

Minutes

Price City Planning and Zoning

April 9, 2001

Price City Hall 6:00 P.M.

Present: John Angotti, Chairman Vern Jones Community Administrator

Larry Bruno, Vice-Chairman Francis Duzenack, Zoning Administrator

Alfred Richens Carolyn Vogrinec, Secretary

Gary Lyon Laurel Marinos

Joe Piccolo Penny Sampinos

Also Present: Gail Jewell Robin Archibald Steve Archibald

Wayne E. Powell Earlene Powell Peggy Justesen

Ralyn Carter Nikki Carter Bret Densley

Peter Hess Scott Crosbie James L. Jensen

Doris Powell Tom Anderson Monseis S. Gonzales

Annette Beckman Ed Liin Jodi Liin

Trixell L. Whimpey Sheryl Mecham Virginia Sandoval

Shane Miller Mike Neer Michael Crowson

Albert Bouvier Bette McKendrick Kathy Underwood

Todd Sheffield Geoffry Smith Sandi Auger

Tommy E. Jewell Jackie Majors Alan J. Majors

Annette Hullinger Nancy Owings Vic Santi

Kathy Morris Lynda Varner Daniel Barney

Kathy Barney Scott Jensen Jim Robertson

John Alger David Varner

- MINUTES OF MARCH 26, 2001

There were no corrections or additions and Penny Sampinos made a motion to approve the minutes of March 26, 2001 as read. Gary Lyon seconded and the motion carried.

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- HOME OCCUPIED BUSINESS - OFFICE USE ONLY

AHM - ARNOLD'S HOME MAINTENANCE

1101 SOUTH CARBON AVENUE, #11

PROPERTY MAINTENANCE SERVICE

ARNOLD A. TROLIN, SR..

Mr. Trolin re-appeared before this Commission per their request. Because this matter was discussed at the last Planning and Zoning Meeting and the requirements for a Home Occupied Business - Handyman License have been clarified through a memorandum to the Commission, there were no additional questions or concerns. Larry Bruno then moved to forward a favorable recommendation to Price City Council for the Home Occupied Business - Office Use Only for AHM - Arnold's Home Maintenance - Arnold A. Trolin, Sr. Laurel Marinos seconded and the motion carried.

- CONDITIONAL USE PERMIT

A-FRAME SIGNS

COLLEGE OF EASTERN UTAH

KAREN BLISS, DEAN OF INSTITUTIONAL ADVANCEMENT

Ms. Bliss was unable to attend and Vern Jones made the presentation. On April 19, 2001, the State Board of Regents will attend a meeting on the college campus. Ms. Bliss is asking for use of the A-Frame signs to give meeting directions to the Regents. They will be put up one day and taken down the following day. There were no concerns and Alfred Richens moved to forward a favorable

recommendation to Price City Council for the Conditional Use Permit for use of A-Frame Signs by the College of Eastern Utah. Penny Sampinos seconded and the motion carried.

- CONDITIONAL USE PERMIT

REQUEST FOR EXTENSION TO REBUILD

320 NORTH 400 EAST (VANLINDEN PROPERTY)

COAL COUNTRY HOUSING & DEVELOPMENT

LYNDA VARNER, EXECUTIVE DIRECTOR

Ms. Varner, Director for Coal Country Housing, presented information on the above request and indicated the Coal Country Board is in negotiations with Kirk VanLinden for the above property. They are requesting an extension of time to rebuild on the

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(COAL COUNTRY HOUSING, CONTINUED)

property. She referenced the site plan, saying the lot is 56' x '60' with house plans, used at another local project, Hillside Villa Townhouses. This plan shows a two story stick-built home, with a kitchen, living room, bathroom, downstairs and four bedrooms upstairs. It occupies a 23' x 40' area, with a 23' driveway and a 10' offset on the other side of the property. The request is for an extension of the Grandfathers Rights allowing her to reconstruct the above mentioned home on this property. It would be a rental property, unless applicants are qualified buyers with funding from low income housing. The property has been cleaned and the extension is in effect until August 21, 2001. Ms. Varner indicated she would not be able to build anything by August 21, 2001, however, they would demolish the building, grade the lot, apply for funding and then build. Mr. Piccolo asked if the property was in the name of the Coal Country Housing and Ms. Varner indicated it was not - she has not yet closed on the property and will await this Commission's decision before proceeding.

Gary Lyon asked what time line is needed if permission is given. Ms. Varner said she would clean it up by August 21, 2001, have site plans and begin the process by October 2001. However, she cannot have anything built on the lot within under two years time, which she hopes will fall under the Grandfather Clause. Gary Lyon explained the parcel has been grandfathered once already for Mr. VanLinden. Joe Piccolo asked the legal limitation for grandfathering property or can it be done at all and how much time would be needed. Ms. Varner said she would need a few months short of two years time, approximately 21 months, due to the budgeting process. Francis Duzenack mentioned some time could be saved on the plans because single family dwellings do not require architect stamped plans. The plan check and updates could be done through the Building Department. Mr. Duzenack proposed the request for the extension be brought before Price City Council for approval.

Mr. Piccolo said that being the case, the Commission could give recommendation for Concept Approval, providing the property is razed before August 21, 2001 and asked Ms. Varner if that approval is enough for her to proceed. Ms. Varner indicated it is not and said her Board would need full approval of the two year grandfathered request. The funding agency will not support the grant if the full two year Grandfather Clause is not approved. Following discussion, Joe Piccolo made a motion to table this item until such time as the matter can be reviewed by the Price City Attorney and ask the Coal Country Housing and Development Corporation to return to the next Planning and Zoning Meeting for an opinion on the matter. Gary Lyon seconded and the motion carried.

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- CONDITIONAL USE PERMIT - TEMPORARY

CLASSY CLOSETS

301 EAST MAIN

MANUFACTURING & DISTRIBUTION OF CLOSET

ORGANIZERS & VARIOUS FURNITURE PRODUCTS

CARBON COUNTY ECONOMIC DEVELOPMENT

DELYNN FIELDING, EXECUTIVE DIRECTOR

This item was removed from the agenda.

- CONDITIONAL USE PERMIT - FINAL

PACIFIC LAND DESIGN FOR WAL-MART

MICHAEL CROWSON, PROJECT ENGINEER

Mike Neer and Michael Crowson of Pacific Land Design, Stuart Nyander, Project Architect and Scott Crosbie of Goldberg Properties were present to request the final site plan approval for the Wal-Mart Store at 300 South and Highway 55. They are proposing a 16.6 acre, 186,300 square foot Wal-Mart Store on the site as shown. Customer access to the store will come from Highway 55 through a center approach as well as from 300 South coming off the center section of Highway 55. Trucks will access

the site from 300 South, access the truck well, drive up the one-way truck route along the rear of the site, come up onto Nelson Lane and enter into the truck area. This truck area is restricted from the rest of the site and the rest of the parking area. Trucks will unload, and once the merchandise is unloaded, they will leave the site.

One of the new plan changes is the Wetland Mitigation Storm Water Management area which will now be located in the southwest corner of the site. The previous site shown for this area was on the north portion of the site. Based on input from the Army Corp of Engineers, this is a new plan to mitigate any wetlands that are filled, maintain some of the existing wetlands, as well as using the area as storm water management for storm water. Presently, there is an existing drain for storm water now coming onto the site. A pipe will be put under the parking lot that will continue to collect the storm water all across the site and outfall on the south side of 300 South. This includes irrigation water from the canal and storm water from the Housing Authority. Storm water coming onto the site from the east will be collected in the channel or the swale along this east property line and conveyed over to the south side of 300 South as well.

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(PACIFIC LAND DESIGN, CONTINUED)

A traffic signal is proposed for 300 South and Highway 55, however, UDOT requires that it be warranted before they will allow it to be installed. The traffic study indicates that after the store is opened, it should be warranted and they foresee no problems in installing the signal at that location. At the request of City Staff, they are looking at straightening out the approach to Nelson Lane coming off Highway 55. This will be presented to UDOT for approval. There will be no customer access to the store from Nelson Lane. The only access will be the occasional truck bringing goods to the store. The trucks will enter on a one way route along the back of the store, coming in on 300 South, travel up Nelson Lane, enter the truck dock, pull out when they have unloaded and exit back out on Highway 55, using Nelson Lane.

To mitigate some of the neighbors concerns, they propose a screen wall along the top of the retaining wall in order to create a visual and noise barrier. They will also install a chain link fence with sight obscuring slats, where there is little room for landscaping, to screen this area from neighbors across the street. They also propose landscaping along the northern property line to serve as a screen.. The compressors will be relocated to the roof of the building and screened to prevent visual or noise impact. The Nelson Lane widening was originally planned as 10 feet, but will be extended to 17 ½ feet. The sidewalk was originally planned at 4 feet to meet price City Code, but it will be extended to 5 feet to provide better access for the Housing Authority residents. They propose to install shields on the lighting along the boundaries of the property in order to screen it from the adjacent neighbors.

They have looked at a number of site plans because input from neighbors indicated they would prefer not to have trucks accessing Nelson Lane. They have tried to accommodate this request, but cannot come up with a plan that will work for this store on this site. They have been negotiating with the Housing Authority to try to utilize the property in the rear of the store, however they have not been able to come up with a workable situation.

John Alger asked about the elevation difference between the building and Nelson Lane. Mr. Neer presented a plan showing the elevation from the houses all the way across and to the back of the building. From the finished floor of the building to the approximate elevation of the Housing Authority homes is approximately 15 feet. Mr. Alger indicated he was looking at the center line of the road and asked about the elevation from the center of the road down to the pavement.

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(PACIFIC LAND DESIGN, CONTINUED)

Mr. Neer explained the the road will slope up and become flush with Nelson Lane so the trucks will have access and the back of the building will act as a retaining wall. The corner of the building will be lower, but the exit will be higher adjacent to Nelson Lane. The elevation of Nelson Lane will not change. Mr. Alger also asked if curb and gutter or just pavement and sidewalk would be installed where the pavement is being widened. Mr. Neer explained there will be curb and gutter and a storm drain system down Nelson Lane to collect the storm water and it will also be widened from the existing 14 ½ feet to 31 ½ feet wide plus the curb and gutter.

Mr. Piccolo expressed concern with the plans regarding the lighting as presented. He would like to be certain the specifications are on hand with Price City to indicate what's going to be done. The same thing should apply with the sound barrier shown on the plans. He is not certain, at this stage, exactly what will be done to lift the sound of the trucks passing by - how effective it will be and what will be done if it's not effective. If there are complaints that people can't sleep because the lights are too bright or the trucks are too loud, that's a concern and he doesn't know how it will be solved at this point. There may be some type of an arbitration if they're not acceptable where we can turn half of them off for periods of time. Although they're needed to create proper security and visibility, you don't want it to become a nuisance to the property owners just to the east of you. Michael Crowson, of Pacific Land Design, spoke with respect to the site lighting. The specification is that, at the property line, there is a zero foot candle, so there is zero light trespassing across the property line. The design of the shields and the design of the lighting vendor is to provide the specification that there is no flooding onto the neighbors property. In terms of direct glare or direct lighting into a bedroom window while people are trying to sleep, that is zero. In terms of identifying the zero foot candles, we accommodate that with a light meter after the lights are operational. This is done so Price City doesn't receive telephone calls regarding the lights. Joe Piccolo asked if the basic perimeter will be at zero foot candles and mentioned that, at one point, they were incorporating light standards design on Nelson Lane, a somewhat different issue with respect to the lighting. Mr. Crowson indicated regarding the parking lot lighting, Wal-Mart's program is to have zero foot candle trespassing outside

the property. Joe Piccolo asked if there would be lighting around the east side of the building as well. Mr. Crowson said there will be lighting in the truck dock area and once again, it is a focused lighting, however, up on the street level, the City working with Staff, has requested that standard street lights be provided on the widened portion of Nelson Lane. That was acceptable to Mr. Piccolo.

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(PACIFIC LAND DESIGN, CONTINUED)

Mr. Piccolo said he was most concerned about the lighting on the east side of the building, and that's where the sound barrier will be requested. Mr. Neer said there will be one standard light adjacent to the truck dock and the remainder will be small lights along the back of the building. Stuart Nyander, Project Architect, indicated the egress doors in the back of the building will have a 175 watt bulb over the doorways and a battery back-up power supply, so they will be on whether there is power or not. They can have hoods on them similar to the lights in the front and will shine down without reflecting any thing any place. They will have a "shoe box" basically where the lights shine down over the doorway. Lynda Varner asked if they were committing to that with this set of plans they are proposing tonight. Mr. Nyander said yes. Ms. Varner asked Mr. Nyander to explain the sound barrier wall - the height and the construction. Mr. Nyander provided a cross section of the sound barrier to show the height, materials and how noise travels. Mr. Piccolo said the sound barrier he was asking about was on the east side of the building, not the north side of the project. He asked if they would be identical as far as construction materials go on both sides of the building. Mr. Neer said they were proposing evergreen landscaping along the east side of the building to provide a visual and noise barrier. Mr. Piccolo said then there will be no sound barrier wall constructed on the east side of the building, according to the plans received. He understands what is being done on the north side and feels the concerns of Mr. James Jensen and other residents in the area are covered quite well with the provided specifications. However, he is not certain the concerns are covered on the east side of the building just with landscaping.

Mr. Jensen indicated the concerns are not covered on the north side either - they are worse on the north side than on the east side. Mr. Piccolo indicated the compressors were removed and a wall was installed for safety at Mr. Jensen's request. He also stated this is not a Public Meeting, but a meeting in public and he has read some of the concerns and understood they were covered. Mr. Jensen reiterated they were not covered, but ignored and proceeded to explain that his concerns. He said there has been talk about the concerns, but nothing is being done. This is the same plan as before and one concern is the lighting. He has eight apartments by the proposed truck dock and when the trucks come to unload during the night, they will flood his entire apartment complex with their lights. He's concerned about safety and asked how high the wall will be built to keep the sound out. Mr. Neer said the wall is 17 feet long and six feet tall with screen wall on top of that. Mr. Jensen feels the trucks will come out blindly with a six foot wall and have no way of seeing pedestrians coming down the sidewalk.

(PACIFIC LAND DESIGN, CONTINUED)

Mr. Neer said the wall will be tapered down at that location just for that

reason. Mr. Jensen then asked if you taper the wall, what will happen to the visibility and sound from over here. He was told there would be 4 - 6 trucks per day, but he has counted them and with a grocery store, there are 50 plus trucks per day to service that store. Mr. Neer said there are a number of delivery trucks that will service the store, however, they will not all come at the same time. Mr. Jensen is also concerned about the placement of the compactors and the bales of boxes, crates, shelves and pallets and provided photographs of the storage areas around the present Wal-mart Store. He feels they will be stored in the employee parking lot and will be in view from his apartments, therefore, he would like a higher fence. He told them Price City made K-Mart install lawn, trees and curb, gutter and sidewalk on the south side of the project and requested them to install their truck dock to the west and their garbage, crates, etc were to be piled behind a fenced area and that's what is being done. He asked why this store cannot install a truck dock on the north side for grocery deliveries such as the one used by the Ephraim Wal-mart Store.

Mr. Piccolo asked Mr. Jensen to please limit his concerns to those of most importance

The visibility coming out of the driveway for on-coming pedestrians is of concern. He stated that is a building standard and asked Francis Duzenack if they had met those standards. Mr. Duzenack said the visibility from the truck dock entering onto the road is not part of the building code. There are a number of things you can do if you do have something that causes a visibility problem - the use of convex mirrors and things of that nature can give the drivers the visibility they need in those situations. Joe Piccolo asked why it wasn't a building code situation when a 3 foot maximum height fence is required so that you can see over it. Mr. Duzenack explained that zoning ordinance applies to residential only. In a commercial zone, the heights are regulated by conditional use permit specifically. Mr. Jensen asked why, in a commercial zone, where's there's trucks and so on, would you lower your fence and once you lower that fence, then what will be done about the visibility. Mr. Piccolo said it was clear to him that there would not be a lot of visibility gained by the apartment complex by the lowering of a few feet of the fence for safety. Safety will be compromised by leaving the fence high enough that the trucks can't see over it or so the apartment dwellers won't see into it. It looks as though you will have to make some compromise here. Mr. Jensen said there was no question about that. Kathy Morris said they had tried to compromise but had received no reply. Joe Piccolo reminded everyone this was no place for argument and suggested they continue to express their concerns only.

(PACIFIC LAND DESIGN, CONTINUED)

Noise was the next item of concern. Mr. Jensen indicated trucks are coming in and out. Mr. Piccolo said the truck traffic would be similar to that at Smith's and there is an apartment complex located adjacent to them. He is not aware of any legitimate complaint at this point. Mr. Jensen indicated Smith's was already there when the apartment complex was built. They knew they had a problem so they installed the fence themselves. He doesn't plan to put up a fence in front of his apartments so that they can't see over into there. Mr. Piccolo reminded Mr. Jensen there is a fence between the project and the noise. Mr. Jensen said it was nothing like the fence at Smith's. Mr. Piccolo said this fence would be more than the thin wooden fence. Mr. Jensen said if they put a fence instead of shrubs, it won't be more than four feet high, even if it is dropped down and you would be looking right into the opening - that's the problem. Mr. Piccolo again stated there should be some compromise. Mr. Jensen said the compromise is why don't they do like they suggested before - either build a turn around or let's bring the trucks down the other street. When they come around there, you're talking about a retaining wall to keep the noise and lights at a minimum. You can't do that here. Joe Piccolo asked if there was a particular aspect of this not discussed. Mike Neer said they looked at different site plans trying to put the truck dock in the rear of the building. When you put the truck dock in the rear of the building, it pushes the building so far forth that you lose a lot of the parking lot and it just doesn't work for this store. They have looked at all of those options and have not been able to make them work. Kathy Morris indicated they were over on parking, but Mr. Neer said they meet the Price City Code. Mr. Jensen said the solution would be to not move the building, but to move the north wall of the store and place the truck dock on the east side of the building.

Michael Crowson asked if Mr. Jensen was suggesting changing the configuration of the store and said when they first looked at Nelson Lane and when properties were secured under contract, it was an assumption made that they would be able to access Nelson Lane for both customers and trucks and in November or December of 2000, that was the original plan. In working with Staff, understanding the nature of Nelson Lane, talking with the State in terms of how many trucks are on Highway 55, along with a right turn lane in front and north of Nelson Lane, which is already somewhat dangerous, the State and Price City were not too excited. They were not too excited about creating more potential conflicts at the intersection of Nelson lane and Highway 55, so, that eliminated some of the things that could happen on Nelson Lane.

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(PACIFIC LAND DESIGN, CONTINUED)

He spoke on behalf of the retailer saying it is very seldom that Wal-Mart will build a road and dedicate 17 to 20 feet for that road that can't used for their customers. Ultimately, everything they want to do is for their customers. They want to get the customers in and out of the store, provide the best merchandise at the best price possible and provide another choice for people to shop. They spent

hours convincing the higher-ups within Wal-Mart that this was the right thing to do and that the town supports the store and they don't want to put a store here unless people are going to shop here. So, Nelson Lane was critical, along with the parking element - for every 1000 square feet of store, they would like 5 parking stalls. Wal-mart believes they have a good formula that relates parking stalls to customers saying "I can park and I can shop." That keeps everybody in business.

In terms of trying to address the safety issue, these trucks are not going to be pulling out at 30 miles per hour. There is a grade there and they definitely recognize the need for the sound wall to be dropped down so a driver's eye in a truck can see over that wall and make sure there is no conflict with pedestrians. They purposely widened the walk there at the request of Price City. Previously, we had a 10 ½ pavement widening and now we are at 17 feet plus another 2 ½ foot of gutter and 6 inches of curb. So we feel that for 16 semi-trucks, the potential for conflict and safety is not a concern due to the improved Nelson Lane. He did not want to get into all the details of the negotiations with the Housing Authority, but time on this project is critical. Because winter construction cannot be done on this particular site due to the soil, it is critical that we work the ground in the summer months.

Mr. Crowson said Wal-Mart questioned how could they afford to do all these requests with a store where they had already agreed to move the compressor to the roof top; already proposed to rebuild Nelson Lane for another \$200,000.00; and dedicate 20 feet of what would be more parking area or landscape amenity. There is a point where a project is at the budget and this project is well over budget. He has been looking in this area for a store location for 2 ½ years and Wal-Mart is totally committed to having a store on this site as you see it and the plans are finally lining up. They are asking for Final Site Plan Approval. They are trying to listen to concerns and believe they have made every attempt possible to be sensitive to noise. If there are other things they can do, they ask that they be aired here tonight.

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(PACIFIC LAND DESIGN, CONTINUED)

Mr. Jensen countered by saying if you look at the newly built stores in Orem and St. George, you will see the money that has gone into the retaining walls, the motif, etc.

Any time residences were involved, there were beautiful walls and they spent the money they had to spend to get along with the neighbors. Mr. Crowson indicated St. George is a different market in regards to supporting a store. The market studies which are done help to establish the budgets and that translates into how many people have how much money to spend at that store. Mr. Crowson told those present, the cost for the retaining wall for the Orem Store was about \$500,000.00.

Discussion began on negotiations between the Housing Authority Representatives and Scott Crosby of Goldberg Properties. Joe Piccolo reminded all those present that the fact remains there is a workable plan in front of us that meets the requirements of Price City and we're trying to mitigate some of the final questions on this plan. Whether or not these people wasted each others time not negotiating for the things each wanted has passed. If they would like to remove the opportunity of finalizing and negotiating what is before us, then they have that choice. What is being done now is to

negate some of the critical issues that could present problems for the workable plan that meets the Price City Land Use Management and Development Code. Are you ready to continue?

Lynda Varner indicated she had a safety concern. The road along the back of the store becomes an intersection and empties out into her 60 foot driveway. It comes up a grade to make a 90 degree turn and goes down a 30 foot road with both a fire hydrant and rock wall. You also have elderly traffic coming from a blind corner. Joe Piccolo said going down Nelson Lane is very unsafe and he feels this is a remarkable improvement. Ms. Varner indicated they have not come far enough. Mr. Piccolo then asked for Ms. Varner's input concerning the safety of the turn. She told the Commission it cannot be there because it is a 90 degree turn down a blind corner. Mr. Piccolo said he cannot disagree with safety engineers who have reviewed these plans. Mr. Crowson indicated the sight triangles have been provided at the 90 degree intersection. When asked if it was a dangerous corner, Mr. Crowson said it is not dangerous. It is a stop corner for the truck, so through traffic is on Nelson Lane and there is a stop condition for the truck on a one-way. There is no conflicting potential and the sight triangles for a truck driver on a one way exit are satisfactory, especially at a stop condition with the widened roadway. Lynda Varner asked about her driveway - is that a safe condition. Gary Lyon asked what was wrong with her driveway. She told Mr. Lyon her driveway is right in front of the road coming along the back of Wal-mart.

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(PACIFIC LAND DESIGN, CONTINUED)

She is concerned about the possibility of a truck or other vehicle driving the road along the back of the store, not stopping or missing the turn and coming up her driveway and into her home.

Chairman Angotti asked what solutions could be offered to satisfy everyone. Ms. Varner suggested asking the Planning and Zoning Commissioners, beginning with Mr. Richens. Mr. Richens said that, as far as the Varner driveway, if they come to the intersection and stop, while you are backing out or anyone else is going east or west, they will wait for a clear turn. He doesn't see the complication with the driveway, other than those who are servicing Wal-Mart.

Lynda Varner then asked if the Housing Authority's Proposal to Wal-Mart for the truck turn-around in the back could be considered at this time. Kathy Morris explained that the proposal was to do the truck turn-around in the back, but to make no improvements at all on Nelson Lane and leave Nelson Lane as it is. Basically, Price City doesn't think that's a great idea because it dooms Nelson Lane forever.

Joe Piccolo again reminded everyone that the purpose of tonight's meeting is to give Final Approval on this project the way it's drawn. Lynda Varner asked if it could be turned down. Joe Piccolo said it could, but we're not here to negotiate something that is not front of us and that option is not in front of us. Ms. Varner asked Chairman Angotti if he could form a blue ribbon committee, maybe Francis Duzenack, one of the Board Members, their attorney and come back in two weeks. If everyone really

sets down and negotiates, it could be done in 24 hours. Discussion was opened once again on the negotiations matter.

Mr. Crowson said concerning the proposal and letter provided to them, that he, Scott Crosbie, Housing Authority Representatives and the attorneys were a part of the conference call regarding this matter. With respect to the truck turn-around, there were other elements also requested. These were cumulatively mind boggling and it was difficult for them to fathom how they could do one request rather than all ten. They included such things such the one dilemma on Nelson Lane of, " if you didn't do the Nelson Lane Improvement, will you do this?" They felt they had already improved considerably the Nelson Lane Corridor to address the site as well as the city circulation there. Secondly, there was the request to extend the Nelson Lane Improvements to the east, along the Housing Authority property and continue that improvement.

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(PACIFIC LAND DESIGN, CONTINUED)

There was a request to extend sidewalk through the Housing Authority property behind the store as well as provide a 24 foot high wall and mature landscaping. So, in terms of understanding timing being important and the need to come to an agreement, he doesn't want to say it was black and white, but it was a long haul to bring everyone together and it isn't one that, without the HUD consideration for immediate approvals, that we see possible, unless there was some concession of not doing Nelson Lane. Both Ms. Morris and Ms. Varner said Housing Authority had not been called at all regarding the decision one way or another and Mr. Crowson waited until this meeting for an opportunity to make the Housing Authority look evil. Mr. Crowson indicated that, in terms of the relationship between Housing Authority and the real estate team, they were advised by the real estate team that these things were not feasible and that they could not come to an agreement in time, with respect to being able to have the project this summer.

Following discussion, Laurel Marinos made the suggestion of moving the access to the truck dock just a little, losing a few parking spaces, but moving the access out of alignment with the Jensen apartments and still allowing a wide enough swing for the trucks. Mr. Crowson said there might be some opportunity there for that change and reviewed the possibilities for these changes. .

Danny Barney presented his concerns about the slope coming onto Nelson Lane. Mr. Neer said it is a safe slope and will eventually reach the same grade as Nelson Lane. He is concerned about the drainage that comes to the culverts. Mr. Neer explained there is an existing 36" culvert now and it drains into an open ditch about half way across the property line then drains into a 36" culvert. They propose to install another 36" culvert. They are also improving the culvert under Nelson Lane. They will pull out the old culvert, up-size it and replace it. Mr. Barney asked how far the culvert will go because he has a letter from Price City stating once the road is improved, he is obligated to install curb, gutter and sidewalk. Will the culvert go far enough over so he will be able to do these improvements or will he have to stand that himself. Mr. Neer said they were planning to install it just to the edge of the pavement. When Mr. Barney is ready to do the improvements, he will have to

extend the culvert. Joe Piccolo added that he was unaware of a requirement for improvements at this time on the north side of Nelson Lane. Mr. Barney may be required to do the improvements at some time, but at this point, there are no plans to improve the north side of Nelson Lane.

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Joe Piccolo said it would help Mr. Jensen to move the access to the far west end or where it meets his driveway going in and away from the front of the apartments. That would mitigate the issue of lights from the trucks and the safety issues.

Annette Beckman said she is looking forward to having Nelson Lane widened and likes the plan for the new Wal-Mart Store.

Jim Robertson told the Commission that he is with the Housing Authority and wants to make it very clear that he does not own any property in the proposed area and does not live in Price. His concern is where Nelson Lane comes onto the highway. He suggested changing the configuration of the building, eliminate the traffic on Nelson Lane and do all entering and exiting on 300 South, providing that they install a traffic light on 300 South and Highway 55. He also suggested improving Nelson Lane, however, the Commission felt there would be no need if Wal-Mart could not be use the road. Another suggestion was to let Wal-Mart customers use Nelson Lane, but Commissioners felt that would create too much congestion.

Housing Authority resident Tom Anderson said the only way he can get around is with an electric scooter and he has almost been hit several times near the Nelson Lane/Highway 55 Streets. He feels the improvements would make it much easier and safer for people who use the scooters to get around. It will also be easier for them to get to the store during the winter months.

Danny Barney also called attention to the safety issue near the screen printing store. When driving in the right lane, your car side mirror almost hits the building. If someone should step out as you were driving by, there would be an awful accident. He recommended the use of barricades to force the pedestrians to use the street. It is a real safety hazard and should be reviewed. Joe Piccolo said he thought there had been a request to try to make that turn a 90 degree intersection with Highway 55. Mr. Crowson said as the plan has shown, with the additional widening to the south, they are proposing to revise the channelization, so that would help to alleviate that problem with the store. They did have their traffic engineer contact UDOT and they verbally said it sounded like a reasonable request. This will not require anything from the property owner on the north, it would just shift Nelson Lane to the south. However, they cannot commit to that as of yet because they don't have an approved plan from UDOT, but they are pursuing it.

(PACIFIC LAND DESIGN, CONTINUED)

Joe Piccolo indicated he still had a concern with the catch basin for mitigated water areas and feels it should be fenced off. Mike Neer explained there is standing water in the area since it is a wetlands area. In the middle of winter, there is water there and children are drawn to it. It is a wetlands area and they want to try to protect it. They don't want any children going down in there. Mr. Piccolo asked if there was something that could be done in this particular situation to beautify the project rather than create a fenced off area. Mr. Crowson said he was aware of the slopes there, a 10 foot drop to be exact, so there is a safety concern. There will be natural species natural landscaping within the area for enhancement and a 4 foot high barrier fence around the area.

Danny Barney had one more concern. His bedroom is right on the corner of Nelson Lane and he is concerned about the car lights. They are not proposing a wall there because there is an elevation difference of 2 to 3 feet

Dave Varner, a trained biologist and property owner here, has been looking at the wetlands throughout the project for most of his life. He was told by the Army Corp of Engineers the project was in an individual permit stage. He has been dealing with other non-functional wetlands around the State and it usually takes six months to get an individual permit. He is wondering what their status is concerning this issue. Mr. Neer explained they are not going through the individual permit process. They are going through what is called a nation wide process with the Army Corp of Engineers doing the study and the wetland plan shown here is being coordinated with them. They have moved it around in coordination with input from the Corp of Engineers. Mr. Varner said, as of Monday, the Corp of Engineers said they were in the individual permit stage for .5 acres. If you're concerned about getting this done this summer and you have six months of permit processing, they are saying it will take 90 days to 6 months. Mr. Crowson explained that the six months would be accurate because they originally made their submittal to the Corp in early December and so, in the last two or three weeks, there has been a final acceptance of delineation and right now is an acceptance of the mitigation plan as is shown there. Jim Thomas, of the Army Corp of Engineers, told Mr. Varner that he had to re-delineate some areas that were not initially found in the first delineation, which bumped Wal-Mart up past the .5 acres and put them into the individual permit and not the nation wide permit. Mr. Varner indicated if you are six months from that date, you're December - if you're six months from the December date, you're July and you're telling me six months from your original date. Mr. Crowson indicated there has been a change of staff in the Corp and the person

(PACIFIC LAND DESIGN, CONTINUED)

who was previously assigned to this project has now moved on and it has been reassigned. There was a re-delineation and an acceptance of that re-delineation and the Corp is reviewing the mitigation plan that recognizes the additional delineation. Today they were told that within two weeks, we would have the delineation and mitigation approved. This was acceptable to Mr. Varner.

Joe Piccolo had one more concern about moving the entrance to the west, asking Mr. Jensen Mr. Jensen how far to the west he would want the entrance to be moved. It was Laurel Marinos suggestion to move the entrance to the west as far as possible within the drawn area. Mr. Jensen agreed and explained his apartments sit close to the street and the trucks will be pulling out on the right hand side, so if the entrance isn't moved down to where the roadway goes in, it will not work. Penny Sampinos said she can see a real problem with the Varner driveway and asked if the move would make any difference with her driveway. Ms. Varner explained the only way it will work is if they lose the first two parking places and shift the building 20 feet. Housing Authority is willing to work with Price City Engineer Gary Sonntag and they talked about putting in a one way in-one way out access so the limited access would slow down the traffic, but because of funding, this will not take place for two years. She will be willing to work with Mr. Sonntag and slow the traffic down by putting some type of median or traffic turn around, but right now you will be going from the improved road to the 12' wide road. Mr. Piccolo asked if Ms. Varner could move her driveway. She indicated she could not because she is within 10 feet of the property line. Chairman Angotti asked if there was any way to purchase additional property to turn around and come back on the other road. Ms. Varner said the offer was on the table. Joe Piccolo said the only way that could happen would be to deny this plan and re-negotiate.

Chairman Angotti asked how the Commission feels about this suggestion. Penny Sampinos has some concerns about how it is going to look. Even though we are not Park City or St. George, it should be attractive. She feels we should consider the safety and the Varner driveway also..

Larry Bruno said we've heard a lot from Lynda Varner and Kathy Morris, but we've also heard a lot from the people who live there and they support this project. They're the people who will actually be living with this and will be either hurt or benefit by it. They have a bad problem on Nelson Lane getting around and this will make it safer for them. If this doesn't happen, Nelson Lane will never be developed. If this letter says

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this should be a City street, then our side should contribute their fair share as Wal-mart is contributing. Mr. Bruno agrees it will be a regular City street, but Wal-Mart has put a lot on the table

and they are doing even more from which they will never benefit. It's ridiculous and unrealistic to say they should improve the street and never be able to use it. He wants to talk to those who will be directly affected.

Gary Lyon feels the plan as it sits will not make everybody happy. There will have to be some compromises on both sides, whether it's this or some other plan. If you're asking Wal-Mart to give more than you're willing to give, he doesn't think that's correct either. He said he could buy into this plan and he's sorry that it affects some of the people directly like the Varner driveway conflict. The stop sign on the south side of the intersection will mitigate most of the problem with the exception of the lights shining in the yard at times.

Laurel Marinos feels much the same as Mr. Bruno. She feels we should talk to more of the people who will be directly affected and get more input here to see how they feel about it. She thinks it can be worked out by shifting the entrance down to the west without losing too many parking spaces plus the fact that it would not be lining up with the Varner home either.

Alfred Richens thinks with the moving of the access as explained, he could live with the rest of it.

Joe Piccolo asked the intent of Wal-mart for the old building and how they plan to address that. He feels there will never a plan with which we can't find fault and he wants to encourage those who have complaints to try negotiate and reach some type of a resolution. He has watched the process and he feels Pacific Land has responded and most of the time, has responded appropriately to the requests that have been made. Not to say that they have all been negated 100 %, but that is what this process is all about. He feels the store will be an asset to the community in the end because we need a regional shopping center located in Price. The tax dollars will be a benefit to Price by providing more water lines, pave more streets and provide public safety. We are in a migrant growth pattern as proved by the recent census and this will provide 200 more jobs for our community.

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Lynda Varner asked where Mr. Piccolo stood in moving the road a little bit forward. He said it was irrelevant to him. If it can be negotiated between her and the developers, he does not have a problem with it and feels the negotiation can take place between the interested parties. As far as he is concerned, the drawings meet Price City's requirements for the Land Use Management and Development Code and that's what he is here to decide. Francis Duzenack told the Commission that space on the east side of the building from the property line is about 60 feet so it shouldn't be a real big issue to shift that driveway back and forth a little and get it out of alignment with the Varner driveway. There is a 60 foot area with which to work. Mike Neer said Pacific Land Design did actually shift it a little further to the east in order to allow for more site distance for pedestrians at that intersection.

The question was asked that if the Housing Authority was willing to deal with them about the turn-around in the back of the building, why can't they just let them put that road back and negotiate just the driveway in the back instead of pushing the building up. Joe Piccolo said there was no one present to give that authority.

Jackie Majors said the Wal-Mart trucks are not going to be running 24 hours a day, 7 days per week. They all have blinds and everyone pulls their blinds. Regarding the comment about the downtown businesses, Wal-mart has been in this area for 10 or 11 years. Not everyone shops at Wal-Mart - they patronize other businesses besides Wal-mart. They have to have gas and food and this will help all the businesses. We need the jobs and the competition so our money does not go over the hill. The new store will improve the area because it will clean up the area and benefit the tax base.

Albert Bouvier indicated a lot has been said about noise. He lives about two blocks south of the railroad tracks - now tell him that the train doesn't make a lot of noise.

Tom Anderson spoke again, saying Wal-mart will be good for the people because a lot of the residents at the Housing Authority don't have transportation and everything will be closer and safer for them.

Chairman Angotti told those present that he feels a lot of people who have spoken are not against Wal-Mart, they are just talking about things to improve it and make it so everybody in the community will be happy. He feels this is what Wal-mart would want.

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(PACIFIC LAND DESIGN, CONTINUED)

Mr. Jensen stated he has never said he was against Wal-Mart and he doesn't feel Housing Authority is against Wal-Mart. It's just working with the neighbors to take care of the problems.

Chairman Angotti closed the discussions and public comments and asked Francis Duzenack for his comments. Mr. Duzenack indicated the plan we have now, when reviewed through the Price City Land Use Management and Development Code, works and Wal-Mart is willing to work with the additional items that have been talked about tonight. Mr. Angotti asked if it would work with Lynda Varner's problem. Mr. Duzenack indicated she would have to get together with Pacific Land Design and see if they can try to move their driveway a little bit offset from her driveway. There is a 60 foot area to work with so it should be able to be worked out.

Vern Jones indicated that, on our drawings, all we have is the location on the site plan of the traffic signal light on 300 South which is to be installed as it warrants. He asked Pacific Land Design if they have an agreement of some sort with UDOT. UDOT will not allow traffic signal lights until all the warrants are met and once the warrants are met, it will be a six month process. Mr. Crowson explained when they were meeting with City Staff, they met with UDOT and said when this store is

open, they will meet the traffic warrants based on our traffic analysis and UDOT accepted the idea, saying they would review the projections and if it looks as though the warrants will be met, they will review the drawings and approve them for construction as soon as the warrants really are met. Once the store grand opening is over and the hype is down, usually during the first two weeks, they will do a traffic count and, if the warrants are met, the contractor will erect the signal. Francis Duzenack said he had attended the meeting and it was agreed that all the underground work would be in place as part of the project. The only thing to be held up by the warrants would be the actual installation of the light itself. Joe Piccolo asked if it would be in the City's best interest and would Wal-Mart be agreeable to something such as a bond for this light because we are not one of the UDOT players, but are in the City limits. Mr. Crowson said he did not know because it's not typical for them to place a bond for something not yet warranted for the project. But as soon as it is warranted, and he can say their designs are complete, it will go out in the package for contractors to bid the entire signal with site work. The bond question will have to go back to Wal-Mart Construction. Joe Piccolo asked if not a bond, perhaps a development agreement because Price City is not within UDOT's loop and that is why he is concerned. If UDOT comes back

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(PACIFIC LAND DESIGN, CONTINUED)

in six months and says it is not warranted, but in 18 months, it is warranted, then the City will have to spend \$100,000.00 to put in the light. Mr. Crowson suggested some form of an agreement with the City that says they will continue to work with UDOT and as soon as the traffic signal light is warranted, Wal-Mart will issue the signal. It's in Wal-Mart's best interests to have a signal.

There was no further discussion on the matter and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit - Final Approval for Wal-mart of Price, with the following contingencies:

- Consideration for the low level lighting on the east side of the building
- Sound barrier on the east side of the building
- Moving the access to the north truck dock entrance to the west as far

as possible to mitigate the problems with the Jensen Apartments and improve pedestrian safety

- Agreement on the traffic signal light
- Resolution of the wetlands area with the Army Corp of Engineers
- Alignment of the driveway on the north side

Laurel Marinos seconded and the motion carried.

Mr. Crowson of Pacific Land Design indicated his only concern regarding adjusting the alignment is that, since safety has been such a concern where the truck dock is concerned with Nelson Lane and the alignment of Mrs. Varner's driveway. He would like to default to their traffic engineer in terms of evaluating that for safety. Often times with public driveways, it's preferred to align them rather than to dis-align them because of any potential conflicts. He will want to have their professionals or traffic engineers evaluate this matter.

Penny Sampinos asked, depending on the decision on the Varner driveway situation, will there be some dialog with those concerned. Dialog was indicated.

Joe Piccolo presented a petition with 2557 signatures showing 50 people against the Wal-Mart store, 50 people undecided and 2457 in favor of the Wal-mart Store and asked that it be entered into the minutes as such.

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- STAFF
  - MEMO REGARDING HANDYMAN SERVICE

Francis Duzenack reviewed and clarified the Handyman License requirements with the Commission.

- Commission Members asked if Mr. Duzenack would be attending the

Planning and Zoning Meetings now on a regular basis. Mr. Duzenack indicated he will be attending each meeting and this was given a very favorable approval by the entire Commission.

There was no further business and Alfred Richens made a motion to adjourn. The meeting adjourned at 8:25 PM.

John B. Angotti, Chairman

Carolyn Vogriner, Secretary