a valid building permit finding that properly permitted and inspected commercial building renovations protect the health, safety and welfare of the community;
- Must apply and receive a valid Price City Business License finding that properly licensed business entities protect the health, safety and welfare of the community;
- All signage to be presented to the Price City Planning Department for compliance review prior to installation and no signage beyond existing locations finding that properly reviewed, approved and installed business signage promotes consistency in the community and increased commercial activity. All unused site signage location must be removed.
- Existing site, including lighting, ingress, egress, dumpster location, landscaping, parking, grease trap, etc. to remain unchanged from previous site plan approval finding that existing approved site plans are in compliance with Code requirements including storm water management, traffic and pedestrian safety;
- Submission of a compliance deposit, by way of a cashier’s check, in an amount of not less than thirty-thousand dollars (\$30,000) to be retained by Price City for mitigation of the nuisance property at 355 E Main Street finding that compliance deposits mitigate the potential for failure to comply conditions, particularly in dangerous property and building circumstances. Compliance deposit may be returned to applicant upon full razing and mitigation of the nuisance property, to the satisfaction of Price City which will not be unreasonably withheld, at 355 E Main Street on or before June 15<sup>th</sup>, 2022. Acknowledgment by applicant that compliance deposit shall be used by Price City to purchase nuisance property razing and hazard mitigation beginning on June 16<sup>th</sup>, 2022 and deposit shall be forfeited in full by applicant after June 15<sup>th</sup>, 2022.
- Nuisance property at 355 E Main Street to be fully razed and all hazards mitigated on or before June 15, 2022 finding that prompt removal of dangerous conditions protects the health, safety and welfare of the community.
- No conditions at the property or structure that place the property or structure in violation of the Price City Property Maintenance Code finding that properly maintained real property and structures protects 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 Heffernan moved to approve a restaurant land use at 700 W Price River Drive, Yaoqun Lin, Asian Gourmet. Motion seconded by Commissioner Wood and carried.

7. **UNFINISHED BUSINESS –** Nick Tatton noted the housing plan update session held today went well. At the next meeting Commissioner Thorne will review the housing plan update. It was recommended that if there are any suggested changes to inform Commissioner Thorne. Once the plan is finalized by Planning and Zoning it will move forward to City Council for consideration and possible approval by a resolution. Commissioner Thorne informed the Commissioners that the homes in the Ridgeview Subdivision are going fast. Businesses are looking for homes for their employees. He has passed this information onto Russ Fowles.

Vice Chair Thorne called for a motion to close the regular Planning and Zoning meeting.

**MOTION.** Commissioner Root moved to close the regular Planning and Zoning meeting. Motion seconded by Commissioner Swinburne and carried.

Vice Chair Thorne stated that the regular Planning and Zoning meeting was adjourned at 5:27 P.M.

APPROVED: \_\_\_\_\_  
Vice Chair, Todd Thorne

ATTEST: \_\_\_\_\_  
City Recorder, Sherrie Gordon