

MINUTES OF THE
PUBLIC HEARING OF THE
PLANNING COMMISSION OF
GARDEN CITY, UTAH

The Garden City Planning Commission held a Public Hearing on Wednesday, April 6, 2016 at the Garden City Lakeview Building which is located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:30 p.m.

Planning Commission Members Present:

DeWayne Gifford
Susann House
Tom Stevens
Jim DeGroot
Lance Bourne
Joey Stocking

Excused: Jim Stone

Others Present:

Sharlene Millard
Jeryl & Karen Marler
Ken Hull
Michael Beck
Glen Gillies
Randall Knight
Mike Knapp
Zan Murray, via phone
Jacob Wakefield

Peggy & Fred Nightengale
Monique Jacketta
Anita Weston
Zach Beck
Nate Parry
Sage Ukena, via phone
George Peart
Justin Hamilton
Darin Pugmire

ROLL CALL

Commission Chair Bourne asked for a Roll Call. Commission Chair Bourne, Commission Member Gifford, Commission Member House, Commission Member Stevens, Commission Member DeGroot, Commission Member Stocking.

Commission Chair Bourne said the Planning Commission is bound by the ordinances. If a developer comes in and presents something that fits in our ordinances, by law, we have to approve it.

LEGACY BEACH

Michael Beck – Just because it's in the ordinances, doesn't mean it's something that should be done. He said he's not against the development. He wants to see Bear Lake develop and grow in a positive way and he knows Mr. Parry does a good job. But there's a point when something is too much. He would like to see good development that fits within the state, federal and local laws that is environmentally sensitive and is considerate of the neighbors on both sides.

He asked Mr. Parry is he has been in contact with the Corp. of Engineers with wetland issues? Mr. Parry said yes. He was told to get a wetland study done with a third party and then turn it in to them. The final plat will show the wetland information. Commission Chair Bourne said there's nothing in our ordinance that says we need to police the wetlands. It's the states job. Mr. Beck asked the Planning Commission if

his wetland issue isn't taken care of, how can he get a PUD?

Commission Member DeGroot said it's still within the 5 acres and the wetland portion isn't being used, so it will still meet the open space requirements.

Mr. Beck asked about the run-off problem. Mr. Parry said everything they'll be doing will help them immensely; the culverts will be improved. Right now, Buttercup is flooding the back of their property. When he delineates and moves the water, it won't be on their property any more.

Mr. Beck asked if he's done an environmental assessment. Mr. Parry said no, he is applying for a variance with UDOT for an environmental impact, but it's more for traffic. He said there is currently an average of 2,900 cars going by there hourly in August. Even though it sounds like a lot, it's still about 5,000 away from putting him in another category. He's meeting the requirements of the width and has moved the entrance towards his property more because he can't have an egress within 150' from another entrance, neighbors included.

The parking area on the west will be gated and usable only for the tenants. There are no plans at this time for public access through his property.

Mr. Beck said he contacted two attorneys and had them review the statement from the town Attorney about having a road through a PUD. They thought the way he stated his reservations could put Garden City into some legal trouble. He hopes we don't act in haste and then be regretful later on. He realizes Mr. Parry can do what he wants with the property and he knows he will do it properly. He is concerned with the density and even though the ordinances allow that type of density, he hopes that the Planning Commission will step back and do something that makes more sense and is more harmonious with that area; beach, highway and the west side. He said you, as the Planning Commission, have to live with your decisions. We all want Garden City to be a place where families play, but some of Garden City's charm is being eroded away by overcrowding. He just hopes Mr. Parry is considerate of the neighbors.

Monique Jacketta – She said she left the meeting last month feeling like this will be a nice project and Mr. Parry was going to be a nice neighbor. Since then, he's increased the density on the lake side of his PUD. She asked if there's a density clause. Commission Chair Bourne said there is, but he meets the density. She wondered if he can get this passed and then realize some homes aren't selling, so he'll take them out of the PUD. Can he change it once it's passed? Commission Chair Bourne said once the final has been approved, he will need to build it pretty close to what was approved. If he wants to change it afterwards, he just needs to amend it later. She said Azure Cove is nowhere near the same density as Legacy Beach.

Mr. Parry said he will build the whole PUD in about 3 years.

Karen Marler – She's wondering about sanitary facilities for those from the west side going to the lake front. Mr. Parry showed where the clubhouse will be, which will have restrooms. He also showed where the boats will be launched. The corner on the southwest area is a closed garbage area. It's big enough for the garbage trucks to get in there. There will be an employee that will help with launching boats.

Michael Beck – He's wondering about the invasive species. How will they have people comply with the law on that? Mr. Parry said he may be required to have a pressure wash station or get a certificate for him to launch.

Mr. Beck asked if we have set precedence on having a highway between the PUD. Commission Chair Bourne said we have PUD's with city roads, but not a highway. We have talked with David Church, who said it's been done and he doesn't see a problem with it.

A member of the audience wondered if someone else came in to split a PUD with a highway, would we also grant it to them. Commission Member DeGroot said we do look at each application differently. If someone came in and the acres wouldn't be together if the road weren't there, we wouldn't let them. We need to look at them and see what they're asking for. The audience member said we'll be setting ourselves up for a potential lawsuit. Commission Member Gifford said we would look at it just as we're looking at this one.

Mr. Beck asked if we will be having a Public Hearing for the final. The Planning Commission said no.

Randall Knight said it's hard to determine the measurements for fire trucks. He wondered if the road is the right width and not allowing cars to park on the side of the road that would not allow the fire vehicles to go through. Mr. Parry said it's a 24' road. Mr. Knight asked if they have the proper egress/ingress. Commission Member Bourne said that will all come out with the final. The Fire Chief also looks at everything and approves it.

Commission Member Gifford said he has been looking at Azure Cove through Google Earth and they have 24 homes in the same acreage that Mr. Parry is putting 21 homes.

Mr. Beck said then why would the Planning Commission want to make the same mistakes as they have done earlier. The Planning Commission should have some discretion in this process. Commission Member Stevens said we have to hold to the maximum, but we can't dictate that it's less.

Mr. Hull wondered if we should respect and listen to the comments from an owner on the phone. Mr. Ukena, (on the phone) said most of his questions were answered, but wanted to state that he has not received a letter for either Public Hearing. It was stated that he's a new owner and the county doesn't have his information ready yet. We use the information they have.

Commission Member Gifford talked about some girls running across the street last year and then there was an accident. He wondered about the traffic study being done. A member of the audience said that's their concern. They've seen several accidents there. Commission Member House said the city has tried and tried to talk with the state about getting crosswalks and the state keeps saying no, so there's not much we can do about the highway, lights and crosswalks. Mr. Parry said he's taking down trees on that blind corner, which will help.

Commission Member DeGroot said he thinks there will be more foot traffic from the east side coming to the west side to use the bike trail than from those on the west side going east to launch a boat.

Commission Member Stevens said, please remember there is a difference between the ordinances, which we are bound to, and concerns. We are concerned as well, regardless of how the decision was made. It's not because we're not listening, or we don't care. We are bound to what is in our ordinances. So if you're concerned with the ordinances, you're welcome to talk with the Town Council to get them changed. But we need to move along and discuss things within our ordinances. This is being said with respect to those with interests and concerns.

A member of the audience said the ordinances are very vague.

Commission Member DeGroot said he wanted everyone who spoke or had concerns last month at the Public Hearing to know that the Planning Commission did go through and read all the comments. A lot of them were concerns that aren't addressed by the city. If it's wetlands, it's federal, if it's traffic, it's state, man-made wetlands from a canal that can be delineated, that's the developer's choice. We, as a Planning Commission will go through and make sure all the ordinances are met. That's what we have control over. People crossing the street and people in the past who did things illegally, that is something we don't have control over. We just want you to know that your concerns were read and listened to and that we do take them seriously.

Commission Chair Bourne talked about the Short Term Rental ordinance and the penalties. Mr. Parry said he is selling the individual homes and they can rent if they want.

CONDITIONAL USE PERMIT, CONESTOGA PERMANENT SIGN, Mike Knapp

Mr. Knapp said last year they came in for a sign permit and foolishly applied for a temporary sign and not a permanent one. They are asking for a permanent sign of the same size, color, etc. They do have an area to put dates that they are open for the year and they can be changed out yearly.

There were no comments from the audience.

ADJOURNMENT

Commission Member DeGroot made the motion to adjourn the meeting. Commission Member House seconded the motion. All in favor and the Public Hearing closed at 5:20 p.m.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk

MINUTES OF THE
MEETING OF THE
PLANNING COMMISSION OF
GARDEN CITY, UTAH

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, April 6, 2016 at the Garden City Lakeview Building which is located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the meeting at 5:20 p.m.

Planning Commission Members Present:

DeWayne Gifford
Susann House
Tom Stevens
Jim DeGroot
Lance Bourne
Joey Stocking

Excused: Jim Stone

Others Present:

Sharlene Millard
Jeryl & Karen Marler
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ROLL CALL

Commission Chair Bourne asked for a Roll Call. Commission Chair Bourne, Commission Member Gifford, Commission Member House, Commission Member Stevens, Commission Member DeGroot, Commission Member Stocking.

APPROVAL OF MINUTES

Public Hearing of March 2, 2016

A change was made to the minutes.

Commission Member Gifford made the motion to accept the minutes of the Public Hearing of March 2, with the change made. Commission Member House seconded the motion. All in favor and the motion carried.

Training Meeting of March 2, 2016

Commission Member House made the motion to accept the minutes from the training meeting of Wednesday, March 2, 2016 as written. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

Regular Meeting of March 2, 2016

Commission Member House made the motion to accept the minutes of the regularly scheduled meeting of Wednesday, March 2, 2016. Commission Member Gifford seconded the motion. All in favor and the motion carried.

CONFLICT OF INTEREST

No one stated a Conflict of Interest

CONDITIONAL USE PERMIT FOR CONESTOGA RANCH – OFF PREMISE SIGN

Mr. Knapp said Conestoga Ranch is buying the property that this sign will sit on. He had an agreement with Richard Bodrero to put the sign there last year.

Commission Chair Bourne said every time he goes by Conestoga Ranch he's amazed at what they've done. They've followed the theme; country western and made it look really nice. He's really pleased with what's happening.

Commission Member DeGroot said if they put any lights on that sign, it will need to face downward.

Commission Member Stocking talked about the state putting in TODS – (Tourism Oriented Directional Signs) on the highways. It will be coming this summer. #1 - He would prefer they use that type of sign to direct people to a business as it will show where they are better and the sign won't have to be so big. He said it might be good to look into that. #2 – Our new sign ordinance was just changed in October and states that an off-premise sign can only be 32 sq. ft. Mr. Knapp said his sign is larger than that. Commission Member Stocking suggested Mr. Knapp go for a variance.

Commission Chair Bourne gave Mr. Knapp instructions from the state regarding signs within the Scenic Byway.

Commission Member DeGroot moved that we deny the Conditional Use Permit because the sign that is presented is too large. But if he goes 32 sq. ft. it would be approved. Commission Member House seconded the motion. All in favor and the motion carried.

Mr. Knapp said they're trimming the budget and they won't be doing everything this year. They may wait and do some of the development next year. The Planning Commission said that's fine. He won't need to come back unless they do something different.

BEAR LAKE CABIN RENTALS

Chuck Stocking wasn't here tonight. It was stated that he will be going for a variance for parking.

ARCHITECTURAL STANDARDS AND PARKING FOR CAFÉ SABOR, Jacob Wakefield

Justin Hamilton said there is a deck on the rear of Café Sabor that they want to extend and enclose. They will be adding employee housing of three rooms and a bathroom underneath. They're just enclosing the current footprint. There will be an exterior stairway to access the employee housing.

There was discussion about adding parking because the use is changing. But there is so much parking now, they should be okay. There was also discussion about the setbacks. Mr. Hamilton said he could buy more property if needed. It was stated they're just enclosing what is already there, other than the stairs.

Commission Member House made the motion to approve. Commission Member DeGroot seconded the motion. All in favor and the motion carried.

ARCHITECTURAL STANDARDS AND PARKING FOR BEAR'S DEN, Marty Phipps

Mr. Phipps said they're currently putting in new bathrooms and moving the diesel pump away from the building and onto their fuel island, so it actually freed up some parking that wasn't there before. He would like to build a 12' x 6' wall behind where the diesel tank was and put in a cooler. It stays within the footprint of the building. They will continue the same rock outside.

They move the dumpsters to the front during the winter so the garbage truck can get at them and they will also be paving the back parking area. Commission Member DeGroot said he wouldn't ever count tandem parking as two parking spaces. They shouldn't be able to use it. Mr. Phipps said it's for oversized parking.

Commission Member House made the motion to approve the Bear's Den architectural standards for the cooler. Commission Member Stevens seconded the motion. All in favor and the motion carried.

RE-ZONE OF LEGACY BEACH TO PUD, Nate Parry

Commission Member Bourne said David Church has told us that having a road through a PUD has been done before. We do have to consider the safety issue. If things get bad, maybe we'll have to talk with UDOT to get a crosswalk, but in the past, we've been turned down.

Commission Member Stevens said there was concern expressed about driving tenants across the street to use the facilities. But it's not against our ordinance. Commission Chair Bourne said after approval, none of this PUD can be sold off. A PUD allows for density, but it also requires open space.

Mr. Parry said at the final he'll have the meets and bounds of the lots, and the street names and addresses. There will be fire hydrants at least 180' from each house. Having two accesses helped with not needing the turnaround. There are 12 trailer (day use) parking stalls, 8 by the clubhouse, a handicap and 54 stalls across the street. Of those 54, 24 are used for the condo's and the extra is overflow parking. The boats and trailers are only allowed to be parked in the garages or overflow parking.

Mr. Parry said the homes are garages with living space on top. Commission Member Bourne said if the homes have the portico above it, it's counted as height. Mr. Parry said this is one phase and should be done in 3 years. There was discussion about the wetlands. He said his total open space is about 30%. It includes the landscaping. He's done a water table test.

Commission Member DeGroot moved to approve the re-zone of the property at 620 S. Bear Lake Blvd., on both sides of the Boulevard. Commission Member House seconded the motion. All in favor and the motion carried.

PUD DEVELOPMENT PLAN AND PRELIMINARY PLAT APPROVAL FOR LEGACY BEACH, Nate Parry

Mr. Parry was reminded that the height limit cannot go higher than 25' on the beach side.

Zan Murray was on the phone. He said he's talked with Mr. Parry and he could go either with subdivision or condo's. He'll be going the subdivision route and it should be fine to have the separate ownership.

Mr. Parry said the homeowners will only own their footprint. The HOA will manage the PUD or decide who will.

Commission Member Stevens asked about the easements. Mr. Parry said that will come in on the final.

Commission Member DeGroot made the motion to approve the PUD Development Plan and Preliminary Plat for the 21 homes on the 3.9 acres on beach front and 12 units on 4.1 acres on the west side of the highway at 620 S. Bear Lake Blvd. Commission Member Gifford seconded the motion. All in favor and the motion carried.

MISCELLANEOUS

It was said that Zan Murray previously talked about Mr. Parry needing a Conditional Use Permit for the clubhouse. In the past, we've always done it that when a PUD gets approved; everything within that PUD gets approved. The Planning Commission said that we'll continue doing it that way. When a PUD gets approved, everything inside the PUD is approved; they won't need to get an additional Conditional Use Permit.

Commission Member DeGroot asked about making an ordinance so that approval from an HOA is given to the town before a building permit can be given. Commission Chair Bourne said they do not have to bring anything from the HOA to the town for a building permit. Commission Member House said it's not the town's job to make sure HOA's follow their CCR's.

Commission Member Stocking thinks someone should come up with a definition for oversize parking. Town Council Member Darin Pugmire said a regular stall is 9 x 10, an oversize one is 9 x 20. It was stated to talk with Bob Peterson about it.

Commission Chair Bourne said Travis Hobbs, Steve Watterson and Ted Wilson would like to put in a landscaping business just north of the Chevron that borders the highway. It's not in the permitted uses or conditional use permits for that zone. He may be coming next month to talk with us. He would like them to think if they want the use changed in that zone. He said there are currently a lot of dead trees, culverts, etc. It's an eyesore and the first thing people see when they come into the town. He said he's in favor of allowing it, but it would have to go through a variance or we could change the uses in that zone. He thinks they will spruce it up.

Right now, Steve Watterson and Ted Wilson own a gravel pit in Rich County and all their taxes go to Rich County. We would get the taxes if they moved here.

They want to stock pile gravel, washed gravel, road base, and lava cinders in bins. Commission Member DeGroot said we have a lot of wind and it would pick up the dirt and blow it around a lot. There was discussion about pros and cons of having the business there. Glen Gillies said they will be putting mag on the road and it will be large enough for semis to pull in.

The Planning Commission said they would like to see some pictures, not a drawing, of what it will look like. They don't know enough about it yet. They'll wait to see what they bring in.

ADJOURNMENT

Commission Member House made the motion to adjourn. Commission Member Stevens seconded the motion and the meeting adjourned at 6:45 p.m.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk