

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

The Garden City Planning Commission held a Public Hearing on Wednesday, May 5, 2010 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Greg Bills opened the meeting at 4:50 p.m.

Commission Members Present:

Greg Bills, Chair
Scott Gough
Jennifer Huefner
Frank Smith
Pat Argyle

Others Present:

Sharlene Millard
Anita Weston

ORDINANCE DISCUSSION #10-04

This Ordinance stipulates that projects or development phases must be completed prior to receiving approval for a new project or phase.

There were no comments from the audience.

ADJOURNMENT

Commission Member Gough made the motion to close the Public Hearing as of Wednesday, May 5, 2010. Commission Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

Attest:

Greg Bills, Chair

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, May 5, 2010 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Greg Bills opened the meeting at 5:00 p.m.

Commission Members Present:

Greg Bills, Chair
Scott Gough
Jennifer Huefner
Frank Smith
Pat Argyle
Lance Bourne

Others Present:

Sharlene Millard
Kathy Hislop
Anita Weston
Jim and Cindy McLaughlin
Travis Hobbs
Kent Fisher
John Spuhler, Mayor
Justin Hamilton
Bobbie Clark
Dan Kurek

MINUTES

April 7, 2010

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

CONFLICT OF INTEREST

Commission Member Huefner stated that the chicken ordinance was instigated by herself.

Commission Chair Bills said he would like to change the order of the agenda tonight.

COMMERCIAL SUBDIVISION DISCUSSION, Gary McKee

Mr. McKee said someone wants to create a boutique in the building behind his Bear Lake Realty building. He showed the map. He said by doing this, he has created three lots and has to go through the subdivision process instead of a lot split. Each lot will be 6,000 sq. ft. or more. Jeff Hansen has gone through the ordinance and put in the parking spaces. The road isn't a public road, it's an ingress/egress for parking. Commission Chair Bills said he will need to check with the fire marshall for their codes if the fire truck needs to go down there.

Commission Member Gough said there's also garbage pickup to be addressed. Mr. McKee said that Lot 2 and Lot 3 should also be able to use the dumpsters across the street.

Commission Member Argyle said the C-1 ordinance requires 20' back on the west of Lot 2 for a berm and so the parking can't be there. Also, when counting the other parking spaces, there's a few that are missing. He will need 23 parking spaces for the two lots. She wondered if he has formed an LLC to take care of the maintenance of the parking spaces. Mr. McKee said he has not.

Mayor Spuhler said he has talked with Debbie Ames at the County and she's concerned about the turn-around for the garbage truck. The Fire Chief, Dan Kurek, said he's okay with the subdivision.

Mr. McKee said he'll place easements on Lot 2 for the parking. Commission Member Argyle said if he's going to place a 1,000 sq. ft. building on Lot 3, he'll need a minimum of at least 3 more parking spaces.

ORDINANCE DISCUSSION/APPROVAL

#10-03, Increasing Chickens from 2 to 12

Commission Member Bourne said he's okay with increasing the amount of chickens, but he would like to stipulate that no roosters be allowed and that all chickens need to be in a pen.

Commission Member Huefner said she's been checking and most towns don't have roosters and that chickens need to be contained.

Commission Member Gough said he feels they need ½ acre to be able to have chickens. He thinks it's impossible to keep them in a coup.

Commission Chair Bills is concerned with the homeowner's associations that don't allow chickens. Commission Member Huefner said if she's in a subdivision that doesn't allow chickens, even if the town allows them, then we can't have chickens. She said it's more of an enforcement issue.

Jennifer Huefner said her reason to want to do this is to have fresh eggs for her family. Commission Chair Bills wondered about the amount of acreage needed for chickens. Commission Member Bourne feels we should allow a maximum of 12 chickens per lot and if they want more, they need more acreage. No Roosters allowed. Commission Member Argyle said it will police itself. If the CC&R's don't want them, they enforce it.

Commission Member Argyle made the motion that we increase the amount of chickens per lot up to 12 and that it won't supersede the CC&R's of any subdivision. **No Roosters Allowed.** Commission Member Bourne added that they have to comply with the stricter ordinance, the towns or the subdivisions CC&R's. Commission Member Bourne seconded the motion. All in favor and the motion carried.

#10-04, Developers finishing Projects

Commission Member Argyle said she doesn't know how we can let others develop more projects if they haven't finished their first project. Commission Member Gough agreed and said they shouldn't be allowed to build within their subdivision unless they have their phase ready to build, i.e. power and roads.

Commission Member Bourne said before final approval, the amenities have to be in in those phases. Commission Member Smith suggested that we also have to review this and look at their letters of credits. Commission Member Bourne said that bonding is the only answer.

Commission Member Argyle said people buy those lots believing they will have those amenities and then it all falls apart. Commission Member Gough said it gives the town a black eye. We need to make sure there's a bond or letter of credit and make sure it's updated.

Commission Member Argyle said if they're promising amenities, but can't afford to put it in until the 3rd phase, they might have to sell that first phase out and no amenities. But we don't make it so that the people buying lots are the ones that lose. Our job is to protect the people.

Commission Member Argyle made the motion that we approve Ordinance #10-04 that stipulates that projects or development phases must be completed prior to receiving

approval for a new project or phase. If amenities are to be added, they need to be bonded or secured. Commission Member Huefner seconded the motion. All in favor and the motion carried.

BUSINESS CONDO DISCUSSION

Cindy McLaughlin said she got clarification from the state that the condo ordinance applies in whatever zone the condo's in. If you're in the commercial zone, you should follow the commercial rules.

Commission Member Spuhler said there's an ordinance that we weren't aware of, but it's in place right now. We just need to make sure the parking is addressed.

Commission Chair Bills said we all understand that we have an ordinance and it does apply. They would like to tweak it better at another time because some aren't comfortable with the commercial zone having zero setbacks.

LOT SPLIT, Cindy McLaughlin

Commission Member Argyle said this is a lot split and the Chair is the one to sign off on it. It doesn't need to go before the town.

Commission Chair Bills said we want to go over it because there's some concerns with the parking. Commission Member Argyle feels it meets all the ordinances.

Commission Member Gough asked about the parking. Ms. McLaughlin said the parking and easements are in the maintenance agreement. Café Sabor will use the parking to the east and there will be 41 parking spaces total. Café Sabor will use 17, the Town and Country Realty will use 10 and the offices 13. All of the parking is shared and all three have the easement to use it.

Ms. McLaughlin said they could bring the fence back and would add to the town an additional 10 parking spaces which will help with the beach access parking.

Commission Member Gough thinks this will work out really well.

ROAD DISCUSSION, Travis Hobbs

Travis Hobbs said he is getting some standards together for roads and water, etc. and that will make their planning commission job easier. The Mayor, himself, Kathy Hislop and Jason Linford will be working it all out. He'll let them look it over when it's done. Also he or Riley Argyle will be coming to the planning meetings from now on.

DISCUSSION ABOUT LIGHTHOUSE POINTE, Kent Fisher

Commission Chair Bills said our concern as a Planning Commission is with the lighthouse. He understood that when the project was approved that there wouldn't be any public access in that building and he's heard Mr. Fisher is conducting tours.

Mr. Fisher explained the history. He originally came in for a 75' lighthouse and wanted a variance. That didn't work. He was told that if someone got hurt, there was no way to extricate them at 75'. So he said he didn't want people going in at that height. Then people were saying if the lighthouse were lower, they wouldn't be so opposed to it, so he came back with the lighthouse at 50'. There were still issues with the fire truck not reaching the top, and some neighbors were still upset. At that point, he just decided to go with the ordinance and go with a 35' lighthouse. So, having people in the structure was no longer an issue because he's abiding with the town's ordinances at 35'

Commission Chair Bills said our understanding was that it wouldn't be a habitable building. Our understanding with us granting permission for the lighthouse was that it was for storage with a light in it and not for public access.

Commission Member Argyle said she has read from the minutes and it talks about no use inside the lighthouse. Commission Members Gough and Bourne said if they're allowing public inside, he'll need to meet the commercial building code, i.e. elevator. Mr. Fisher said he understood that it was okay to have tours. The Planning Commission understood that it was a monument to the subdivision.

Commission Member Gough said people can go inside, but it hasn't been approved for a commercial business to invite people inside. Commission Member Argyle said it will have to meet commercial code, i.e. handicap accessible.

Mr. Fisher said it's up to commercial standards.

Commission Chair Bills said as a Planning Commission, we are now taking a very strong stand on the usage of either the building, project or property, because we're granting approval on projects based on our understanding and down the road, the usage changes. Our permission was permitted because we understood that it was a monument and people can't climb up there.

Mr. Fisher said he has a liability policy. It's private property.

Commission Chair Bills said if he wants to use it for tours, he'll need to come back for a Conditional Use Permit and we'll look at it.

DISCUSSION OF PHASE I OF VILLAGES AT LIGHTHOUSE POINTE, Kent Fisher

Commission Member Bourne asked Mr. Fisher if he's ready to finish Phase I of the Villages at Lighthouse Pointe. Mr. Fisher said he's gotten the information from Scott Jessen of what he needs to do to finish the power.

Commission Member Bourne said as of now, you have power to two lots. Before we'll give out building permits, you need to have the utilities for Phase I finished. He would be willing to go out with him and show him what needs to be done.

There's 27 lots in Phase I and all the power for those 27 lots need to be in before he can build.

Commission Member Bourne said it's not fair as a town to say you can have power to one lot and not to another. He just needs to get Phase I done. When all the utilities are done, he can move on to Phase II. Before Phase IV is done, he'll need to have his amenities in.

Mr. Fisher said the sewer and water are in. The power is the only thing not totally in. Travis Hobbs said the water is in but it hasn't been approved by the town yet. Mr. Fisher said he had someone from the town inspect it before the model home could go in. Mr. Hobbs said he understood that it was just for the model home. Also, the town couldn't have approved anything on roads when lots can't be entered without an excavator. As far as the water, he knows everything is pretty much ready, they just need to tidy up a few things and make sure they know where the valves are, etc. He also wants to make sure the lines are deep enough so they don't freeze. Mr. Fisher said it's his PUD, it should be his responsibility.

Commission Chair Bills said on a subdivision, you have a year from the approval time to have something substantially completed. The infrastructure has to be done. Otherwise, you need to come in and extend or re-apply.

Mr. Fisher said each home will have a daylight basement so he'll need to bring fill in for each of them.

Commission Member Bourne said he'll also need two accesses. It has to be graveled and accessible.

Mr. Fisher said they've allocated a lot of land towards 3rd West in both of his subdivisions and wondered when and how the town is going to reimburse him for 3rd West. He said Mayor Hansen talked about a tax credit for donating the land. Commission Member Smith explained that it's more of a donation to the town.

MISCELLANEOUS

Commission Member Smith said we need to be looking at bonding. We need to look at when a project is approved and make sure the letter of credit is still valid. We have no recourse if the developer doesn't finish.

Commission Member Gough thinks we need to look at people being able to buy a commercial portion of a building and not waiting for 5 years. Mayor Spuhler said we want to make sure that they're doing something nice and not just into pieces. It may look like crap.

ADJOURNMENT

Commission Member Gough made the motion to adjourn the meeting at 7:09 p.m. Commission Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

Attest:

Greg Bills, Chair

Assistant Clerk