

Minutes Price City Planning and Zoning

Price City Hall

November 23, 1998

Present: Larry Bruno (Vice-Chairman), Francis Duzenack (Zoning Administrator), Penny Sampinos, Carolyn Vogrinec (Secretary), Alfred Richens, Laurel Marinos, Joe Piccolo, Gary Lyon

Excused: John Angotti, Chairman

Meeting convened at 6:00 P.M.

I. MINUTES OF NOVEMBER 9, 1998

There were no corrections or additions and Gary Lyon made a motion to approve the minutes of the November 9, 1998 Meeting as read. Alfred Richens seconded and the motion carried.

II. CONDITIONAL USE PERMIT - C & J CREATIONS

CRAFT SALES - CHRIS CUPPLES
950 EAST MAIN - VACANT PROPERTY ACROSS FROM SMITH'S (ELLIS
PIERCE)

Ms. Cupples appeared before the Commission to ask for a Conditional Use Permit for the four week-ends between Thanksgiving and Christmas to sell artificial and live Christmas decorations. They will be using the area across from Smith's, owned by Ellis Pierce. She has an East Carbon City Business License, but has been unable to contact Mr. Pierce for permission as he is out of town. His secretary does not see a problem with okaying the arrangement and will provide the needed approval. Francis Duzenack recommended the permit be granted, subject to obtaining landowner permission. The Conditional Use Permit will be held until such time as the written permission has been received. There was no further discussion and Penny Sampinos moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for C & J Creations - Craft Sales, contingent upon receipt of landowner permission for use of the property owned by Ellis Pierce. Laurel Marinos seconded and the motion carried.

II. HOME OCCUPIED BUSINESS - HOME REPAIR

MEL MOSHER
554 NORTH WINDSOR ROAD

Mr. Mosher told the Commission that he sells real estate and would like to do minor home repairs for people who do business with him to help supplement his income. His residence would be used as an office only. There would be no sign and advertising would be done through the classified ads. Joe Piccolo mentioned that no inventory could be kept on hand. Gary Lyon referenced Mr. Mosher to the

Handyman's License, which would entitle him to do \$1000.00 worth of business per job, including labor and materials. This would, however, exclude plumbing and electrical work. There were no concerns from Zoning Administrator Francis Duzenack and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Home Occupied Business/Handymans License of Home Repair - Mel Mosher. Gary Lyon seconded and the motion carried.

III. HOME OCCUPIED BUSINESS - SERVES U RIGHT

LOUIS SANDOVAL - 410 EAST 100 NORTH
PROCESS SERVER - BAIL ENFORCEMENT AGENT - LOCATOR AND PRIVATE
INVESTIGATOR

Mr. Sandoval explained the nature of his business and indicated that the State of Utah will require a license for bail enforcement effective January 1, 1999. He has met all the requirements to obtain this license and expects to receive it sometime in March of 1999. No license is necessary for process serving. Under the Utah Civil Rules of Procedure, Volume 4, Chapter 4, it states that anyone can serve papers as long as they are not a party to the action. In doing investigations or locations, no license is required as long as the individual doing the work does not represent himself as a police officer or agent of the government. The issue was discussed at great length. Following this discussion, Alfred Richens moved to forward a favorable recommendation to Price City Council for the Home Occupied Business of Serves U Right - Louis Sandoval - for Process Serving and Location only. Approval of the Bail Enforcement portion of this motion is contingent upon issuance and receipt of the pertinent license from the Utah Department of Public Safety. Penny Sampinos seconded and the motion carried.

IV. CONDITIONAL USE PERMIT - GREENWELL INN AND CONVENTION CENTER

R. L. KROMPEL - 655 EAST MAIN
REQUEST TO HOLD PERIODIC SALES OF VARIOUS PRODUCTS

Owner, Rick Krompel, appeared before the Commission to explain his request for the Conditional Use Permit. He told them he had run into a problem when a proposed tool sale was planning on coming to Price to set up in his convention center. They planned to purchase a business license, but were told they would need a Conditional Use Permit. Because of the time element involved, the tool sales event was lost. He is here tonight to apply for a Conditional Use Permit that would allow him to participate in all future sales events. Joe Piccolo indicated he had some questions concerning this matter and discussed it with Price City Attorney Nick Sampinos. Both agree that the Greenwell Inn and Convention Center is licensed to rent space to whomever they might choose. Mr. Piccolo feels this is the obligation of the Convention Center and he sees no need for further permitting for Mr. Krompel. If the tool salesman needs a business license, then it would be up to him to seek a business license from Price City. He does not believe that authority can be given to Mr. Krompel to let whoever in without having Price City approval. This is contradictory and Price City Attorney Nick Sampinos is in full agreement. He called attention to several examples of sales being done by other businesses on properties without the use of a Conditional Use Permit. If Mr. Krompel chooses to sell anything legal or legitimate at the Convention Center himself, his sales tax permit through Green Well Inn or CJ's Do It Center would apply. The primary purpose of having a Conditional Use Permit is to provide sufficient opportunity to have a business license so the sales tax can be tracked. In checking with Price City, those business licenses can be reciprocal or be applied and paid for on a temporary

basis. He also stated that he could not support requiring Mr. Krompel to apply for another Conditional Use Permit. We, as a city, would also place ourselves in a liability situation. Reading the agenda, to include the use of periodic sales of various products for the Greenwell Inn and Convention Center, we have given open permission for them to sell whatever and have overridden, with this Conditional Use Permit, the Price City Land Use Management and Development Codes. Mr. Piccolo feels this is wrong. He would like the Commission to deny the permit and allow Mr. Krompel to lease his space to anyone that asks for it, providing it is for a legitimate use.

Francis Duzenack told the Commission that this matter came up some time ago on a similar situation concerning an out of town car dealer coming to town to have a car sale in the Smith's King Parking Lot. They needed a Conditional Use Permit in order to do this because of the safety factor at Castle Rock Square. They were infringing on the required parking for the shopping center. In reviewing the original Conditional Use Permit, it listed weddings, banquets and meetings and such similar events. There wasn't anything specified regarding sales. Mr. Duzenack also indicated that he went over the matter at the time with Price City Attorney and Mr. Sampinos suggested we add sales to the Convention Center's list of uses so that when an individual company comes to town, they don't have to apply for a Conditional Use Permit. This was the problem with the tool sale. It was scheduled for a certain date and there wasn't time for them to come into our office and request their own Conditional Use Permit. After a lengthy discussion on this matter, Joe Piccolo told the Commission he feels the Convention Center is permitted at this time to have retail sales as long as they are within the Commercial District and it is lawful and licensed by Price City. He strongly feels that this Conditional Use Permit is not needed. Alfred Richens then made a motion to deny the request for a Conditional Use Permit for the Greenwell Inn and Convention Center. Joe Piccolo seconded and the motion carried.

Alfred Richens recommended Staff pursue this matter further with the Price City Attorney's Office looking into whether or not the Price City Land Use Management and Development Code should be changed concerning this issue. Joe Piccolo indicated, if this were done, then all convention centers would fall within the code instead of each one coming separately in front of this Commission.

Mr. Krompel asked that, if the matter comes before the Price City Attorney and he decides a Conditional Use Permit is needed, can it be approved and he will not have to return again before Planning and Zoning Commission. The Commission felt they could support this. Larry Bruno asked if this should become a part of the original motion, but Alfred Richens recommended instead letting the staff pursue the issue for clarification at their convenience. He feels that if the Price City Land Management and Development Code needs to be amended, then it should be done instead of continuing to have people who rent their property for these type of activities appear before Planning and Zoning Commission.

VI. CONDITIONAL USE PERMIT - WFX INDUSTRIAL TECHNOLOGIES

SANDRA BAIRD, OWNER - 100 WEST 100 NORTH
RESEARCH, DEVELOPMENT AND ENGINEERING ASSEMBLY OF
VULCANIZING BOXES

Ms. Baird requested she be moved to the next agenda. Joe Piccolo made a motion to strike this item and place it on the next upcoming meeting agenda. Gary Lyon seconded and the motion carried.

VII. BUILDING PERMIT APPLICATION - INSTALLATION OF STREET IMPROVEMENTS

JOHN GOMEZ - 541 SOUTH 1750 EAST

Mr. Gomez appeared before the Commission and referenced Price City Engineer Gary Sonntag's letter regarding the street improvements in front of his home. He has applied for a building permit to construct a new garage adjacent to his home, but Price City Land Use Management and Development Code requires that a building permit approval be conditioned upon the completion of any necessary street improvements. The street in front of Mr. Gomez's home was recently paved, but there was only room for 20 feet of pavement. There is not enough space left, particularly on the east side for installation of curb, gutter and sidewalk. Mr. Sonntag is recommending that installation of the street improvements be postponed until such future time when the street is widened. Mr. Gomez is in favor of the street improvements. After some discussion, Gary Lyon moved to forward a favorable recommendation to Price City Council for the building permit application for a new garage adjacent to the Gomez home, contingent upon the signing of an agreement by John Gomez stating he will be willing to participate in the future street improvements at such time as the street is widened. Alfred Richens seconded and the motion carried.

VIII. STAFF

Nothing to report at this time.

There was no further business and the meeting adjourned at 7:10 P.M