

MINUTES OF THE  
PLANNING COMMISSION MEETING OF  
GARDEN CITY, UTAH

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, December 4, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the meeting at 5:06 p.m.

Commission Members Present:

Lance Bourne, Chair  
Mike Schiess  
Chuck Stocking  
Susann House  
Jim Hanzelka, via phone  
Nate Gracey  
Jim Stone

Others Present:

Sharlene Millard  
Danny White  
Anita Weston  
Bryce Nielson  
Zan Murray  
Kathy Hislop  
Mike Leonhardt  
Norm Mecham  
Adam Mecham  
Riley Argyle

APPROVAL OF MINUTES

Regular Meeting, November 6, 2013

Commission Member Schiess made the motion to accept our minutes of November 6, 2013 except for the one change on page 3 - paragraph about height. Commission Member House seconded the motion. All in favor and the motion carried.

Public Hearing November 6, 2013

Commission Member Gracey made the motion approve the minutes of the Public Hearing held on Wednesday, November 6, 2013. Commission Member Schiess seconded the motion. All in favor and the motion carried.

Work meeting of Monday, November 11, 2013

Commission Member Schiess made the motion to approve the minutes of November 11, 2013, the work meeting of the Planning Commission of Garden City as they are. Commission Member Stocking seconded the motion. All in favor and the motion carried.

Work meeting of Wednesday, November 6, 2013

Commission Member Stocking made the motion to approve the work meeting of November 6, 2013 of the Planning Commission. Commission Member House seconded the motion. All in favor and the motion carried.

## TRAINING

Kathy Hislop talked about appeals and how it works. She said she's talked with our attorney and the attorney for the League of Cities and Towns. She said we've never had an appeal since we've had an Appeals Board. The Appeals Board is the last board that someone goes to before a decision goes to district court. The Planning Commission has the authority to approve a Conditional Use Permit. If you make a decision on a Conditional Use and the applicant doesn't like that decision, the appeal goes to the Appeals authority. The Planning Commission makes a recommendation to the Town Council and if the applicant doesn't like that decision, then they go to the Appeal authority. A Variance appeal goes directly to the district court.

An applicant can appeal a decision or someone who doesn't like the decision can appeal it.

## CONFLICT OF INTEREST

Commission Chair Bourne explained that if someone has a conflict with a project, they need to state their conflict of interest. You can either remove yourself from the board or you may state the conflict and stay for the vote. Mr. Hanzelka said if you have a fiduciary interest in the development, you shouldn't stay to vote.

## CONCEPTUAL AND PRELIMINARY APPROVAL OF WATER'S EDGE, Norm Mecham

Commission Chair Bourne said he just received new plans today and hasn't had a chance to look at them. Mr. Mecham said he got the punch list just before Thanksgiving. #1-5 are all included. #6 talks about parking. The new information is in the box in the upper right hand corner. It's all private parking for use of the project and businesses within the project. There may be some parallel parking in the front which would be public. The parking lot on the south part of his property will be private use. The sidewalk would be accessible to the public.

Mr. Mecham showed and discussed the landscaping plan. He said that shrubs and trees may be moved a little, so he can't see that that would be too significant.

Mr. Mecham stated that we're not discussing height tonight.

Mr. Mecham showed where the commercial and beach development zones are on his project.

Mr. Mecham showed that their buildings have been reduced to 18% by using the high water mark. Zan Murray said the maximum is 30%.

Commission Chair Bourne said this information should have been here 2 weeks in advance. Mr. Mecham said he didn't get the punch list 2 weeks in advance. This shouldn't be significant. It's just showing passive and open space. Commission Chair Bourne said the shared parking is still not removed.

Mr. Mecham said if they looked at the minutes from September and October, it states that he would be given punch lists, but they were not complete. He's answered the questions. Then he was given one before the last meeting less than 2 weeks before the meeting. He said fair is fair. We can't discuss height. Commission Chair Bourne asked why. Mr. Mecham said you'll have to ask the Town Council. He said he's respectful of Zan and what he's doing, but these last items don't really change anything.

Mr. Mecham said the Traffic Impact Study, environmental impact and delineation will be given before final.

Mr. Mecham said he was never below the water line with a track hoe. He has moved some shrubs with permission from the Mayor and then he was asked not to, so he stopped.

Mr. Mecham talked about shared parking. Zan Murray said it's negotiable. He said the new plan does open up the parking and flow better. It will be tight if not. He does still have 40 oversize stalls. He talked about the shared parking. His judgment is that he's not uncomfortable with the parking. He thinks it's nice and reasonable.

Mr. Mecham said if he follows the ordinance, he'd have 521 stalls. It's cheaper for him, but he doesn't want to do it that way. He showed some shared parking which would soften the parking. He thinks it's more attractive and easier to use. The parking is also for those who work in the shops or have anything to do with the project. Commission Member Schiess said a good alternative is to use the city parking lot near the church. There is also restrooms and a kiosk.

Commission Member Stocking said he likes the wider stalls. He feels the parking by the church is so hard to get in and out of. He thinks the parking lot would be more attractive with the shared parking. He wondered about the relevance of highway 89 and the corner. He realizes that will come in for the final.

Riley Argyle said the city parking lot is full on the busy weekends.

Mr. Mecham talked about putting trees in the parking lot. He was concerned about the larger vehicles knocking them down, but is working with the engineer on the types of trees that would be good to put there.

Commission Member House asked if they have worked out their problem with Lake Meadow Lodge? Mr. Mecham said no. It's up to the city. They have leased part of 50 S. The lease will be up in about 2 years. Riley Argyle said it may also be up to UDOT because they may require one or two turning lanes on the city right of way.

Mr. Mecham said there will be a bio swale which will be used for runoff between 150 S. and his parking lot. He sees it going in as – starting from his property, a sidewalk, a bio swale, then the parking lot. He said he doesn't need a sidewalk by the parking lot because they've got one by the hotel. Zan Murray said there will be an easement for public use of the sidewalk at the final.

Commission Member House asked how the open space has changed. Mr. Mecham said there's more open space towards the lake. He will clean it up, but it will have natural sand. He showed the high water mark.

Commission Chair Bourne wondered if he's going to exceed the 35' in height? Mr. Mecham said he's been told not to talk about it.

Commission Chair Bourne suggested tabling this until we know what the height is. Mr. Mecham said the Planning Commission may not be able to decide the height, so the only issue may be decided by another body. So everything else has been submitted to them.

Commission Member Stocking feels we can make a recommendation based on the height decision – then whatever board will decide.

Commission Chair Bourne said he doesn't feel comfortable approving this until we know the height. He said our Attorney has told us not to approve anything not in our ordinance.

Bryce Nielson said typically, you would approve this and put the conditions of the approval on the other board. (i.e. variance board) Danny White said if this goes to the Appeals Board, it won't come back to the Planning Commission unless they suggest that it comes back.

Commission Chair Bourne said we've done that in the past it hasn't worked. Our job is to follow the ordinances.

Commission Chair Bourne suggested if we make a motion, it needs to be stated that the height will continue at 35' in the commercial zone and 25' in the beach development zone.

Mr. Mecham said he's done everything that has been asked of him. He'll still have to come back twice for preliminary and twice for final. He's asking for conceptual approval with the condition that the height will be determined by another board.

Danny White said our advice from the attorney is that the height is not up for negotiation with this body. Mr. Mecham said he got an e-mail from the Mayor that he cannot discuss height, it has to go to the variance board.

Commission Chair Bourne said we should not approve this, let the variance board decide the height and then we can approve it then.

Mike Leonhardt said this board has everything in front of them to make a decision tonight. The variance board can make the decision for the height.

Mr. Hanzelka asked if the water issue has been settled. Commission Chair Bourne said no. Zan Murray said there's no reason to go there until we get into preliminary design.

Commission Chair Bourne suggested we approve this, but state that we will follow our ordinances and master plan which says we should be consistent with surrounding areas and the height in the zones should stay the same. That will show that we are doing our job.

Zan Murray explained that this is a development plan and should be stated in the motion. He said Mr. Mecham's not ready for preliminary approval.

Town Council Member Brian House came to the meeting and said the attorney has stated that the height is not negotiable.

Commission Member Schiess made the motion to recommend that we, the commission, approve the development plan of the water's edge project in all elements that have been presented to us except for the issue of the height of the buildings. We recommend that the height of the buildings maintain the alignment of our ordinances, that say that the beach development zone shall be held at 25' in height overall and that the rest of the project be held to the 35' maximum height limit. All other issues of parking be approved. Commission Member Gracey seconded the motion. All in favor and the motion carried.

PARKS AND TRAILS MAP, Danny White

Danny White passed out the parks and trails map.

He would like to get their input on the goals for the parks and trails for the next 5 years. He said he has some trails marked with GPS.

We have money allocated in our budget to do some improvements at the Heritage Park. He's wondering what they foresee for the park. Is what he has listed, reasonable? There was discussion about ADA compliant equipment for the park.

The governor has allocated Garden City \$100,000 for beach access. It just needs to be approved by legislation, then we should be able to use that for parking. They will eventually have a pavilion at the Heritage Park.

Commission Member House said she would like to eventually see that the canal be enclosed with a bike path on the canal. Mr. White said even if we don't enclose it, there is a right of way at the canal for a bike path.

Mr. White said in January, he'll be applying for a grant to help with a bike path along Paradise Parkway going to Buttercup. There was discussion about the park and the beach. Garden City plans to widen the travel lane on the south side of the park, and take out some grass on the south and east side.

Mr. White said he's working on getting new restrooms at the park by the bowery.

Commission Chair Bourne feels we're making good decisions with the way we spend our money.

Commission Chair Bourne said we need to stick with what is sent us two weeks ahead of time. If they have different plans than what was submitted, we shouldn't look at it. That gives us time to look at it. He talked about the roads in Lochwood.

Commission Member Schiess said we need to clarify the ordinances about height, so we can make it clear. There was discussion about determining where a zone starts and stops.

ADJOURNMENT

Commission Member Schiess made the motion to close the meeting at 8:00 p.m. Commission Member Stocking seconded the motion and the meeting adjourned.

APPROVED:

ATTEST:

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Lance Bourne, Chair

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Sharlene Millard, Assistant Clerk