

**Daniel Planning Commission &
Daniel Town Council Meeting
Special Session/Public Hearing**

Wednesday April 10, 2019, 7 pm
Wasatch County Service Complex,
Conference Room B
55 S 500 E, Heber City, UT 84032

Town Planning Quorum: Chairman Eric Bunker, Commissioners Kim Norris, Pam Skinner, Gary Weight, Mark McAllister. Secretary Keary Stephens present for minutes.

Town Council Quorum: Mayor Chip Turner, Council members, John Glodowski, Eric Bunker, Jon Blotter, Stefanie Grady. Clerk Mary Snyder present for minutes.

Member of public: Shelley Bunker, Blaine Smith, John Wetsel, David Gebo, Ben Russell, Joe Witt, Jamie McAllister, Kathryn Paulsen, Val Paulsen

1) PUBLIC COMMENT: No Comments were made.

Joe Witt was not present at the current time and Chairman Bunker called for a motion to go out of order to allow Mr. Witt's request to be heard, if he arrived a later time.

Commissioner Skinner made a motion to go out of order, moving to item (3), seconded by Commissioner Norris. All member in favor, motion passes.

Commissioner Norris made a motion to enter Public Hearing for Zone Change application from RA-5 to Commercial located at 1680 W 3000 S, David and Joelle Gebo. Motion was seconded by Commissioner Skinner. All members in favor.

2) PUBLIC HEARING: David & Joelle Gebo, 1680 W 3000 S, Zone Change Application from RA-5 to Commercial:

David Gebo and Ben Russell were present to discuss the application. Mr. Gebo stated that they purchased the home and business operation from the prior owner. They operate a Waste Management business and they would like to continue the business operation under a zone change to a commercial property. He stated that on the property they store empty garbage containers and a single truck to haul the containers. At this time, the property is occupied by an employee.

Mayor Turner asked if he was aware of a prior business license. Mr. Gebo stated that he was under the impression that the prior owner had current business license under Bumper Dumper.

Council member Grady asked how many employees they are operating with. Mr. Gebo stated that one employee who rents the house with his wife and two or three children.

Council member Glodowski asked to confirm that if the containers are full of trash or empty. Mr. Gebo stated that the containers are empty.

Blaine Smith stated that he is not for the approval of the zone change. He stated that this is not what the property was intended for.

Ben Russell stated that they bought the property and would like to continue operations as the prior owner and would like to get approved for a commercial zone change.

John Wetsel stated that he bough his property two years ago. He stated that he is not for, nor against the request. He stated that if one property is approved for zone change, then it opens it up for more requests. He further stated that is his concern.

Commissioner Skinner made a motion to close the public hearing, seconded by Commissioner Weight. All members in favor.

Council member Grady asked where the property is in conjunction from the current commercial zoning. Chairman Bunker stated that there is one lot between commercial to the west of the applicant and across the road is zoned RA-5. Commissioner Skinner stated that it is 5 lots in from State Road 189. There is one lot in between Mr. Smith and the applicant to the east.

Commissioner McAllister asked what use the property would fall under. Chairman Bunker stated that any use allowed in commercial, could occur within the commercial zoning.

Clerk Mary Snyder asked to confirm the prior business license name. Mr. Russell stated it was under Bumper Dumper. Mrs. Snyder stated that she was unaware of a business license issued for that business name.

Chairman Bunker stated that under the Town Code 810, the possible business could fall under 6390 for business services. He stated that under conditional uses allowed in the commercial zone, there did not appear to be anything close to represent the current business.

Joe Witt asked if the property was owner occupied. Mr. Gebo stated that their employee is renting the house. He also stated they currently own 40 containers, but only have 7 on the property at this time. He stated that they are delivered to sites for use by customers and then brought back empty. The property is basically a hold area, until delivered to sites. Mr. Russell also stated that there is a lot of debris on the property from the prior owner that they will removing, such as old camp trailers, etc.

Mr. Smith stated that he hates to see the zoning opened to allow more commercial properties. Kathryn Paulsen stated that if opened, it could allow

more business. She stated that she likes the beauty of the town and not the appeal of dumpsters.

Commissioner Skinner made a recommendation to deny the applicants request, seconded by Commissioner Norris.

The recommendation was opened for comment. Commission Weigh stated that this item needs more review prior to a decision. Commissioner Skinner stated that prior to the purchase, the purchaser should have researched the current zoning and business license.

Chairman Bunker called for the vote on the recommendation. Commissioner Skinner and Norris for the recommendation, Commissioners Weigh and McAllister against. Motion fails.

Commission Weigh made a recommendation to continue to the next meeting, where the other Commissioners would be available with valuable opinions. This was seconded by Council member Glodowski. Commissioner Norris, Weight and McAllister for, Commissioner Skinner against. Motion will continue by default of a passing motion.

3) PUBLIC HEARING: Joe Witt, 536 W 300 S, Conditional Use, Accessory structure over 1500 square feet:

Structure in question is 2430 square feet, it conforms to the Town code and will be built recessed in approximately six (6) feet in the ground. There were some issues with drainage that were addressed and the Wasatch County Health Department has signed off and approved the plan. The structure has been designed to look like an agricultural building.

Val Paulsen stated that everything Joe Witt has completed on his property has been top notch and stated that he has no issues with the building. Kathryn Paulsen asked if there is a restroom in the building. Joe Witt stated that there is a restroom and a drinking fountain. He also stated that this was part of the issue with drainage that was corrected and approved by the Health Department. Mrs. Paulsen stated that she didn't have issues with the building. She asked if he knew what colors or type of roof he would be doing. At this time, Joe stated that it was undecided.

Mr. Witt further stated that the building is fifty-three (53) feet by thirty-six (36) feet. It will be located where the existing shed and old house were located, to the west side of his property. The use of the build is a half-court sport court. The septic will connect with the existing structure.

Council member Grady inquired if this was for personal use. Mr. Witt stated that the building is for his children, team-mates and friends to be able to practice and play at leisure. He stated that he would not deny a person if they wanted to use the facility. He stated that there is no access for vehicles, so it is not intended as a barn. The structure will be six (6) feet in the ground and twenty-seven (27)

feet above ground and well insulated to accommodate noise control. Chairman Bunker stated that the structure will have a nice agricultural appearance.

Commissioner Norris made a motion to approve the sports court with conditional use, seconded by Commissioner Weight. All members approved. Motion passes.

4) Leifson Family: 4748 Cove Lane Residential Building Permit Update CO.

They have done everything on the list that needed to be done. They are ready for a CO.

5) Jack Rose: Cobble Creek Lane, Agriculture Building.

Commissioner Weight moved to approve the agriculture building. Commissioner Norris seconded it. Vote was unanimous. Motion carried.

6) Troy Anderson: Ranch Drive, Conditional Use for a Church.

No information was available at this time. It will be continued to the next agenda.

7) Planner Report.

Webb letter to be mailed after the minutes are approved.

Mayor Turner moved to hold the letter on rental violation. Commissioner Glodowski seconded it. Vote was unanimous. Motion carried.

Mayor Turner would like to get more information on this before the letter is sent.

Robert Armstrong would like to run water line down Mill Road. There are law suits for South Field Road and for Nate Enterprises on Mill Road. Suburban Propane and Wasatch Back Rentals will put in for Business License. Application for a movie company to film and Park Trailers. We are trying to figure out bonds for it. The trailers are for offices. Time frame is now through July. They will have portable restrooms.

8) Minute Approval for February 20, 2019.

Commissioner Norris moved to approve the minutes of February 20, 2019. Commissioner Weight Seconded it. Vote was Unanimous. Motion carried.

9) Adjourn.

***Commissioner Norris moved to adjourn the meeting. Commissioner Skinner
Seconded. Vote was unanimous. Motion Carried***

Meeting was adjourned at 8:45 P.M.

*Keary Stephens
Secretary*

APPROVED