

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

The Garden City Planning Commission held a Public Hearing on Wednesday, September 4, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:32 p.m.

Commission Members Present:

Lance Bourne, Chair
Jim Stone
Susann House
Chuck Stocking
Jim Hanzelka
Mike Schiess
DeWayne Gifford

Excused: Nate Gracey

Others Present:

Sharlene Millard
Anita Weston
Danny White
Norm Mecham
McKay Diamond LMC
Troy Gerber
Darin Pugmire
Glen Doki
Curt Knudsen
Jonathan Blosch
Elaine Winegar

John Spuhler, Mayor
Carol Hanzelka
Kevin Horn
Chris Shurian
Todd N. Taylor
Dan Kurek
Ed Hansen
Jerry Foster
Zan Murray
Gerhard Koenig
Becky Martin

DISCUSSION OF GENERAL PLAN

Danny White said he doesn't have anything to present.

PRELIMINARY OF WATER'S EDGE, PHASES 1-5, Kevin Horn and Norm Mecham

A member of the audience said he is concerned with how Water's Edge will impact Lake Meadow Lodge. He'd wondered about the fencing on the north side of the project; how tall will it be and feels it should be extended to the beach.

He asked where the entrance will be for the Construction vehicles, how the dirt and dust will be controlled so it won't affect their normal use, water issues and they expect their water pressure to stay strong. They wondered if their water will need to be shut off when Water's Edge connects to the water system; if so, it should be to a minimum. They wondered how high the buildings will be, and want to

make sure parking of the guests will not be allowed on the Lake Meadow Lodge property and he wondered how the wetlands are going to be preserved.

Commission Chair Bourne said fencing is required between commercial and residential. If there is a road separating properties, fencing will not be required between them. The water will have to be shut off to make a connection and the building heights are the same as last year. Mr. Horn said they will follow the federal requirements for dust control because it's over an acre. The construction entrance will be on the south side because that's where Phase I is.

Todd Taylor said he has enjoyed the wetlands, etc. He would like some type of berm with trees around the south part of the project. He doesn't want to look at a concrete jungle. They also want it to be safe for their children and grandchildren.

Troy Gerber asked about the height of the buildings. Kevin Horn showed the plans and explained where the hotel will be. The height will be the same as what was approved earlier.

Mr. Horn explained that the commercial is still the same. The north Condo buildings are moved to the west more so that they can avoid the wetlands. The beach access will be private.

Mr. Horn said the parking will serve the commercial area, the hotel and the condo units. There's enough room for 20 cars to be checking in at once. They don't think there will be any parking problems within the project. All of their parking will be off the highway and will be private. Mr. Gerber said with the entrance of this project being on 150 S. and the main access to the beach also using 150 S., he's very concerned with the congestion that will occur. He feels that this will be a mess and would like to see more accesses opened up.

The Fire Chief, Dan Kurek, said before he gives any approval, he needs plans with dimensions; how wide the driveways will be, the widths of roads, fire access paths, widths between parking stalls, which should be 21' for their vehicles. They have no apparatus at their fire station that will handle that height of buildings. Norm Mecham said the last time the agreement was that they would satisfy that requirement before a Certificate of Occupancy is issued.

Curt Knudsen wondered about the viability of going forward with the project. He said a lot of things are going out of business. Commission Chair Bourne said they will have to have a performance bond on the entire project. The amount will be approved by the Town Council. Mr. Knudsen asked who approves the docks. Commission Chair Bourne said we lean on the State Parks and Corp. of Engineers for that. The State has to do the delineation.

There are 70's condo's and 84 hotel rooms planned.

Mr. Horn said they are looking for approval for the entire project and permits. They are hoping for conceptual approval tonight. Commission Chair Bourne said their project has to be done within one year. They will need to get a performance bond for 150%. But they can get an extension.

A member of the audience said he strongly suggests that the Planning Commission not approve the access on 150 S. The traffic will be increased substantially. He can't even get into his place now without waiting in a long line of traffic.

Mayor John Spuhler said we need to open up more walking accesses to the lake. This project will be a big impact, but we need to create some walking places. If you want more, write your senator – Lyle Hilliard.

A member of the audience is concerned that there will be huge traffic and access problems on 150 S. Now is the time to address those problems and find solutions before the project is approved. Don't approve it and then worry about finding solutions to the problems later.

Darin Pugmire said a significant traffic impact study needs to be done. He doesn't see how 150 S. can be used with just a traffic sign.

Commission Chair Bourne said it's required by the ordinance for them to have a traffic impact study. It would be good to have one done on 150 S. and on the highway.

Mayor Spuhler said Garden City is the 13th lowest taxing place in the state of Utah. He has asked the senators for money to help. 150 S. is a nightmare. If people put pressure on their senators, things can happen very quickly.

Troy Gerber questioned the oversize parking. Mr. Horn showed the parking that has exceeded the required amounts.

Mrs. Winegar hopes that those who are involved will follow through and finish the project. She wants to make sure the Planning Commission follows through with the requirements on bonding to make sure it's on the entire project. The bonding should be for services, utilities, water and sewer. She asked what the height of buildings will be. Have they provided a fire truck? We need to make sure they are financially stable to do this – not get in the middle of it and then it dies. Commission Chair Bourne said that is what bonding is for.

Dewayne Gifford said the sewer dept. has already talked with them. They will be covering the impact with their impact fees.

A member of the audience said he is disabled and has a hard time getting down to the beach. It's really hard for disabled people to get down there. Mayor Spuhler said this is not relevant to this project. The audience member asked about the height of the buildings.

Commission Chair Bourne said the height will be 35' by the highway and as the land slopes down, it will continue to stay the same height at the lower end.

There was a question of bus transportation to the beach. Mayor Spuhler said this isn't relevant to this project. The town is working on this.

Mr. Horn said they will improve 150 S. with curbs, gutters and landscaping.

A member of the audience noticed that the phasing has changed. He wondered why. Mr. Horn said they feel that the viability of the commercial relies on the occupancy of the project. He said the commercial that exists there will remain until they get something built. Then they will tear it down and build new.

Darin Pugmire is concerned with the environmental impact of endemic fish. He feels it will be wise to look at that. It's set as part of the final – so they will need to look at that.

Commission Member Stone asked what their intent is to the marshes below the high water mark. Mr. Horn said it's below the high water mark, so it's not their property. They don't intend to wipe out the marshes in the future that are below the high water mark.

A member of the audience feels the Planning Commission should only approve one or two phases to see how that works and if there's a need, go ahead and finish the other phases.

Mr. Knudsen appreciates letting the audience tell their opinions. Mayor Spuhler said we've put a lot of financial process to prevent things that happened in the past. We've had some failures and we've had some successes and the economy is looking up. Our sales tax revenue has increased 30% the past 3 years. He wants this to be done to enhance this area and employment, but it needs to be done correctly.

Mr. Hanzelka said he's got the letter from the lawyer. Garden City will be protected by getting the bonding. This is just preliminary, more has to be done.

Commission Chair Bourne said the developers have a checklist to go through. It's mind boggling, but necessary. We're still working together. We won't approve anything that isn't in the ordinances.

Mrs. Winegar asked if there's demand enough for a project this big. Chris Shurian said an independent feasibility study has been done and supports this. It was a very thorough study. He can make that available to us.

Mrs. Winegar asked if there is a provision for employee housing. Commission Chair Bourne said not with this project.

ADJOURNMENT

Commission Chair Bourne closed the Public Hearing at 5:30 p.m.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk

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

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, September 4, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the meeting at 5:30 p.m.

Commission Members Present:

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MINUTES

Commission Member Schiess made the motion to approve the minutes of August 7, as they are written with the one change that was just made to be made part of that record. Commission Member Gifford seconded the motion. All in favor and the motion carried.

PRELIMINARY WATER'S EDGE, Phases I - 5

Commission Chair Bourne asked about phases. Mr. Horn said phase one will consist of the hotel, required parking and half of the amenities, indoor, outdoor pool, pavilion area, large lawn area, with water, which will support fire access as well as utilities and improvements along 150 S. They feel there's a big demand for a hotel. Phase 2 will include their commercial area, which will help those at the hotel.

They will have 3 commercial buildings in the first portion of Phase 2. - Then parking with access off of 50 S. and 150 S. will be built as well. They will build the required parking for each phase in that phase. The buildings will have landscaped walkways that will connect to the parking areas. They will allow for views and green space at the lake.

Phase 3 is the condominium buildings and their parking – adding as growth demands. A few more amenities, and landscaping which will include wetlands.

Mr. Shurian said they would like to start this fall/winter and would like to be fully in construction of the hotel by spring. Commission Chair Bourne said there's a lot to do before they can start and it's September now. He said when they're developing each phase, there needs to be an egress/ingress during each phase.

Danny White asked about wetlands on the south. He wondered if a delineation has been done. Mr. Mecham said there was one done a number of years ago. There is no water draining out of it and it's ditches now. Mr. White said there are cattails there. Mr. Mecham said he's avoided that area.

Commission Chair Bourne said buildings cannot be more than 30% of the whole project. Mr. Horn said the buildings are 25% and the rest is parking and landscaping at 75%. Commission Member Bourne said he wants larger maps to look at. These maps are too small to even read.

Commission Chair Bourne asked them to maybe come up with a sidewalk on the north side of 150 S. There have been a lot of good comments tonight, and it would be good to have a place for people to walk to the beach. He's also concerned with the use of 150 S. There's so much traffic already.

Mr. Horn said he is concerned with their parking lot dead ending towards the beach. He can see that that might be a problem. That area provides the fire access to their lower buildings.

Commission Member Schiess said he sees an opportunity for a lot of congestion on both highway 89 and highway 30. He wondered if we should get a hold of the state because of the addition of this project? Maybe they could increase the lanes or put in a turning lane. He's also concerned with the parking at the commercial area and having cars backing up on the highway.

Mayor Spuhler talked about Garden City developing 300 W. It's not done yet, but it may help eventually. We've also got a new parking area on 75 N. and we're exploring other places, so that may also help.

Commission Member Schiess said if this project goes through, more and more people will be impacting the roads, anything the city can do to relieve and help with the situation would be in the best interest of Garden City. Mayor Spuhler said he just asked the state for money for planning. We've just got to keep pushing.

Mr. Horn said Garden City's success is their success. They're trying to create parking and sidewalk area with landscape features. The parking is to the east of the sidewalk. It's all on their property. They think that parking in a commercial area is very important.

Zan Murray said he has communicated with UDOT and angle parking won't be accepted on the highway. It will have to be re-located. Mr. Horn said that's contrary to what they said at a meeting last year. But that's part of what they'll be going through.

Mr. Murray said they're dealing with a significant impact to this town. The traffic, parking and pedestrian traffic is significant. With some effort, studying and planning and some adjustments, he thinks everything can work. Commission Member House questioned the 45 degree angle parking. Mr. Murray said there is policy and five points that needs to be reached. The first two, can't be reached at all. The policy states: *Policy to accommodate the desire of adjacent land owners of a state facility's angle parking may be installed on state highways meeting all of the following criteria: 1) Highways with a functional classification of minor collector or lower.* Highway 30 is a minor arterial which is a higher classification than minor collector, which means it can't be classified. *2) On Highways that are not on the national highway system.* This highway is on the national highway system, so #2 can't be satisfied. So the first two cannot be qualified, which means there's not an allowance for the 45 degree angle parking on this street. The other 3 qualifications could probably be met and dealt with, but all 5 can't be met.

Mr. Horn said when he met with them, they were insistent that the parking be off the highway. So they followed the steps they were given and now have it inside their project on their own property. Mr. Murray said he would have to evaluate that with a traffic impact study before he signs off on it.

Commission Member House asked if someone could get to the parking lot from the check in? Mr. Horn said not right now, but they could put it in that way.

Commission Member Schiess asked how they might control the dust and storm water for the neighboring properties. Mr. Shurian said they will put in typical curb and gutter with asphalt. Swales take care of storm water pretty well. He feels like it's important to get that street developed in the right way. The minimum required street width is 60'. That road is 49 1/2'. So that will require some type of dedication and will change the parking to get it to the required width.

Commission Member Schiess talked about the developer's paving past the property line. It is in every zone.

There will be no underground parking in this plan.

Mr. Murray wants to go over the letter he wrote: He talked with Danny White and Riley Argyle. These comments are conceptual and preliminary and are subject to change, and are in regards to planning and public works, and are about how things will layout; where buildings layout and how traffic flows, functionality, intersections, etc. The detailed drawings will come later. We have talked about how 465 parking stalls will impact the roads. They will need an impact study done and meet UDOT requirements. He would like to meet with the developer and UDOT to see if there are other requirements. The minimum right of way of 60' on 150 S. which will require some type of dedication. Could there be a combination of street parking and walking area to the hotel? Those are some things that could be discussed. Storm water; we are taking a site that is largely grass and vegetation and cover 50% with asphalt, etc. it will cause run-offs, there needs to be retention and detention on the site before it runs into the lake. The size can be important. How will that be dealt with? It could change the layout of the site.

He wants to see copy of the delineation, review it and feel comfortable with it. The Corp. of Engineers doesn't like people filling in wetlands without their permission.

The information Mr. Murray got didn't show building elevations, setbacks, etc. He would like that to be understood before any approval.

Commission Member Stone said he has an issue with the wetlands, and feels a new delineation needs to be done. Some things that have been addressed are sewer facilities, domestic water facilities, fire protection, and police protection. The emergency services and roads and traffic are being addressed. As a Planning Commission, we can require an environmental impact study. This study would not only be on the above, but also on vegetation, wildlife, wildlife habitat, ground and surface water and soil erosion. There needs to be a study done— it's our job as a Planning Commission to protect our public welfare, safety and well being of our community and protect our heritage. We have foreign endemic species that are nowhere else in the world. This is at the water below the high water mark. There's an act called the clean water act or one called the rivers and harbors act; for anything over ½ acre, if marshes are going to be destroyed, they'll have to go through more meetings. We don't want to see crystal clear sand, it takes away the marshes. We also need to have a new wetlands delineation. He would like that before he'll approve anything.

Mr. Hanzelka talked about the lake access. We've had a lot of discussion about states with access issues. If this development were in Hawaii, it wouldn't be approved because there is no access to the lake for the public. Does the Planning Commission want to allow someone to fence off their beach and no one else have access? There should be a walking area. He wondered if the Planning Commission wants to start doing that with these big developments.

Commission Chair Bourne said as a safety issue, we'll have to discuss this in later meetings, he wondered about having walking paths for public.

Mr. White wondered how they want to proceed with this. Mr. Murray said it would be good to give them a list so they can be working on things. Wetlands delineation and traffic impact study are the biggest ones.

Commission Member Stone made the motion that we table this and give them a list of things that need to be done to see if they can revise things. When they're done, they can come back with a better idea of what needs to be done down there.

Motion died for lack of second.

There was discussion when to have the developers come back. It was decided to let them come back when they're ready.

Mayor Spuhler said this project could be good for Garden City, but if we screw up, it could be bad. We have to look at what is good for Garden City in the long term. Our engineer is detailed and doing his due diligence. He said not to hold these guys up and let them do whatever they can until the next meeting. Don't approve the conceptual until some of these major questions are answered. A few weeks to get things right is nothing. Their conceptual may change in order to answer some of the questions.

Commission Member Schiess made the motion to bring this up in 30 days and give them a chance to get a list from those people on the issues that could come up that could change the concept of what we're talking about and allow us to review it again in 30 days at our next meeting. And then move forward. There isn't anything from this body that says we don't want this, I think this will be a good thing for us, but if we put off the approval of the concept completely until these issues, particularly traffic, that could impact the design or the engineering of this thing, some of the wetlands that we were talking about environmental, those things become a little clearer to us and how they may impact the whole project, that might be helpful for all of us. So if we bring this up again next month, with the idea of approving the concept, if we'd move that far, I feel that would be an advantage to all of us. I would like to give them 30 days and allow those parties that are involved to start those studies and get them to a point that they can at least solidify what the concept is going to be according as far as those issues go. Commission Member Stone said that's basically the same motion. Motion died for lack of second.

Mr. Hanzelka said it would be good to get them a list of what needs to be looked at. There was discussion about how a traffic impact study is done. It was stated that if a UDOT engineer can give his conceptual approval that would be fine. Commission Member Stone also wants a full environmental impact study done and new wetlands delineation.

A list of things that have been talked about are: conceptual impact study for parking and traffic, UDOT, conceptual UDOT approval, vegetation, wildlife, erosion, wetland delineation update, and some type of delineation for the southeast corner.

Mr. Murray wondered if the buildings meet the requirements. The Planning Commission said yes.

Commission Member Schiess made the motion to table for 30 days to give them time to take care of a traffic survey or at least get it started and get the delineation taken care of or at least move forward to where we can see that it won't further impact their concept and storm water retention and 150 issues. Commission Member House seconded the motion. All in favor and the motion carried.

Commission Member House would like them to look at onsite employee housing.

They think that with construction, they may be able to create 450 jobs. As far as direct employment, they're not sure.

SHORT TERM RENTALS

Commission Chair Bourne said the attorney recommended not issuing STR licenses in subdivisions whose HOA's are against short term rentals. There was discussion about the attorney's letter.

Commission Member Schiess, Commission Member House and Commission Chair Bourne made the motion that Garden City will not issue a Short Term Rental license in subdivisions where the HOA CC&R's restrict Short Term Rentals. Commission Member House seconded the motion. All in favor and the motion carried.

GENERAL PLAN

Danny White wondered what they liked or disliked about the General Plan. Commission Member House asked about creating neighborhoods. Mr. White said we have provisions in our zoning so we can

protect what we currently have and help foster neighborhoods to be safer.

There was discussion about changes that could be made to the General Plan. Mr. White said he used the Bear Lake Blueprint and information from the citizen's survey that was on the website to help with information of the General Plan.

Commission Member Schiess made the motion that you go ahead and use this now. Motion died for lack of second.

There was discussion about how difficult it is for full-time residents, who are here all the time and part-time residents who come up once in a while and want everything nice when they come. Darin Pugmire asked if the Planning Commission could get it out there that even full-time residents voices are heard. He thinks that's why people don't come to our meetings. We are working on the future, so we need to let all people come and share their ideas. Mr. Hanzelka said the part-time residents also feel their voices aren't heard and the only reason they're here is to fund the city. Mr. Pugmire said both voices need to be heard. Mr. Hanzelka said his job is to bridge the gap between the full-time vs. part-time residents.

Commission Member Gifford made the motion to approve the changes to the General Plan. Commission Member Stone seconded the motion. All in favor and the motion carried.

MISCELLANEOUS

It was brought to the Planning Commission's attention that by making Pickleville Commons a hotel, it made it so it was a permitted use and so a lot of the processes have been missed, i.e. sending plans to the engineer, attorney and state water board. It's been very frustrating and confusing for both the office and the developer.

ADJOURNMENT

Commission Member Stone made the motion to adjourn the meeting at 8:05 p.m. Commission Member Schiess seconded the motion. All in favor and the motion carried.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk