

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

The Garden City Planning Commission held a work meeting on Wednesday, November 6, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway. Commission Chair Bourne opened the meeting at 4:05 p.m.

Commission Members Present:

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

Others Present:

Sharlene Millard  
Anita Weston  
Randall Knight  
Curt Knudsen

PUD Training

Danny White wasn't able to come tonight, so Commission Chair Bourne talked to the Planning Commission about negotiations for a PUD.

Mr. Curt Knudsen asked if the Water's Edge is going to be a PUD, will they still need to conform to the city ordinances? The Planning Commission said yes.

ADJOURNMENT

Commission Chair Bourne closed the meeting at 4:30 p.m.

APPROVED:

ATTEST:

---

Lance Bourne, Chair

---

Sharlene Millard, Assistant Clerk

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

The Garden City Planning Commission held a Public Hearing on Wednesday, November 6, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway. Commission Chair Lance Bourne opened the Public Hearing at 4:41 p.m.

Commission Members Present:

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

Others Present:

Sharlene Millard	Matt Weed
Anita Weston	Evan Stevensen
Randall Knight	Norm Mecham
Curt Knudsen	Don Huefner
Andrea Foster	Carol Hanzelka
Jason Foster	Curt Wahlstrom
Skip Duffin	Myrnalyn Lutz
Gerhardt Koenig	Mike Wahlberg
Glen Aoki	Jay Christopherson

ORDINANCES

#13-14 Parking Requirements for Nightly Rentals.

There was discussion about changes made for #13-14.

MISCELLANEOUS

Mr. Knudsen requested making sure there is a fence between Lakemeadow Lodge and the Water's Edge. Commission Chair Bourne said they could require a fence between the Water's Edge and the Huefner's, (residential and commercial) but probably not the Lakemeadow Lodge (PUD). Mr. Knudsen said it would be next to 50 S. Commission Chair Bourne said we can't require them to do that, but if Water's Edge wants to, that's up to them.

Don Huefner said he would like a pretty substantial fence between his property and the Water's Edge because of the snow removal. Mr. Huefner said he would like an 8' fence. Mr. Mecham said he should

be in agreement of that. They won't be doing anything for those on 150 S. because there is a road separating them.

Mr. Mecham said he can look at putting up a fence— probably not a 6-8' solid vinyl fence.

Mr. Knudsen talked about an agreement the Town Council made with Lake Meadow. Commission Chair Bourne said he'll have to talk with the Town Council about that. He doesn't know what their agreement is.

Mr. Mecham said everything in this project, i.e. square footage and number of condos, is the same as was approved 2 years ago. The buildings have just moved around a bit.

Mr. Evan Stevenson said as the Planning Commission, representing this community you do a lot, but you also have a tremendous responsibility and when you create changes in the economic structure of a community, you can kill the community and leave something that you may not see as business can change the projections. If this project goes ahead you may lose some of the typical things we enjoy i.e. multi generational families coming here and going into restaurants in their swimming suits. Now they will feel that they have to change. The job you're doing here is very important – you're changing the face of the community by the decisions you make.

Mr. Knudsen talked about this hotel not making it so it was made into a city office. He's concerned that we'll have a great big development and wondered if it will make it.

Mr. Foster talked about the Water's Edge changing our property values if it doesn't work. Commission Chair Bourne said we've put architectural standards in place to make buildings look nice here. Mr. Mecham has done a feasibility study and believes in it. Our job as a Planning Commission is to follow the ordinances. We can't say if we don't like it or Mr. Mecham. If he follows the ordinance we have to approve it.

Mr. Hanzelka explained that Mr. Mecham will have to have a performance bond also.

Mr. Mecham said it's not the Planning Commission's responsibility to prove the economic feasibility of this project. Harbor Village had to have about four owner's before it made it. His partners are the ones responsible to build it and make it go.

#### 13-15 Re-zoning

There were no comments from the audience.

#### ADJOURNMENT

Commission Chair Bourne closed the Public Hearing at 5:06 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, November 6, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway. Commission Chair Lance Bourne opened the meeting at 5:07 p.m.

Commission Members Present:

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

Others Present:

Sharlene Millard	Matt Weed
Anita Weston	Evan Stevensen
Randall Knight	Norm Mecham
Curt Knudsen	Don Huefner
Andrea Foster	Carol Hanzelka
Jason Foster	Curt Wahlstrom
Skip Duffin	Myrnalyn Lutz
Gerhardt Koenig	Mike Wahlberg
Glen Aoki	Jay Christopherson

MINUTES

October 2, 2013

Public Hearing

Commission Member Gifford made the motion that we accept the minutes of October 2, 2013. Commission Member Gracey seconded the motion. All in favor and the motion carried.

October 2, 2013

Regular Meeting

Commission Member Schiess made the motion that the minutes of October 2, 2013 for the Planning Commission meeting be approved as they are written. Commission Member Gracey seconded the motion. All in favor and the motion carried.

RE-ZONE, the Water's Edge

Mr. Mecham talked with Mr. Knudsen about a concern he has. Commission Chair Bourne said the re-zone is pretty clear. He wants to change the zone from C-1 to a PUD zone. Mr. Mecham said he wants

to do this because that's what the ordinance said he needs to do.

Mr. Mecham said the re-zone is also for Beach Development.

Commission Member Schiess made the motion that the Planning Commission approve the change of zoning from Commercial to a PUD zone. There was discussion about leaving the Beach Development zone at 25'. Motion died for lack of second.

Mr. Schiess said there are some issues he wanted to bring up. He talked about the height of the buildings by the highway vs. going towards the lake, how the buildings remain at the same height. He said none of the height should go above 35', other than an area by the pool; there is a portion of buildings that will be a little taller. His thought is that as long as we have talked about this. Nothing has really changed. He doesn't see it as a big problem. He does think that the residents at 150 S. would probably not see much with all of the natural trees and those they plan to plant. He thinks the height should be acceptable.

Mr. Mecham said the highest buildings will be the condos at 50'. That's why there's a need for a fire truck. He suggested moving the building 15 feet to the west and it would really help with the height. Mr. Hanzelka said that would alleviate a lot of concerns. Mr. Mecham said if he moved the building, it would go to 43-45 feet in height. This would only be on the hotel building. Not the condos.

Mike Wahlberg said they would need a truck to reach about 75 – 80'. Mr. Mecham said he's talked with Dan Kurek and negotiated 75'. It will be a used truck. Mr. Wahlberg said that they need it to be NFPA certified and they will need to be trained on it before occupancy. Mr. Mecham said he's gone through that before and understands it.

Mr. Mecham said their buildings will be at least 60 feet away from the high water mark.

Commission Member Gifford said even if we didn't allow the 55' and he builds at 35', the people from the road wouldn't even see this.

Commission Chair Bourne said he is concerned about re-zoning all of it. He is concerned with the height in the Beach Development zone. Mr. Mecham said it would knock out about half of the hotel to leave it as Beach Development.

Commission Member Stocking said isn't that what we've been talking about the last 20 minutes, to change the zone because they're not blocking any views? Most of the Planning Commission agreed.

Commission Chair Bourne asked Mr. Mecham how they feel about putting in a water loop system as part of the negotiations. Mr. Mecham said probably not. He would be willing to share the impact, but that's taken care of through the impact fees. Every new project pays the same amount. The question was how he was going to impact the water system. The impact of his restaurant won't be any different than the restaurant coming in. Why should he have to pay more? Commission Chair Bourne said the restaurant is only one building, Mr. Mecham is putting in several buildings. There's more of an impact. Commission Chair Bourne said the loop system would protect the town, and his development, in case of an emergency. They will have to put in 8" water lines anyway.

Mr. Mecham said the 8" water lines are an impact of his project, but not the loop system. He doesn't feel that he should have to do that when we wouldn't require anyone else to do it. He said the Planning Commission could make it a condition, but he won't do it voluntarily. Mr. Mecham said the impact of a building permit should be no different than a building permit anywhere else in town. Commission Chair Bourne said Garden City has the lowest impact fees and are working to increase them. Mr. Mecham said then it gets spread across the board fairly to everyone, not just him. Impact fees need to be done fairly.

DeWayne Gifford said the Water's Edge will get charged per unit for sewer.

Commission Chair Bourne said the plans show shared parking, which is not in our ordinances. Mr. Mecham said it's not in the ordinance but can be negotiated within the PUD ordinance. Mr. Mecham said he can get more parking if they change the stalls, but follow the ordinance and make them "less friendly" – not as usable. He said he pulled some figures from the Bear Lake Blueprint. It talks about relaxed standard and using shared parking. Someone will stop and shop and they would be allowed credit for parking. It will depend on the time of day that they're used -- Hotels vs. shops. This is basically changing the striping so it's more usable, but they end up with fewer spaces. They will have 486 parking stalls following the ordinance and 384 with shared parking. Commission Chair Bourne said we're different than any other community. This might work in Salt Lake City, but people bring toys here and we have a huge parking problem.

Commission Chair Bourne said he likes the parking plans. The egress/ingress is wide. He's okay with the parking and extra height, but feels Mr. Mecham needs to be required to put in a loop water system. A negotiation is a give and take.

Commission Member Schiess talked about how he figured out the parking. His numbers are close to what Mr. Mecham figured. He thinks having a walking community is a good idea.

Commission Member Schiess wondered about the impact fees. Mr. Mecham said the impact fees will more than cover the pressure reducer valves, but in addition to that, he feels the town is singling him out saying he has to pay for more than everyone else. It's an impact fee that's not caused by his project.

Commission Chair Bourne said the loop system will serve the whole town. But if something went wrong and the community didn't have water during Raspberry Days, it would be a mess. The loop system will help with that and will also help with his project.

Commission Chair Bourne said if we approve this as a Planned Unit Development, the negotiations on height is over. PUD's have a 35' height.

Danny White , via phone, said we can't negotiate impact fees, but we are able to negotiate a development agreement. Mr. Mecham has also been working to help with pedestrian access to the beach. He's definitely trying to work with the city. Mr. Mecham said by state statute, even if you call it a development agreement it's still an impact fee. Mr. White said the last we heard from our engineers, we are able to enter into a development agreement which is legal under state statute.

Commission Member Stocking asked if we can't negotiate impact fees, we can still enter into a development agreement, but that's a type of impact fee? Mr. White said yes, but he can be paid back

as other development comes back in. It's a type of reimbursement.

Mr. Mecham wondered if Mr. White would be willing to look at equivalent residential units with his project and any other building permit that's given. Mr. White said yes. He was also going to bring in their water usage.

Commission Chair Bourne suggested tabling this for another month until we can understand the loop system better. Mr. Mecham said it will impact him.

Mr. Mecham asked Mr. White who really negotiates the impact fees? He feels that it's more of a Town Council decision. Mr. White agreed.

Commission Chair Bourne suggested tabling this for another month. He's not comfortable with it. He wants to talk with Riley Argyle and Travis Hobbs to understand the water system. There are too many unanswered questions. This is the time to negotiate and if Mr. Mecham wants more height and different parking then there should be a negotiation. Not the town just giving him everything he wants. But if we approve this, there are no more negotiations.

There was a discussion about impact fees. Mr. Mecham asked what if he pays the increased amount of impact fees. If he pulls the building permit before the impact fees are raised, he would be willing to go back and pay the difference but he would like a fair scenario with how his eru's are calculated. He wants to make sure this project is water efficient. He doesn't want to impact the city. He thinks a short term rental with 10 bathrooms, wouldn't impact any more than his for the same eru. He has about 21 eru's and commercial buildings and restaurants are calculated by seats, which would be around 90 eru's. The hotel has about 25.

Mr. White said he would personally feel comfortable with that. Mayor Spuhler and the Town Council and engineers would have to make the decision. Mr. White said the impact fees won't be able to be used with the Shundahai water tank.

Commission Chair Bourne recommends tabling this for another month to get more information. Commission Member House doesn't see the fairness in making Mr. Mecham pay for the loop system when it's helping the whole town. Mr. Hanzelka talked about the Beach Development zone having different height restrictions than the Commercial zone. Commission Member Stocking doesn't think the height is a problem. The parking can still be negotiated. He's frustrated that we're going through this every month and we're always going back to learn about things. He wondered why we didn't study it back then? Commission Chair Bourne said that's part of the process.

Commission Member Stone said this is the biggest project Garden City's ever seen. We need to make sure we do things right. Commission Member Stocking said it's just seems like we're flip flopping around every month. Commission Member Stone said he's benefitting by having 35 more units with the height. That's huge. Commission Member Stocking said he's willing to pay for the increased water impact fees, which will help the town.

Commission Member Gracey made the motion to table this and be ready next month to go forward and approve it. Commission Member Stone seconded the motion. It was stated that the Chair will need to vote to break the tie. So Commission Chair Bourne voted yes, we need to table this. Mr. Mecham asked

for a roll call vote: Roll Call Vote to table this is: Commission Member Gifford no, Commission Member Stocking no, Commission Member Gracey yes, Commission Member Schiess no, Commission Member House no, Commission Member Stone yes. Motion died.

Mr. Hanzelka said once the re-zone was tabled, the negotiations under a PUD fell away. Commission Chair Bourne said we just need more answers. Commission Member House said we need to know about the loop system and how it affects the hotel.

Commission Chair Bourne said if we make this a PUD, the parking and height is done. Mr. White said we can require it to be the same height as the surrounding zones. Commission Member House said we can still negotiate the height and the parking.

Mr. Mecham asked Mr. White if there is a certain height specified in a PUD zone. Mr. White said no. Mr. Hanzelka read from the PUD zone. The other ordinances still apply, the usage is just being re-zoned.

Commission Member Stocking recommends that the Town Council re-zone the Water's Edge from C-1 and Beach Development to a PUD, with the understanding that the current ordinances apply. Commission Member House seconded the motion. Roll Call Vote: Commission Member Gifford yes, Commission Member Schiess yes, Commission Member Stocking yes, Commission Member House yes. Commission Member Gracey no, Commission Member Stone no. The motion passed.

Mr. Mecham said he's okay negotiating impact fees with the Town Council. He wants to ask that whatever we agree is fair.

Mr. Hanzelka recommended to Mr. Mecham that he get together with Danny White to get a list together of what has been talked about.

This request has been sent to the Town Council for negotiations of Parking, Height and Impact Fees.

#### BEAR LAKE MARINA FIREHOUSE PIZZA, Jay Christopherson

Commission Chair Lance Bourne said the architectural standards meet the town ordinances. The parking has been met. He asked about using the road to Raspberry Patch. Mr. Christopherson said Harbor Village has a dedicated 30' right of way on Raspberry Patch, on the north side which they will use later. But they would like to make it into a temporary turn around for right now. He wants to tie the water line into Lochwood. Commission Chair Bourne said he will need to have an egress and ingress and have right of ways to Raspberry Patch. The access to Raspberry Patch Rd. does need to be at least a gravel based road and be functional. Mr. Christopherson said he wants to do a PUD that will connect to this restaurant area.

Commission Member Gifford made the motion to accept the architectural standards and parking. Commission Member Schiess seconded the motion. All in favor and the motion carried.

#### ORDINANCES

##### #13-14 and #13-15

Commission Member House made the motion to accept Ord. #13-14 and #13-15 with changes we put in. Commission Member Gifford seconded the motion all in favor. The motion carried.

TRAILS MAP

Mr. White wasn't able to attend the meeting this month.

MISCELLANEOUS

Commission Chair Bourne said we need to be looking at ordinances. The bonding ordinance needs to be cleaned up. For any part of any ordinance they feel needs to be cleaned up, bring the information to the meetings. We'll be working on them during the winter.

Commission Chair Bourne said he hopes Mr. Mecham's project makes it. It will be nice, but he had questions about the beach development zone being changed. Our impact fees aren't enough to cover the costs of the project, so that needs to change. It would be nice to have someone from the Public Works at these meetings to explain the effect of these large projects and the water concerns.

There was a discussion about the Shundahai water tank and building in the Eagle Feather subdivision. The egress hasn't been finished and is locked.

There was discussion about HOA's and short term rentals. Commission Chair Bourne said this is a great city. If we don't plan for our future, it could be a mess.

ADJOURNMENT

Commission Member Schiess made the motion to close the meeting at 8:00 p.m. Commission Member Stocking seconded the motion. All in favor and the meeting closed.

APPROVED:

ATTEST:

---

Lance Bourne, Chair

---

Sharlene Millard, Assistant Clerk