

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

The Garden City Planning Commission held a Public Hearing on Wednesday, September 2, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Susann House opened the Public Hearing at 4:50 p.m.

Commission Members Present:

Susann House
Jim Stone
DeWayne Gifford
Jim DeGroot

Excused: Lance Bourne
Pat Argyle
Steve Arnold
Jim Hanzelka

Others Present:

Sharlene Millard	Brent Skinner
George Peart	Nate Parry
Anita Weston	Jake Weeks
Randall Knight	Tom Stevens

CONDITIONAL USE PERMIT FOR LAZY D, Brent Skinner

Mr. Skinner said they used to have the homes closer together, but now they're trying to spread them out. They have a bulk meter for water. They have four more buildings they would like add now but said they would like to build 7 all together and wondered if they could also get approval for that? Out of the 7 proposed, there are only 2 that would be additional buildings. The others are being replaced. Commission Member DeGroot said the proposed 4 are on for public hearing, so that is all that can be looked at right now. Mr. Skinner showed the location of the buildings on the map.

Mr. Skinner questioned the height of the Lodge and wants to go for a variance to have the height go to 35'. Commission Member DeGroot told Mr. Skinner he can try for a variance, but with everything the Water's Edge went through, they probably wouldn't get it.

Mr. Skinner said there are 32 acres within this development. Commission Vice Chair House is concerned with the amount of homes in the Cluster Development. She doesn't want 500 homes in there. Mr. Skinner said he will make sure the 70% open space will be met. He said he is keeping track of the percentage of homes and open spaces. They have actually made it better by vacating the subdivision and having less within that area.

There were no other comments.

ADJOURNMENT

Commission Member DeGroot made the motion to adjourn the meeting. Commission Member Gifford seconded the motion and the Public Hearing closed at 4:58 p.m.

APPROVED:

ATTEST:

Susann House, Vice Chair

Sharlene Millard, Assistant Clerk

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

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, September 2, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Susann House opened the meeting at 5:00 p.m.

Commission Members Present:

Susann House
Jim Stone
DeWayne Gifford
Jim DeGroot
Jim Hanzelka (via phone)

Excused: Lance Bourne
Pat Argyle
Steve Arnold

Others Present:

Sharlene Millard	Brent Skinner
George Peart	Tom Stevens
Bob Petersen	Nate Parry
Anita Weston	Jake Weeks
Randall Knight	

MINUTES

Public Hearing, August 5, 2015

Commission Member DeGroot made the motion to approve the meeting of the Public Hearing of August 5, 2015. Commission Member Gifford seconded the motion. All in favor and the motion carried.

Regular Meeting, August 5, 2015

Commission Vice Chair House pointed out a typo in the minutes.

Commission Member DeGroot made the motion to approve the minutes of the regular Planning Commission meeting of August 5, 2015. Commission Member Gifford seconded the motion. All in favor and the motion carried.

ARCHITECTURAL STANDARDS/PARKING FOR JAKE'S PLACE

Commission Vice Chair House asked Mr. Weeks how many signs he is planning to put up. Mr. Weeks said he would like to do two, but would prefer the one on US Hwy 89. She talked about the amount of sign frontage required within the ordinance. There was discussion about how much signage he could have. Commission Member DeGroot said the amount would include all signs; even the signs under the porch count as signage – as well as the signs in the window.

There was a question as to how to figure out the square footage of the truck sign. Bob Peterson said they should only count the signs, not the truck as the sq. footage. No advertising will be on the truck. He will need to work with Mr. Peterson about signs.

Mr. Weeks said he wants to change the overhang a little. He's thinking of doing a drive thru on the west side. There wouldn't be an overhang on that part and there's already a window there. They would go in on highway 89 and loop out on 89.

The raspberry stands will be on the sidess of Hwy 89 and Bear Lake Blvd. He wondered if he needed a concrete slab for the stands. George Peart said if it's for a permanent building, it needs 8" thick cement. Mr. Weeks said there is one already there by the Kiosk, but he'll need another one for the stand along Hwy 89. Mr. Weeks said he will do rough-cut timber poles on the stands. It will have one side open and three sides closed. Commission Vice Chair House said he will need to meet the architectural standards.

Mr. Hanzelka said UDOT controls the access. He may need to work with them to make sure they can have the access. Mr. Weeks said he's already been using the access. Commission Member DeGroot said that's not even an issue.

Mr. Weeks said that it would look better to put in rock than a retaining wall. The fill has to be elevated at least 30". He wants to put in some nice boulders that would look better than a wall.

George Peart asked how far back the raspberry stands will be? The property line isn't always all on the highway. Commission Member DeGroot said he will have to look at that when he gets his building permit. He may have to do a survey.

Mr. Peart asked about having a pole archway at the entrance. Mr. Weeks said he would like to do that. Mr. Peart said the poles would also have to be set back off of the property line. It should be engineered so it won't fall down in 5 years.

Mr. Weeks said there won't be any signs on the poles. It's just decorative. The size of the building won't change nor will the parking. Mr. Weeks said the signs will be the last item on his budget. If he runs out of money, he won't do them this year. It may be 2 years. Commission Member DeGroot said if the ordinance changes, he will have to go with whatever is current then. Commission Member Stone said to do whatever he can now, because things do change and then he would be grandfathered. Mr. Weeks said the outdoor seating won't change too much. There will be less seating because the trucks will only hold 4 people, where the picnic tables will hold 6.

Commission Vice Chair House said if he wants to do the drive-thru, or doesn't do the signs within a year, he will have to come back to the Planning Commission. Commission Member Gifford stated that Mr. Weeks has 4 entrances, which is good for him.

Commission Member Gifford made the motion that we approve Jake's Place. Commission Member Stone seconded the motion. All in favor and the motion carried.

Mr. Weeks asked about the islands between the road and the sidewalk; he wants to improve it. He would just like to weed it out, lay down weed barrier and fill it with rock. The Planning Commission told him to get a hold of Tony Earley with UDOT about it.

ARCHITECTURAL STANDARDS/PARKING FOR LAKEVIEW CABINS

Nate Parry said his building is 90' x 50'; it is 27' from the property corner and 52' from the back. He's not ready for signs yet. On the east of his business is the entrance, there will be stalls around the side and back of the building and an exit on the road of Bear Lake Therapy and Recreation Realty. He has talked with them verbally, but doesn't have anything in writing right now. He knows the city is trying to connect parking. Commission Vice Chair House said he needs copies of those letters for the city.

Mr. Parry said if the Jarman's won't sign the letter, he'll just make his own way and cut out two parking stalls along 50 S. Commission Vice Chair House asked if he's counted how many parking stalls he'll need. Mr. Parry said he's using the same as it's been for 20 years. Commission Vice Chair House said if he's changing the use, then the amount of parking also changes. Mr. Parry said he doesn't need to change the parking per the ordinance; he's here for the siding on the building. Commission Member DeGroot said when you change the use; you have to bring it up to current code.

There was discussion about if that land has had a variance for parking. Mr. Parry didn't think so. He didn't think Garden City even had a parking ordinance when that business was created. It's still a restaurant, he's just adding retail. He said he would only have one or two cars at his office on a Saturday.

Commission Vice Chair House told him that for a restaurant he will need one parking space for every 180 sq. ft. and two employee spaces for every 1000 sq. ft. Mr. Parry said he currently has 21 parking stalls. He thinks he could put twenty more along the east side, but that will make the road 14' wide and he needs that extra for them to get to the back. If he needs to, he could take 200 sq. ft. out of the building for parking.

Commission Member DeGroot said this is a good example of why some people should pay into the town's parking. He's right next to it and needs the extra parking.

Mr. Parry said he has proposed to pave the parking at Recreation Realty so there could be a nice flow of traffic. RV's come and block half of his stalls to park there. He said he would pave the side and exit. He said the ordinance won't let him use highway parking.

Mr. Parry said he wants a fenced in outdoor patio in the front. He wants to do a fireplace and water feature. Commission Member DeGroot said if you don't have adequate parking, it affects your business. Mr. Parry agreed, but said he'll just send them to the parking behind the building. That's why the city has nice parking – to help people park. Commission Member Stone said he's for those who are trying to improve their business. We'll never solve everyone's parking issues, especially when this business was already there.

They discussed how many parking stalls he should need and figured he was about 10 spaces too short. Commission Member DeGroot said since it was already a restaurant before he came, the use would be the same. Commission Vice Chair House read from the ordinance #11C-300- D – “ Any use of property which, in the effective date of this ordinance is non-conforming only with the regulations relating to off-street parking may continue in the same manner, provided that parking facilities shall not be further reduced.” The Planning Commission agreed that there's no more parking that he can get and would fall under this ordinance.

Mr. Parry said the two businesses west of his property are open during the day and he'll mostly be open at night. He wants his parking spaces to be 11' wide and the minimum in the ordinance is 9'.

There was discussion about grandfathering. Tom Stevens asked what's being grandfathered? The Planning Commission said the parking in the rear of the building. They would like a copy of the letter stating that he can use the accesses of the other businesses if he asphalts the road. There was discussion about how all three businesses can be affected if cars start getting towed.

Mr. Parry said he'll have arrows showing where the parking is. He said he just wants approval to put new siding up. He'll come back for a business license later.

Mr. Parry said he's trying to step up the game like Zipz has done. Now Jake's is also stepping it up. He said the town's restrooms are being well used, so he will make the back side as nice as the front.

The Planning Commission said he will need to leave a space for a dumpster. Mr. Parry said he'll make the parking better than it's been in 22 years.

Jim Stone said he needs to be able to side the building and get it secure and out of the weather.

Commission Member DeGroot moved that we approve the architectural design and parking standards. Motion died for lack of second.

Mr. Hanzelka asked if he should go for a variance for parking. There was discussion about the need for a variance. Commission Vice Chair House read from the ordinance again. Mr. Parry said he isn't enlarging the building. Commission Vice Chair House said he's still changing the use of the building, even though he's still keeping the use of a restaurant. She agrees that Mr. Parry should try to get a variance because it goes with the land, so when something goes in in the future, the variance will always be there. Mr. Parry said what if he doesn't get a variance? Commission Member DeGroot said he's grandfathered in, he doesn't need a variance. He can't increase the size of the lot.

Commission Vice Chair House read from 11C-302-B "Parking shall be located on the same lot or abutting lot to the requested use."

Commission Member DeGroot moved that we approve the architectural design and parking standards. Commission Member Gifford seconded the motion. Commission Member Stone against, Commission Vice Chair House against, Commission Member Gifford for, Commission Member DeGroot for.

Commission Member Stone said he feels the use has changed so it's not grandfathered. He doesn't want to get the town in trouble.

Mr. Parry said you're opening up a can of worms with the grandfathering. If we shut him down, we'll have to go throughout town and shut everyone else down. Commission Member DeGroot said if he leaves the building a restaurant, he'll be okay. He thinks by making the restaurant smaller and adding other businesses that don't require so much parking, he would be okay with this. Mr. Parry said he's not changing anything different than what the ordinance states. They re-figured the parking for each building and came up with 27 parking stalls, which makes him close to the required parking.

Commission Member Stone said it's not fair to make him reduce the square footage. Commission Member DeGroot said he needs to get a letter for the use of the road. He wondered if Jarman's would add to the agreement that after 5:00, when their business is closed, that he could use their parking at night.

Commission Member Degroot thinks Mr. Parry has done the best he can to alleviate any issues with ingress/egress and parking with the businesses next door.

Commission Member Degroot moved that we approve the architectural standards and the parking as they have submitted. For the architectural standards, they're fine, but for the parking, they need to get the agreement signed with the neighbor for the loop-around. Commission Member Gifford seconded the motion. All in favor and the motion carried. Roll Call Vote: Commission Member DeGroot for, Commission Member Gifford for, Commission Member Stone for, Commission Vice Chair House for.

CONDITIONAL USE PERMIT FOR LAZY D

Commission Member DeGroot moved to approve the Conditional Use Permit for the 4 buildings, but that they follow the height restrictions and setbacks. Commission Member Stone seconded the motion. All in favor and the motion carried.

STAFF MISCELLANEOUS

Commission Member DeGroot said he's for more parking, but when a guy is landlocked and has no more space on his lot, there's nothing we can do. Mr. Stevens said people assume they can just park in Recreation Realty's lot and Peni has a lot of clients coming in and out of that building. In the past, they haven't had a place to park, so it really is an issue. He appreciates the motion that he needs to get an agreement from the neighbors before the parking is resolved. It's a tough spot to have a business in.

There was discussion about the parking for the buildings across the street. What will happen when their use changes? Commission Member DeGroot said that's why he feels businesses could pay so much a year to help the town create more parking.

Mr. Peart said we've got a few building permits. He plans to go to the Town Council meeting. Commission Vice Chair House asked if he would ask the Town Council about parking; if they added something in the ordinance that says when someone doesn't have parking and they change their use to increase parking if there's any way to have them put money into the town parking to be used for more parking in the downtown area.

Mr. Stevens asked what kind of artifact the town has for what has been approved. The Planning Commission said what he has brought in. It's also in the minutes and motion.

Robert Peterson said the last week has been the craziest of the summer. He thinks the families have left; now the college and parties have come. There was discussion about signs throughout town and changing the sign ordinance.

ADJOURNMENT

Commission Member Gifford made the motion to adjourn the meeting. Commission Member Stone seconded the motion and the meeting closed at 6:24 p.m.

APPROVED:

Attest:

Susann House, Vice Chair

Assistant Clerk