

**DANIEL TOWN COUNCIL and PLANNING COMMISSION  
COMBINED**

**PUBLIC HEARING**

**Monday, September 8, 2014 at 7:00 PM  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Mayor Chip Turner, Council members Eric Bunker, John Glodowski and Jon Blotter were present when the public hearing began. Council member Kasey Bateman was excused. Recorder Lynne Shindurling was present to record the minutes.

Members of the public in attendance: Richard Willes, Darin Bunker, Jake Smith, Kim Norris, Gary Walton, Ryan Taylor, Sherri Price.

Planning Commissioners present: Kim Norris, Blaine Smith, Pam Skinner, Gary Weight, Jaye Binkerd. Planning Secretary Kathy Jo Percy was present.

**7) PUBLIC HEARING ON THE APPLICATION FOR A CONDITIONAL USE PERMIT AT APPROX. 975 WEST 3000 SOUTH FOR AN EVENTS FACILITY**

***The public hearing was scheduled as item 7 on the Daniel Town Council meeting agenda to begin at 7:00 PM on this same evening. Council member John Glodowski moved to open the public hearing, with a second by Council member Jon Blotter. The vote was unanimous to open the hearing.***

Mayor Turner disclosed that he is personally acquainted with the applicant involved here, Richard Willes, and stated he does not foresee this to be a problem in his judgment on this matter.

At this time Commissioner Weight suggested a change in the subject title on the agenda for this matter, stating the issue at hand is to consider adding an events facility as a new conditional use in the Daniel Code and with no regard to the specific address listed on the application.

***Mayor Turner corrected the language of the item 7 as being the public hearing is to see whether a new conditional use will be added to the RA-5 zone***

***within Daniel. Council member Glodowski moved to carry the new language, with a second by Council member Blotter, followed by a unanimous vote of the Council.***

Gary Walton inquired what language was used in the notification to adjacent property owners to see if the hearing could go forward as intended. Council member Bunker stated since this is the hearing to determine if a new conditional use will be added, notification is not necessary at this stage of the process. The notice would occur on a second public hearing specific to the application involved.

Mayor Turner then turned the floor over to Eric Bunker as the Planning Commission Director to conduct the public hearing on the matter of adding a new conditional use. He referred the Planning Commission to the list of current conditional uses with the Daniel Code, and Commissioner Weight supplied this list in writing to the Commissioners. Mr. Bunker then stated that as Richard Willes had come before the Planning Commission to make application for an events facility on his property within Daniel Town, it is up to the Planning Commission to hold a public hearing for input on the Commission's decision regarding a new conditional use.

Mr. Richard Willes then came before the Council and Commission stating his desire to hold weddings and other party type events on his property at 975 West 3000 South. In order to pursue his application, a new conditional use within the Code must be considered and added and then the specifics of his application will be discussed. He feels he has adequate parking, with 65 – 75 parking spaces on his property and off of 3000 South. He has already held private parties on the property, the largest of which was a 100-person sit-down dinner. He has brought in portable restroom facilities for larger events.

Gary Walton inquired of the original purpose of the building on the property, which was built as a residence with kitchen facilities, water available. The upstairs rooms are living quarters for the Willes family and are not intended to be used in the business for which the application was made.

Council member Blotter asked that the focus of the hearing be on adding an events facility as a new conditional use within the RA-5 zone. Even though

Mr. Willes's application initiated the discussion, the purpose for which the hearing is being held is not to make a decision on his specific location for a possible new business. Mayor Turner agreed and stated there will be no action taken on the issue, but the hearing is to allow residents to express their concerns in having this type of business as a conditional use.

Ryan Taylor stated if the use is added in the enumerated conditional uses, then someone else has the right to apply for a similar business within the RA-5 zone.

Phil Mattingly questioned whether such a use wouldn't more likely fall within a commercial zone rather than residential RA-5. The Mayor stated it could and many feel it should, and that is one consideration to be discussed during this proceeding. Mr. Willes's application, however, is not for a zone change but rather a conditional use permit within the RA-5. Mayor Turner informed those in attendance that after the public input on this evening, the matter goes back to the Planning Commission to consider all data and make a final decision on whether to allow such a use in RA-5.

Council member Blotter stated his opinion that the general plan should be followed on conditional uses, which states don't change the environment, don't change the atmosphere, keep our community rural and rustic. He stated his knowledge of a previous event held on the subject property where law enforcement was called, to which Mr. Willes replied he was not present for that particular party. Mr. Blotter views that such a facility does not belong in the open air/green space type of environment which the Town has tried to promote.

Council member Glodowski stated the conditional use provisions provide a means for mitigation, and the conditions are enumerated for operation of a business under certain conditions.

Commissioner Smith expressed his concern that allowing such a business in one location might open the door for operation of others throughout the Town.

Commissioner Weight quoted part of the Town's Land Use Plan which states home businesses should be unobtrusive and compatible with the residential uses. He also has concerns in allowing commercial activity within a

residential area but not holding them to the same Code as would be applied in a commercially zoned area.

Commissioner Binkerd cited one of the provisions in Daniel's Land Use Plan: A consistent and balanced relationship between land use patterns and capacity of streets. She feels the added traffic on 3000 South would be a burden in a residential neighborhood as opposed to a commercial area.

Commissioner Norris stated at this stage of the proceeding the plethora of conditions would be enumerated for the conditional use to be added, and an applicant may be deterred early on. Once again, Council member Blotter stated his view that this would change the environment in which he has chosen to live and does not want such a business to be close to his home.

Gary Walton stated even with conditions listed for operation of such a business, enforcement of them could prove to be a challenge. He cautioned do not create something which will be impossible to control.

At this point the Planning Commission Director, Eric Bunker, used the white board to list the items of concern brought forth in the previous discussion. If each one can be mitigated, the business would qualify for conditional use if the Town Council decided to approve this new use. He cited that the Planning Commission's role is to enumerate the conditions required if such a use is added, and then an applicant can decide if they want to pursue an application. Mention was made of a recent church building built under a conditional use permit, and several things were required and done as the church wanted inclusion within the Town.

The County Health Department must get involved under a Mass Gathering permit, which could come into play here (required for a gathering of 100 or more people) and their requirements met in order for the event to occur.

Council member Blotter inquired how code enforcement is accomplished when violations occur. Director Bunker stated the license is pulled and business must cease until they come into compliance, or the conditional use permit is terminated altogether.

As the items were added to the white board by Commission Director Bunker, each was discussed to see what types of mitigation could occur and how reasonable it would be, and whether doing such would maintain the atmosphere and environment which Daniel has tried so hard to create.

Commission Weight reminded those present that when the matter goes back before the Planning Commission, at the close of their discussion they make a recommendation to the Town Council, and the Council can choose to follow their recommendation or not, in which case the conditional use applied for would be denied. The Council could also add additional conditions to what the Planning Commission recommends. The final decision rests with the Council.

Planning Director Bunker produced the public notice posted in The Wave for the public hearing.

Council member Blotter moved to close the public hearing, seconded by Council member Glodowski. The motion passed with unanimous “aye” votes.

The chair for the regular session of the Town Council returned to Mayor Turner and the Town Council meeting continued.

Lynne Shindurling,  
Recorder