

**COMBINED MEETING OF DANIEL PLANNING COMMISSION AND TOWN COUNCIL**  
**WEDNESDAY, June 20, 2018 AT 6:00 PM**  
**WASATCH COUNTY SERVICES BUILDING, ROOM 126**  
**55 SOUTH 500 EAST, HEBER CITY, UTAH**

**MINUTES**

A quorum is present: Chairman Bunker, Commissioners Binkerd, Skinner, McAllister, Norris, Rawlings and Weight.

Members of the Town Council present: Mayor Turner, Council members Glodowski and Grudy.

Members of the public present, for at least part of the meeting, were: Shelly Bunker, Jamie McAllister, Stephanie and Jim Woolstenhume, Robert Armstrong, Mike Johnston, Scott Keele, Jeremy Keele, Rex and Karen Reeder, David Lindahl, Scott and Melanie Coleman, Nate Orton, Todd and Tricia Steiner and Ryan Taylor of GDA Engineers.

**1. Public Comment Concerning any Issue not on the Agenda:**

No Comments

**2. Public Hearing – Combined with Town Council, Zone Change 2879 S Mill Road for RA-5 to Commercial:**

Mike Johnston from Summit Engineering Group representing applicant, Robert Armstrong, in the possible rezoning of the property at 2879 South Mill Road. This is a four acre parcel that Mr. Armstrong is looking to purchase from Shirley Huntsman and request rezoning and feels that it meets the standards listed in the commercial zone. This triangle is shown in the master plan for the Town of Daniel, as an enterprise zone. Enterprise zones are specifically identified as incentive zones that received tax incentives from the State of Utah for creating jobs and commercial growth.

The Daniel code recognizes established areas to accommodate commercial use. The first intent is to facilitate the sale of goods in areas which are most appropriate. Allow dissimilar use of services clustering residential and clustering the commercial, allowing commercial to be close enough to residential to be convenient. Provide commercial zones that abuts or in close proximity to a State Highway such as Highway 40 or Highway 189. Mr. Johnston stated that he recognized that the town does not want commercial in the core of the town. He also stated that providing access off major road ways that are convenient and able to handle major traffic volumes without hazards. Mr. Johnston stated that Mill Road and 3000 South are the two major collector roadways in the town. He further stated that Mill Road in front of the property is extremely wide and is improved on one side with sidewalks and is improved to collector standards.

A month ago, Jesse Mair and the Huntsman's rearranged the property boundaries. Jesse Mair gained more property in his back yard and along the frontage to allow a direct access across from the Heber City road into Heber Meadows. They also have a forty-foot access from the highway through another property, giving them two access to the property. This property has historically been used for truck storage yard or junk yard. The commercial zoning has strict rules on landscaping, fencing, hours of usage, noise, lighting, in which all of those items would be regulated if this junk yard went away. The Woolstenhulme's have a right of way across this property, which would remain in place unless something is agreed upon that, is better for them.

Mr. Johnston stated that some of the uses in the commercial code that Mr. Armstrong is anticipating are nurseries, small scale retail, office space such as business/medical, flex warehouse space. He also stated that he is not sure where the fear of large semis being in the area has come from, because they are not allowed and nothing that is anticipated. Mr. Armstrong is anticipating to building a flex office space, warehouse space geared towards contractors, who do not drive semi-trucks. The flex space would be similar to Widdison's Landing on Daniel's road with low key commercial, benefiting the people that work in this area, where it would be possible for home-based businesses to move from the town to the edge of the town.

***Commissioner Skinner motioned to close regular session and open the Public Hearing. This was seconded by Commissioner McAllister at 7:14PM. Vote was unanimous. Motion carried.***

Stephanie Woolstenhulme stated that she shares two property lines with the Huntsman/Armstrong property known as the junk yard. She has a petition signed by 100 Daniel residence that would love to see this particular piece of property cleaned up, but not at the expense of rezoning commercial. The petition reads that "We the undersigned are against the Huntsman property at approximately 2880 South Mill Road, from RA5 to Commercial. We believe any access for commercial property on Mill Road would congest the Highway 40 intersection, more than it is right now. We do not want commercial vehicles adding more traffic into our residential community. This would make it hazardous for our families to travel from that intersection down Mill Road to our homes, putting our families in danger with the extra commercial vehicles in our residential neighborhoods and degrade the quality of life we now enjoy. We want to preserve the integrity of the rural atmosphere, that very reason the Town of Daniel was created."

Mrs. Woolstenhulme further stated that enterprise zone was created to entice certain businesses to build in an area for a tax break. She stated that Mr. Armstrong does not qualify, because when he submitted for an application it was for a construction yard. There are 8 property owners in this enterprise zone, of which there are 6 residential homes. She stated that in the first meeting that was held, it was admitted that there would be drill rigs, semis and other commercial vehicles that would access this property. She feels that it would be a thoroughfare for semi-trucks to enter Mr. McAllister property, so he does not have to go through the expense of creating a turn lane on Highway 40. In April, Mr. McAllister asked for continuants to see what was going to happen with his neighbors' zone change. She stated that with the extra traffic going down Mill Road would be asinine. There is a bus stop along Mill Road that comes 8 times per day, during the school year that

would put these children in danger. This would also congest the intersection at Mill Road and Highway 40. Mrs. Woolstenhulme also stated that she spoke to Austin Tripp from UDOT and he indicated that he has not heard from Mr. McAllister in reference to his access to Highway 40. She has asked at this time that the Town of Daniel deny this application for rezoning.

Todd Whiting stated that he representing the Heber Meadows Subdivision and he currently has 47 signatures from other residence that they are against the rezoning and do not want the added congestion at the intersection of Highway 40 and Mill Road, nor the commercial vehicles in the residential area. They feel that it would make it hazardous to their families to travel from the intersection to their homes and degrade the quality of life.

Mayor Turner stated that his concern is the commercial traffic off of Mill Road and knows that is a concern for many folks. He stated that the 20-year plan is pretty clear, as to what is available for the zoning. His question is as far as access to the Mill Rd and has that been researched in every way.

Mr. Johnston stated that Huntsman's have an access to the highway and McAllister's do not have access to Mill Road. As far as McAllister's trucks driving on Mill road is unfounded. He stated that Heber Meadows currently has 58 homes, with daily traffic count of 600 cars that it could produce, if not more. When talking about commercial uses, its referred to anything non-residential. Large semi-trailers are industrial uses. Commercial trucks are box vans and pick up trucks. Mill Road is a collector street in which all major traffic from the town funnels too, with a function to move traffic.

Mayor Turner asked about the other access and if they have been looked at. Mr. Johnston stated that the best place is across from the existing road into Heber Meadows and that does not make sense to off set an intersection to enter Mill Road.

Jim Woolstenhulme asked about the property being located more than 300 feet from the highway. His understanding was that a property had to be located within 300 feet of the highway. No comments were made.

Tricia Steiner stated that her concern is the same as everyone else with the extra traffic. Businesses have big trucks that delivery goods and asked if good would be delivered to their place. Mr. Johnston stated that big trucks could access from the highway once approved with a development plan. Mrs. Steiner further asked since there is no plan, it would put the traffic on Mill Road. She stated that she lives on Mill Road and her concern is for her children and others in the area walk crossing Mill Road to get to the bus stops and the subdivision. Mr. Johnston stated that the traffic is not going to 3000 South and feels there is a concern and further discussion about a possible cross walk might be advisable.

**Commissioner called for motion to close of Public Hearing. Commissioner Binkerd made the motion and was seconded by Commissioner Norris. All members were in favor and the hearing closed at 7:32 PM.**

There was discussion on the amount of traffic increase and needing crosswalks and sidewalks. Maybe needing to move the bus stops. Commissioner Rawlings feels like that Daniel runs the risk of losing some of these properties if some kind of compromise can't be reached and he would hate to see that happen.

Commissioner Skinner motion to deny the zone change from RA-5 to Commercial but in that consider other options maybe a variance so they can do something with the property. Commissioner Binkerd Seconded it. Commissioner's Skinner and Binkerd, Aye. Commissioner's Weight and Norris, Nay. Commissioner's McAllister and Rawlings abstain. Motion denied.

Commissioner Weight moved to continue this to the next agenda so it will give us time to look at the general plan and other things. Give us time to consider how this fits. Commissioner Norris Seconded it. Commissioner's Weight, Norris, Binkerd, Rawlings, Aye. Commissioner Skinner, Nay. Commissioner McAllister Abstained. Motion carried.

**3. Highway 40 Properties – Zone Changed.**

Continued.

**4. Kipp and Wendy Bangerter – Residential Building Permit – South Field Road.**

They have everything in place but they are missing the site plan.

Commissioner Binkerd motion to continue to the next agenda if they have the site plan available at that time. Commissioner Rawlings Seconded it. Commissioner's Binkerd, Rawlings, Skinner, Weight, McAllister, Aye. Commissioner Norris, Nay. Motion Carried.

Rex Reeder was wondering if the water line could be put in a different place, maybe across the road. Will continue this discussion at the next agenda.

**5. Planner Report.**

The annexation of the northern Properties. Public hearing on the Binggeli Rock Pit. David Lindahl is requesting that he be allowed to put a bathroom in the barn, just for overflow for family gatherings. He has an application for plumbing and electrical.

Commissioner Rawlings moved to allow this bathroom based on Commissioner Bunker and Mr. Taylor's recommendation that it meets code requirements. Commissioner McAllister seconded it. Vote was Unanimous. Motion Carried.

**6. Approval of April 18, 2018 Minutes.**

Commissioner Skinner motion to approve the minutes of April 18, 2018, with the correction of Trish Steiner's name. Commissioner Norris seconded it. Vote was unanimous. Motion carried.

**7. Motion to adjourn.**

**Commissioner McAllister motion to adjourn the meeting.**

**Meeting adjourned at 9.25 P.M.**

Keary Stephens

Secretary

Approved