

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 3, 2014 at the Garden City Lakeview Building, located at 69 N. Paradise Parkway. Commission Vice Chair Mike Schiess opened the Public Hearing at 4:45 p.m.

Planning Commission Members Present:

Mike Schiess
Susann House
DeWayne Gifford
Pat Argyle

Excused: Lance Bourne

Others Present:

Sharlene Millard
Gary Cox
Steve Arnold
Lana Hodges

Don and Nola Swenson
Anita Weston

ORDINANCES

Commission Vice Chair Schiess asked if there were any questions on any of the ordinances being presented. Lana Hodges questioned the zone being along Paradise Parkway. Commission Member House explained that Paradise Parkway was used as a reference, it didn't have anything to do with the zone. Everyone was previously confused with where the zone was proposed.

Commission Vice Chair Schiess explained the current Commercial 2 zone area and that they want to move it south of town to get the Industrial zone south of the middle of town.

Don Swenson said there are a lot of really nice homes along Sweetwater Parkway. Also, Ideal Beach is one of the nicest resorts along the beach. That area is a beautiful area. They've bought up some of the sewer pond property on the east side of the road, (which is county) to keep it from being developed. He said the ground in that area wouldn't be good for business because it's a wet-zone. It would be nice to have trees along the road to help hide the businesses, but those in Sweetwater would still be able to see it.

Commission Member Gifford said the owner of the property, Norm Mecham, was here and was in favor of changing the zone as long as houses could still be built. Ms. Hodges said houses can't be built in C2.

The Planning Commission read through the C2 zone ordinance. Commission Vice Chair Schiess said that changing the zone on the 48 acres south of her property won't affect her property. Ms.

Hodges said if Mr. Mecham thinks his property will be able to have homes on it, he'll be surprised, because he can't. She feels the change could hinder her property value. The Planning Commission understood homes could be built in any zone. Commission Vice Chair Schiess read through the Residential Estate zone.

Nola Swenson said that's where most of the tourists are and they'll all be able to look down and see that area. They walk and bike up and down that road. They like the agricultural feel of it. Ms. Hodges said they are against changing the zone to C2. Mr. Swenson said his family bought and put his property in a conservancy so that it will never be developed. Her property can't have anything done with it for 100 years after she's gone. Commission Member Gifford said the Planning Commission needs to find a different place to put a sexually oriented business than the middle of town. Ms. Hodges said then find another place. Commission Member Gifford said if no one can do anything to her property for 100 years, that's even a better place to have it. Ms. Hodges said she doesn't think so.

Commission Member Stone said we're just trying to get it as far out of town as possible. Commission Vice Chair Schiess said the Planning Commission feels it would be good to get the Industrial zone out of the middle of town and by law, they have to have a zone for a sexually oriented business, so they would like to put it in an undesirable location. Ms. Hodges said to put it in the gravel pit. It will be there forever.

Steve Arnold said as the General Manager of Ideal Beach, he looks across the street at those fields every day. He doesn't want to have to look at a wood shop or a manufacturing plant. He said the gravel pit is more of an Industrial Zone in our town already. That road is the gateway to Sweetwater and Ideal Beach. It's one of the most beautiful areas in town.

Ms. Hodges said that area is zoned Residential Estate to have large lots. Part of Garden City's master plan is to maintain a rural area. If you start putting commercial out there, eventually you'll be doing away with that whole concept. She said if you want a place for a sexually oriented business, take two acres by the canal behind the rodeo and put it there. It's a commercial zone anyway. The Planning Commission thought that was a good suggestion.

There was discussion about how the sexually oriented business law came about. A city got sued because they didn't have a zone for it.

Steve Arnold said all of the houses face that road to Sweetwater. It would be an eyesore to have industrial there. Commission Vice Chair Schiess said there could be other businesses – even a school. There will still be buildings with roofs. Mr. Swenson said businesses can be designed to have a nice residential feel, and you could make them put up trees and beautiful landscaping to help hide the buildings. Commission Member Stone said that's something the Planning Commission requires; beautiful landscaping and architectural standards.

Commission Vice Chair Schiess said he appreciates the concerns of the citizens that have been a part of the valley for a long time. Their suggestions are very solid suggestions. The Planning Commission needs to do their homework and make the best decision as they possibly can and

the best decision for the city as well. He thanked them for coming.

ADJOURNMENT

Commission Member Gifford made the motion to close the Public Hearing of September 3, at 5:15 p.m. Commission Member House seconded the motion. All in favor and the meeting closed.

APPROVED:

ATTEST:

Mike Schiess, 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 3, 2014 at the Garden City Lakeview Building, located at 69 N. Paradise Parkway. Commission Vice Chair Mike Schiess opened the meeting at 5:20 p.m.

Planning Commission Members Present:

Mike Schiess
Susann House
DeWayne Gifford
Pat Argyle
Jim Stone

Excused: Lance Bourne

Others Present:

Sharlene Millard	Don and Nola Swenson
Gary Cox	Anita Weston
Steve Arnold	Randall Knight
Lana Hodges	Joey Stocking

MINUTES

Commission Member Argyle wondered how well the Shuttle Bus did this year. Mr. Cox said at first it wasn't really advertised, but slowly there were more people riding it. It only runs Thursday through Sunday and has been there for 4 weeks. The Commission talked about other shuttle's that have been here in town.

Commission Member House made the motion to approve the minutes for the Public Hearing of Wednesday, August 6, 2014. Commission Member Stone seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION

#14-13, Conditional Use Permit Definition

There were three choices given to the Commission. Commission Vice Chair Schiess read through each one. He also read a new one that he brought and explained the reason for it. After much discussion, they chose the second definition with a change.

Commission Member Gifford made the motion to accept the Conditional Use Definition under #11A-200-25 as follows: Conditional Use – a land use that because of its unique characteristics or potential impact on the municipality surrounding neighbors or adjacent land uses which may be compatible only if certain conditions are required that mitigate or eliminate detrimental

impacts. Commission Member Stone seconded the motion. All in favor and the motion carried.

#14-14, Gross Leasable Area Definition

There was discussion of what gross leasable area is. Commission Chair Schiess presented a definition. Much discussion followed. Commission Member Stone suggested taking Gross Leasable area out of the parking ordinance. Gary Cox suggested lowering the base figure of parking to smaller than 10.

Commission Member House suggested: "Gross leasable area is the area that produces income for the property owner." Commission Vice Chair Schiess wondered if an air conditioner and heater would be part of it. Commission Member Stone said it has nothing to do with it. Commission Vice Chair Schiess said if you don't have the conveniences, people won't come in. It can impact sales.

Commission Member Argyle said she doesn't like the parking ordinance. What if Darin Pugmire sold his business and another business buys it and needs more parking? No matter what we come up with, it will not work for every situation.

Commission Member Stone said maybe parking should be a conditional use.

Commission Vice Chair Schiess said he agrees with Commission Member Argyle. We won't find a solution for every situation. He wondered if we really want to continue trying to find a definition or do we want to continue to discuss if that's the right term to use in our ordinances?

Commission Member Gifford suggested a definition of Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use including any basements, mezzanines, or upper floors. Expressed in square feet and measured from the center line of joint partitions and from outside wall faces. For purposes of trip generation and parking generation calculations, the floor area of any parking garages within the building should be included within the GLA of the entire building. GLA is the area for which tenants pay rent and is the area that produces income. In the retail business, GLA lends itself readily to measurement and comparison, thus it has been adopted by the shopping area industry as its standard for statistical comparison. Accordingly, GLA is used for shopping centers and discount stores. Commission Vice Chair Schiess said that's a very thorough definition. He wondered about lowering the standard of our present ordinances. He also suggested having each proposal come before the Commission and we could look at it individually on its own merits and needs and come up with a figure by looking at the gross leasable area, talking with the fire marshall and come up with a determination that best fits the parking for that particular business, knowing full well, that it won't accommodate every situation.

Commission Member Argyle asked how anyone could even design a project without knowing what the parking is first. They need to know how they can design their plans to even present it to the Planning Commission.

Commission Vice Chair would like the Planning Commission to go around town and talk with 2 businesses of 3 different types and evaluate with the computations that we have in our ordinances right now as to what their parking spaces would be and then let's evaluate with each business to see if we're high or low for the realistic application of those parking spaces.

Gary Cox said it sounds like we need three categories of businesses: Theater, restaurant and retail. Commission Vice Chair Schiess said you really need four categories: The restaurants should be divided into walk-in types of restaurants and fast food.

Commission Member Stone said those in the retail sell a lot of different types of things that could also go in different categories. Randall Knight suggested getting the sales tax paid from each business and determine parking according to that.

Commission Member Stone said he thinks we should help out the small businesses. If it wasn't for our treatment plant and the cost of our water bills, our income would be from our businesses. We need to protect them and make it inviting to come to Garden City.

Commission Member Gifford made the motion to table this topic #14-14, with the recommendation that one of us do a poll to the restaurants, maybe 4 different categories, also, that it behooves us to check out the sales tax. He wondered where he can get that information. It was stated that the city has it, but the figures are confidential. Commission Member Argyle said it's not just confidential, but how would you do that to a real estate company? Commission Member Gifford said we would split it up in categories. Commission Vice Chair Schiess said we need to start somewhere. We've been doing this for a long time now. It's an issue that makes a difference and makes an impact on our city. Commission Member House seconded the motion. All in favor and the motion carried.

#14-15 Hotel/Motel Zone and proposed Zoning Map

Commission Vice Chair Schiess said we're trying to provide an area for hotels and motels that could reasonably be positioned throughout our valley without it impacting on residential and businesses.

He had the Planning Commission go through the ordinance and asked if there is anything in the Conditional Use or Permitted Use section that should be omitted or added to.

He showed a zoning map with an area that he is proposing for the hotel/motel zone. The Planning Commission thinks that's more area than they want for that zone. They were thinking of four different areas, but they were smaller areas.

Commission Chair Lance Bourne has the plat maps and he will put in the zoning areas. Commission Vice Chair Schiess would like the Planning Commission to go through and look at the map and draw what they remember it should be.

Commission Member Gifford made the motion that we table items #3C, #14-15, Hotel/Motel Zone, and #6 and 7, Discussion of proposed Hotel and Motel Zone Ordinance and Discussion of

proposed Hotel and Motel overlay zoning map pending any further investigation and research. Commission Vice Chair Schiess added: review of the plat map. Commission Member House seconded the motion. All in favor and the motion carried.

DISCUSSION OF ZONING MAP WITH RE-ZONE CHANGES

Commission Member Stone made the motion that we table discussion of the zoning map with the re-zone changes. Commission Member House seconded the motion. All in favor and the motion carried. Commission Vice Chair Schiess said he would like to include the comments of the Public Hearing for the zoning map.

RE-ZONE AREA WEST OF 300 S.

Commission Vice Chair Schiess said until we can re-locate some of the areas located in that zone to another area, we can't approve this at this time.

Commission Member Gifford made the motion that we table tonight, item #4a and b, #5 until next month. Commission Member House seconded the motion. All in favor and the motion carried.

DISCUSSION OF SIGN ORDINANCE

Commission Member Argyle said this needs to be tabled until we do what we said we would 3 months ago. Take pictures of signs so people know what the signs are. Gary Cox was going to do that.

Commission Vice Chair Schiess told Joey Stocking that the work he's done on this ordinance is phenomenal. Commission Member Argyle told Mr. Stocking that we just want to get pictures taken of the different signs with what is needed for each sign and add that to ordinance. Mr. Stocking said he'll be interested to see what we come up with. He thought we were more worried about safety than the design of the sign.

Mr. Cox said he did volunteer to work on the sign ordinance and he has a lot more time now. Mr. Stocking also said he's not as busy now, so they will get together and work on the sign ordinance. Mr. Cox said we have so many viewpoints; some people are worried about excessive signage, some about safety, some about quality, they will try to combine all of that.

Commission Member Argyle said if the signs look good, we need to remember these businesses only have 3 months to sell their wares. Who are we to keeping choking them down with ordinances? The Planning Commission agreed.

Commission Member Argyle said if the city approved a sign, then we're liable if someone gets hurt. Some of the Planning Commission members said they would like to go to Town Council and tell them their concerns on the sign ordinance. We still need some ordinances and regulations on signs.

DISCUSSION OF AREAS FOR NIGHTLY RENTALS

Commission Vice Chair Schiess asked Mr. Cox if our ordinance is too lenient or is there anything that needs to be drawn to our attention. Mr. Cox said those who rent through a property management seem to be able to be easier to get a hold of, than those who are doing it themselves. He said the biggest impact is how it affects the neighbors. It was stated if we say that some people can't have short term rentals, it will cause an uproar.

There was discussion about the concerns of Short Term Rentals.

Commission Member Stone said he has a saying from BRAG that he reads before each Planning Commission meeting: "The Planning Commission's job is the safety and benefit of our community".

George Peart said when he does his inspections; he notices a big difference of those who rent through a property management company and those who don't. He wondered if we could make it necessary for them to go through a property management. They take care of things so much better. He also said the number one thing people want is to know how many people they can get in their rental. He wondered if it might be good to increase the fee for those who have more people in them. It's more of an impact.

Joey Stocking wondered what the complaints were this year. Mr. Cox said most problems were parking and some noise complaints, but the sheriff did a good job of taking care of things before they got out of control. Most had property management companies that were really good of taking care of the situations. He didn't have to fine anyone.

Mr. Stocking said he feels Short Term Rentals have a really bad name here in Garden City. But he wants people to realize that neighbors call on each other too. He talked about "Good neighbor laws"; things that disrupt your neighbors. He thinks it needs to apply to a resident, a long-term rental and a short-term rental. He wondered why the short-term rentals have so many laws when a resident with family visiting could be the same type of bad neighbor.

Commission Member Gifford talked about being frustrated that short-term rentals and a small residence getting charged the same price for water or sewer.

MISCELLANEOUS

Commission Member Argyle asked about the rodeo sign being taken down. Mr. Cox said it was up at Renegade Racing, but didn't get a Conditional Use Permit, so it has been taken down.

Commission Member Stone said he is sorry he can't close his shop in the summer to come to our meetings. He appreciates them being patient.

Mr. Cox said he appreciates what the Planning Commission does.

There was discussion about funding for 3rd West.

Mr. Peart asked about mobile homes being allowed in the mobile home park in Buttercup? Commission Vice Chair Schiess said no. Only modular homes on a full raised footing or stick-built on a foundation are allowed.

ADJOURNMENT

Commission Member Argyle made the motion to adjourn the Planning Commission Meeting of 9-3-2014. Commission Member Gifford seconded the motion. All in favor and the meeting adjourned.

APPROVED:

ATTEST:

Mike Schiess, Vice Chair

Sharlene Millard, Assistant Clerk