

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

The Garden City Planning Commission held a Public Hearing on Thursday, May 28, 2009 at the Garden City Lakeview Building located at 69 N. Paradise Parkway. Commission Chair Jennifer Huefner opened the Public Hearing at 6:55 p.m.

Commission Members Present:

Frank Smith  
Greg Bills  
Jennifer Huefner  
Scott Gough  
Lance Bourne

Others Present:

Sharlene Millard  
Anita Weston  
Bobbie Coray  
Rod Thompson  
Scott Galbraith

CONDITIONAL USE PERMIT

Commission Chair Jennifer Huefner explained that this Public Hearing is for Rick Stanzione, who is not present, to be able to have a boat/marine business.

There were no comments from the audience.

ADJOURNMENT

Commission Chair Huefner closed the Public Hearing at 7:00 p.m.

APPROVED:

ATTEST:

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Jennifer Huefner, Chair

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Assistant Clerk

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

The Garden City Planning Commission held their regular meeting on Thursday, May 28, 2009 at the Garden City Lakeview Building at 69 N. Paradise Parkway. Commission Chair opened the meeting at 7:00 p.m.

Commission Members Present:

Frank Smith  
Greg Bills  
Jennifer Huefner  
Scott Gough  
Lance Bourne  
DJ Ballingham

Others Present:

Sharlene Millard  
Anita Weston  
Bobbie Coray  
Rod Thompson  
Scott Galbraith  
Adam Witsman

APPROVAL OF MINUTES

Public Hearing of April 23, 2009

Commission Member Smith made the motion that we approve the minutes as written. Commission Member Bills seconded the motion. All in favor and the motion carried.

Regular Meeting of April 23, 2009

Commission Member Bills made the motion that we approve the minutes as written. Commission Member Gough seconded the motion. All in favor and the motion carried.

Public Hearing of May 7, 2009

Commission Member Bills made the motion to approve the minutes as written. Commission Member Smith seconded the motion. All in favor and the motion carried.

Special Meeting of May 7, 2009

Commission Member Bills made the motion to approve the minutes of May 7<sup>th</sup> as written. Commission Member Smith seconded the motion. All in favor and the motion carried.

## CONFLICT OF INTEREST

Commission Member Smith stated a conflict of Interest with the proposed boat detailing and insurance business. He will be selling property to Mr. Stanzione.

## CONDITIONAL USE PERMIT

Mr. Frank Smith and Adam Witsman presented some maps showing the elevations of their project. The exact placement hasn't been determined, but the setbacks will be met. There may be room for another building eventually. Mr. Stanzione has told Mr. Smith that he would meet the architectural standards. There will be access for the rest of the lot. Mr. Smith said they will do a lot split. Mr. Smith said he represents the other owners of this land.

Commission Chair Huefner reminded Mr. Witsman that they need to pay the fee. Mr. Witsman brought it tonight.

Commission Member Bourne said we need to see it all laid out on paper before it's approved. It looks good, but we need to see some drawings and make sure the setbacks will be met.

Mr. Smith said he doesn't want boats stored outside of the building. Commission Member Bourne said they will need to address the parking for the insurance side of the business.

Commission Member Ballingham said he feels this is two separate projects; a lot split and a conditional use permit. What we need to approve is a map of the parcel as it's going to be built and then do a lot split.

The lot split doesn't have to go through the Planning Commission.

Commission Chair Huefner told Mr. Witsman to read the commercial parking ordinance and make sure they meet the setbacks and follow the architectural standards.

This project can't be approved tonight because there are no plans shown. The Planning Commission didn't see a major problem, but can't approve something that's just verbal. They need to see plans.

Commission Member Smith wondered about the back building having to follow the architectural standards. Commission Member Ballingham said if it's visible from the road, it needs to follow those standards.

Commission Member Bourne told Mr. Witsman to have the plans show if all four acres will be fenced or if the parking will be fenced. Also show the landscaping. They need to

know all of that.

## FINAL APPROVAL FOR THE SEASONS PHASE II, Rod Thompson

Mr. Rod Thompson said there will be 11 condo buildings with some being 5 and some 7-plexes. There are still a couple more buildings to be built in phase I.

Commission Chair Huefner showed Mr. Thompson a letter from the engineer. He looked it over and felt everything is in order.

Commission Member Ballingham said Mr. Thompson needs to show the % of open space written on the plat, and they need to follow the engineers letter, i.e. the fire hydrant locations needs to be inspected by the fire marshall, as well as the type, the road cross section needs 6" road base, valves need to be installed on all legs of tees and crosses on the culinary water line, water meters need to be labeled, water service line sizing needs to be in accordance with the UPC, the subdivision is required to receive approval from the Utah Division of Drinking Water, stamped and signed storm drainage calculations, and water rights need to be transferred to the town.

Mr. Thompson said they're working with the engineer on the water rights. Commission Member Ballingham said they also need to ensure there's sufficient room to move an ambulance which is a 50' cul de sac. They'll need to talk with the fire dept. for their approval.

Commission Member Gough said they will need to show where the dumpsters are on the plat.

Commission Member Bourne asked about the development of the buildings in Phase I and the amenities, which need to be shown on the plat. He's concerned about moving onto Phase 2 and 3 without the amenities being done. Mr. Thompson said the amenities are in Phase I.

There was discussion about which buildings are in which phase.

Commission Member Ballingham said the first phase needs to be finished before they are allowed to continue with the next phase. As a protection to the town and the individuals, we need to stand in and make sure they put in the amenities.

Mr. Thompson wondered if they could do their phases differently. He asked if he could show that the funding was in place, could it be approved? Commission Member Smith asked if they had a letter of credit, it would be okay. Commission Member Bills wondered if they could add a few more buildings in their Phase I and keep going on the building.

It was decided if they could add the next four buildings for Phase I, the clubhouse and rest of buildings on that side will be part of Phase II. So when they come in to the Town Council, it will be for an amendment of Phase I.

Commission Member Ballingham told Mr. Thompson and Mr. Galbraith to be sure to read the short-term rental ordinance. It shows how many people can be in the buildings, etc., to be in compliance.

Commission Member Gough said to also be sure to have parking for the short-term rentals. The nightly ordinance has different parking requirements. Commission Member Bourne said the parking will be determined on how many bedrooms there will be in each unit.

They will need to submit a new plat showing Phase I, but the concept can be approved tonight.

Commission Member Ballingham made the motion that we accept the plan as proposed on the contingency that four extra buildings will be moved into Phase I and that those plans will be presented to the Town Council for their approval at their next meeting, that there will be adequate documentation there will be a roadway cross section of 6" road base, that fire hydrant locations will be identified on the plat and approved by the fire marshall and the hydrant type will be approved by the town, that the valves need to be installed on all legs of tees and crosses on the culinary water line, water meters need to be labeled on the plat, the water service line sizing needs to be in accordance with the UPC, that approval will be received from the Utah Division of Drinking Water, that open space calculations will be calculated and documented on the plat, that storm drainage calculations will be signed and stamped, and water rights will be worked out with the town, cul de sac's will be reviewed with the fire marshall and that we will receive his approval prior to final approval on these plans. Commission Member Bills seconded the motion. All in favor and the motion carried.

#### CONCEPTUAL FOR PHASE 2, SEASONS, Rod Thompson

Mr. Thompson said since the phases are changing, they will also change the Phase 2 for Town Council.

#### TRAINING:

Commission Member Huefner said at our last state legislative session, there was a major change to ludma. She read through an interpretation of the attorney at the league of cities and towns. It essentially removes the requirement of the planning comm.

Recommendation from the Planning Commission to the Legislative body, which is the Town Council for plat approvals amendments and vacations. She just wanted to give them heads up with them.

Conditional Use Permits

Commission Chair Huefner said the buck stops with us. A conditional use permit doesn't go to Town council, so we need to do it right.

She said we should ask – not why, but why not when something comes in for approval. If you're allowing something in a particular zone, then there has to be a compelling reason to deny it. There needs to be a factual basis or substantial evidence to deny a project.

Commission Member Bourne said if something isn't approved, you have to state the reason why and it can't be because you don't like it or just don't want it.

Commission Chair Huefner said she has also talked about not basing decisions on public clamor; they may have opinions, but they usually don't have all the facts. Our job is to collect the facts.

MISCELLANEOUS

Commission Member Ballingham said he has been presented with a public safety concern. People who rent homes and don't know their history – can cause major health concerns. We have a home here in Garden City that was used for making meth. Those people have moved and now there's a sign up for rent.

Commission Member Gough thinks they have to fix it or the state can come and tear it down. Commission Member Ballingham would like to have a policy, but doesn't know how legal it is.

Our Health Dept. should evaluate mold in homes, but they're a joke. They say looking for mold or meth is not part of their job. People can get really sick and it can even kill animals and small children.

ADJOURNMENT

Commission Member Ballingham made the motion to adjourn the meeting at 9:35 p.m. Commission Member Smith seconded the motion. All in favor and the meeting adjourned.

APPROVED:

ATTEST:

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Jennifer Huefner, Chair

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Assistant Clerk