

# **Minutes Price City Planning and Zoning**

## **Price City Hall**

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**June 22, 1998**

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

**Excused:** Alfred Richens

Meeting convened at 6:00 P.M.

Chairman John Angotti thanked Vice-Chairman Larry Bruno for conducting the June 8, 1998 Meeting in his absence.

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### **I. MINUTES OF JUNE 8, 1998**

There were no corrections or additions and Gary Lyon made a motion to approve the minutes of June 8, 1998 Meeting as read. Larry Bruno seconded and the motion carried.

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### **II. HOME OCCUPIED BUSINESS**

FRANK V. LUJAN - 404 ROSE AVENUE  
EMERGENCY SERVICE - OPEN LOCKED VEHICLES

Mr. Lujan appeared before the Commission. There were no questions or concerns and Larry Bruno moved to forward a favorable recommendation to Price City Council for the Home Occupied Business - Frank V. Lujan - Emergency Service for opening of locked vehicles. Penny Sampinos seconded and the motion carried.

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### **III. HOME OCCUPIED BUSINESS**

TRI-R LABOR FORCE - DOUGLAS ERNEST RHINEHART  
530 SOUTH CARBON AVENUE, #6 - HANDYMAN REPAIR SERVICE

There was no representation from this applicant and Joe Piccolo moved to table this item until the next meeting. Penny Sampinos seconded and the motion carried.

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### **IV. CONDITIONAL USE PERMIT - FINAL**

CASTLE ROCK HEATING, AIR CONDITIONING, REFRIGERATION AND  
APPLIANCES  
80 SOUTH 100 WEST

There was no representation from this applicant and Joe Piccolo moved to table this item until the next meeting. Penny Sampinos seconded and the motion carried.

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## **V. CONDITIONAL USE PERMIT - PRELIMINARY AND FINAL**

VOUK SUBDIVISION - 300 NORTH 500 WEST  
PATRICIA V. DAVIS - 3 LOT SUBDIVISION

There were some questions at the previous meeting concerning the sewer line. Ms. Davis has since researched the problem and spoke with residents already connected to the line. The original sewer line was installed in 1939 by Leonard Shields and other residents connected as they moved into the area. All said they had dealt with Price City concerning their connection. Speculation is that the line may have been deeded to Price City the same time as the right-of-way and easement; that it could possibly be a 6" line and the work was probably done when the street was installed in 1945.

Ms. Davis also told the Commission that she had read over the Development Agreement and has a problem with the wording "that no final occupancy permit shall be issued by Price City for a structure or use of a lot in said subdivision until all improvements that are part of the said subdivision have been satisfied." She feels she is not subdividing, but is just selling a couple of lots. She will install the street improvements in front of the existing home and the buyers of Lot #2 will pay for their street improvements. Lot #3 has not yet been sold and Ms. Davis does not want to do improvements until it is necessary. However, if she has to pay for the Lot #3 improvements, she would like to have all of them done at the same time. She would also like to amend the Development Agreement so the buyers of Lot #2 can proceed with their home and the improvements. The remaining property will be done by either the buyer or herself within one years time.

Francis Duzenack told the Commission this project is, in fact, a subdivision. It is different from others because it consists of only three lots. The improvements can be guaranteed in several different ways.

1. The developer will sign the Development Agreement to guarantee the improvements on the full property, stub in water and sewer lines and then sell the lots. However, in this case, Ms. Davis has a pre-sold lot and the buyers have agreed to install their own improvements. These buyers must now sign a Development Agreement.
2. Ms. Davis, as the developer, could complete a Development Agreement for the full frontage. Then the buyer of the new lot would do a new Development Agreement, releasing her from the completed portion of the agreement and giving the new buyer the obligation.
3. Regarding the third lot, Ms. Davis could complete a Development Agreement to guarantee the improvements would take place. As the developer, Ms. Davis would assume the responsibility.

Francis Duzenack indicated the sewer line is the big question here. Nothing is known about the line - ownership, size, or location. If the sewer line is unsuitable or undersized, the developer will be required to extend the line to Lot #3 and this matter will become part of the Development Agreement. Ms. Davis told the Commission that she would be very unhappy if the sewer line had to be extended. If and when the sewer is excavated, a street opening permit would be issued once final approval of the subdivision is given.

Discussion was held on the matter of the sewer line

Francis Duzenack indicated the subdivision cannot be approved without the Development Agreement being in force to guarantee the improvements. Ms. Davis indicated she did not want to do the work until absolutely necessary. Joe Piccolo explained the Development Agreement will last one year and if those improvements are not completed, then Price City will act against the Letter of Credit and install the improvements themselves.

Ms. Davis told the Commission she was aware of the conditions of the Development Agreement and Letter of Credit.

In addition to the Development Agreement and Letter of Credit, Francis also asked that a design drawing be prepared and submitted to Price City Engineer Gary Sonntag. A soils report is also required from all developers, however, after some discussion, the Commission decided to waive this requirement because it is a minor subdivision.

Ms. Davis indicated there is a time frame on which she must work because the buyers of Lot #2 want to be able to move onto the lot by July 15, 1998 and the set-up work must be done for the modular home before that time. If the work cannot be done by July 1<sup>st</sup>, the buyers will have to look for another piece of property. Francis Duzenack indicated once final approval is given and the Development Agreement signed, a permit can be issued.

There were no further questions or discussion and Joe Piccolo moved to forward a favorable recommendation to Price City Council for a Conditional Use Permit - Preliminary and Final for the Vouk Subdivision, contingent upon receipt of the design drawings by the Price City Engineer and completion of a Development Agreement and Letter of Credit satisfactory to both Ms. Davis and Price City. Rose Etzel seconded and the motion carried.

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## VI. CONDITIONAL USE PERMIT - CONCEPT

### AFFORDABLE HOME DEVELOPMENT - BONNIE J SUBDIVISION - 12 LOTS 100 SOUTH 700 EAST - JACK SINGLETON

Mr. Singleton appeared before the Commission with concept plans for the 12 lot Bonnie J. Subdivision. He reviewed the plans with Commission Members, answering questions and providing information on the project. Homes in the subdivision will be built by the developer.

Joe Piccolo asked concerning a piece of property owned by Price City and questioned whether or not the City would deed the property to the developer without advertisement for surplus.. Francis Duzenack indicated the agreement states that Price City has agreed to convey a portion of its land (**90 feet wide portion of property on the east/west street by 100 South is currently Price City Property and the proposal is to cut the property to 47 ½ feet**) which shall be included in the streets and lots of the subdivision. However, Price City is not a party to this agreement because the agreement is between Affordable Homes and Harold Marston and Russ Madsen. This agreement needs to be concluded by Price City Council as far as the actual land trade is concerned.

Gary Lyon mentioned the utility poles along 100 South are set back from the old Safeway Building and asked where they are located in conjunction with the proposed roadway. Mr. Singleton indicated Evan Hansen would be checking into this matter and providing him with a report on that issue,

however, at this time, there is a 3 feet discrepancy. The subdivision will be adjusted one way or the other, eliminating the possibility of dead land.

Joe Piccolo asked if the old fence behind the Safeway property would remain between the properties and Mr. Singleton indicated the current fence would be replaced by a better grade of fence.

Francis Duzenack called attention to the right-of-way width being reduced to 47 ½ feet. The current right-of-way minimum is 60 feet, but in a planned situation such as this, it can be adjusted. There needs to be an agreement with Price City for the exchange of City property to make this work. The storm and sewer easements need to be issued to Price City for maintenance. There is also a question of the improvements from the subdivision line west to 700 East. Will Affordable Homes fully develop 100 South to 700 East on both sides of the street? Mr. Singleton indicated that this development would take place. The 600 foot dead-end street maximum limit has been exceeded in this case and the purpose of the secondary access is to eliminate any adverse effects of a lengthy dead-end street and allow easy access of emergency vehicles. This access will not be used for traffic flow.

There were no other concerns or questions and Larry Bruno moved to forward a favorable recommendation for a Conditional Use Permit - Concept Approval to Price City Council for the Bonnie J Subdivision at 100 South and 700 East in Price, with the following contingencies:

- Reduction of street right-of-way to 47 ½ feet for 100 South, beginning at the west edge of the subdivision;
- Crash gate to be installed at the east end of 100 South for access to a 30 foot right-of-way coming from Main Street for the purpose of preventing a dead-end street and providing emergency access;
- Storm and sewer easements issued to Price City;
- Completion of exchange of Price City Property by the Price City Council;
- Because of the narrow street, parking on 100 South Street will be limited to the south side only;
- Property will be fenced along the north side of 100 South Street;

Gary Lyon seconded and the motion carried.

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## VII. CONDITIONAL USE PERMIT - CONCEPT

CSK AUTO - CHECKER AUTO PARTS  
SUBDIVISION - 1 LOT AND CONSTRUCTION OF RETAIL STORE  
1268 EAST MAIN

Representing CSK Auto was architect Brian D. Russell. He went over the plans for the Checker Auto Parts Project, showing the parking, landscaping and the location of the new 7000 square foot building. In review, he indicated he had also submitted plans to UDOT and, although they were in favor of the proposed common access, they indicated an access from Main Street was unlikely. This change may necessitate moving the building somewhat to the east and utilizing more landscaping.

At this time, Mr. Angotti cited a conflict of interest in this matter and turned the meeting over to Vice-Chairman Larry Bruno.

The plans show a triangular piece of property running north and south between the Angotti property and the CSK Auto property. When asked what would be done with this strip of property, Mr. Russell

indicated that CSK could possibly have a side yard and the Angotti property would also have a side yard. A fence could be installed along the property line. Francis Duzenack told the Commission that it appears that this piece of property is part of the entire piece owned by Pierce and Siaperas.

Joe Piccolo feels that if the property in question does not belong to the Angotti property, we will then be designating a small piece of unmaintained property. The Price City Land Use Management and Development Code requires .75 acre to sell a building lot and since this small lot will not meet that requirement, it will become a useless piece of property. He asked if there were some way the property lines could adjoin so they could be maintained by both owners. Mr. Russell indicated he understands the concern, however, CSK Auto is not subdividing the property. They are buying a piece that has been subdivided to them from the current owner. If that piece was made available to CSK Auto, it could possibly be obtained. They could go back to their land agent and see if that could be done.

There were several questions concerning the proposed common access. The common access may become a city street with a minimum right-of-way of 66 feet. CSK Auto would be responsible to develop one-half of that street. The property owner should submit a master plan in order to see how this entire project will develop. In looking at the project, Joe Piccolo feels we should deal with the current proposal of a one property purchase for development. In the event that the proposed common access becomes a street, it becomes the developer's problem. He may be giving up a possibility of 225 feet and a chance to recuperate the development costs from CSK Auto, by not being prepared in front of the Commission at this time. If and when the developer sells a piece of property behind CSK Auto, it will not be Price City or CSK Auto's responsibility to put the street improvements in place, but the responsibility of the developer.

Mr. Piccolo also suggested that we encourage this development to be contiguous with the property owner's property line next door - that they might be commonly maintained to the same point. The Angotti access would be on his side of the fence and CSK Auto's access would be on their side of the fence. Perhaps the fence could be shared half and half, with no dead land in between the properties. The property lines should abut each other with one common property line - one line separating the property lines rather than two with dead land in the middle.

Mr. Russell advised the Commission that in talking with David Anderson of Great Basin Engineers, the company producing the plat, he was told there was a problem putting ownership on a piece of property involved in this development. He feels this small triangular shaped piece of property is the one in question. It can probably be traced, deeded over and purchased.

Francis Duzenack indicated there was nothing in this plan to show how this proposed common access will be improved. They are improving their parking lot, landscaping, curb and gutter, and two driveway accesses out to the common access, but does that common access remain a dirt field? Mr. Russell told the Commission that the area would be improved by the current property owner and has recommended to CSK Auto that, before they proceed with this, they will need to see some type of engineering so they can tie their property into the development. This, along with a letter of commitment from the property owner that the drive is in place by the time they open for business. This will be their only access and they don't want customers coming in on a dirt road and onto a paved parking lot. They will work with the developer on this item.

There has been no contact by the developer with Price City, so at this time, there is no master plan on record. The developer should come forward with his plans for the property and common access. If CSK Auto chooses to develop half of the street for access in and out of the property, it will not take care of the remainder of the access. At this point, Planning and Zoning should pay particular attention

to what is happening there. Developing someone else's property that may become a future city street can become a problem. If the street is improperly developed, it cannot be taken into the City. The street would have to be done in an appropriate manner, so if in the future, Price City has an opportunity to take the common access in as a street, it would be acceptable to us.

There were no further questions or concerns and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Concept Approval for CSK Auto - Checker Auto Parts as it is drawn, with encouragement that something be done with the vacated properties on the east side of the store, locating them so that the property lines would be adjoining and await Preliminary and Final Development. Rose Etzel seconded and the motion carried.

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

GARAGE AT 359 NORTH 500 EAST - DICKSON MORLEY  
REQUEST FOR 30' X 40' X 20' TALL GARAGE  
CURRENT CODE REQUIREMENTS ALLOW 24' X 24' GARAGE

Mr. Morley asked that he be removed from the meeting agenda.

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## **IX. STAFF**

A) Reference was made to The Conditional Use As a Zoning Tool information from Utah League of Cities and Towns

B) Dickson Morley -Storage of Masonry Products at the North end of 400 East - Zoned SF8

A Home Occupied Business - Office Only was approved in January 1998 for Mr. Morley's masonry business. There is now a large pile of brick, block and equipment stored on his property adjacent to his residence. The terms of his Home Occupied Business dictated that the bulk of his inventory and equipment was to be stored in Ferron. Francis Duzenack approached Mr. Morley and suggested he find a place to store these items, but Mr. Morley is under the assumption this accumulation of inventory and equipment can be stored on his property. He was asked by letter of May 8, 1998, to find an alternate location for storage, but there has been response to date. In discussing this with the Price City Attorney, he has suggested writing him another letter and sending it special delivery by a police officer. He has also offered to write the letter and have him served. Joe Piccolo asked if this matter is Planning Commission business or Price City Council business. Francis Duzenack indicated it concerns both because Price City Council made the recommendation to approve the business and they can also make a recommendation to suspend his Conditional Use Permit. Does the Commission recommend a suspension or a notification from the Price City Attorney?. After some discussion and in light of the fact that Mr. Duzenack has done all that can be done and has received no response, the Commission to forward a recommendation to Price City Council to have the Price City Attorney follow up on this matter. Joe Piccolo requested a copy of the minutes concerning the approval of the Home Occupied Business for Dickson Morley. Mr. Piccolo then made a motion to recommend to Price City Council that due to the lack of cooperation by Mr. Morley with Mr. Duzenack, concerning the written

notification requesting compliance, the matter be turned over to the office of the Price City Attorney. Larry Bruno seconded and the motion.

C) Sheldon Hansen - Hansen Plaza - Information Only

Price Medical Clinic received approval to operate at the Hansen Plaza. The physician at the facility, Dr. Brady, has a lease which states Mr. Hansen will bring the building up to code. The interior portion of the building has been done, but he has not finished the outside pavement requirements. Francis Duzenack has written to him indicating he has 30 days to complete the work, but there has been no response. The Price City Attorney will now draft a letter encouraging Mr. Hansen to complete the work as soon as possible.

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There was no further business and the meeting adjourned at 7:35 P.M.