

Minutes of a regular Planning Commission meeting held **July 17, 2008**, at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Chair Cobb presiding:

Planning Commission Members Present:

Bryan Cobb	Chair
Jason Gabbert	Commissioner
Chris Haller	Commissioner
Brian Parker	Commissioner
Dee Sanford	Commissioner
Chad Bangerter	Alternate Commissioner
Stephen Mullins	Alternate Commissioner

Employees and Officials Present:

Linda J. Youngdell	Treasurer/Office Manager
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Others Present:

Jason R. Miskin	Portfolio Automobiles, Inc.
Brian Rothschild	Portfolio Automobiles, Inc.

Chair Cobb opened the meeting at 6:30 p.m., welcoming everyone in attendance.

Minutes: Commissioner Haller made a motion to approve the minutes of May 29, 2008 as amended. Commissioner Sanford seconded the motion. The motion passed unanimously.

Minutes: Commissioner Gabbert made a motion to approve the minutes of June 19, 2008 as amended. Commissioner Parker seconded the motion. The motion passed unanimously.

1. Portfolio Automobiles, Inc. / Conditional Use Business License Request / 1703 North Main: No one was present from Portfolio Automobiles, Inc.

Commissioner Haller made a motion to table this agenda item until someone was present to answer some questions that the Commissioners have. Commissioner Gabbert seconded the motion. The motion passed unanimously.

2. Schedule General Plan Work Meeting: Chair Cobb stated that the Planning Commission has been going over the General Plan and asked what they want to do as far as what the map indicates for the zoning and how the Commissioners feel about the current zoning within the City. Alternate Commissioner Bangerter has been involved with the City for around six years. He feels that the C-2 zones give the City flexibility. Alternate Commissioner Mullins stated that if a business is a permitted use in a C-2 zone, the City has to allow it. If the business is a conditional use, they are permitted with conditions. Zoning laws state what is permitted and not permitted. Alternate Commissioner Mullins said Envision Utah has been presenting to communities to zone by district. Garth Day from Day & Associates had the idea to develop a CP Zone

Ordinance to be presented to the Commissioners. Treasurer/Office Manager Youngdell feels that there may be a little bit of confusion on the CP Zone. She received an email from Carla Wiese who wanted to make sure that the City knew that the development of a CP Zone Ordinance is above what they have been hired by the City to do. If the Planning Commission wants Mr. Day to draft an ordinance, it is going to cost the City. Alternate Commissioner Mullins commented that he would not need to draft an ordinance, but just jot down some options. Treasurer/Office Manager Youngdell replied that they want to charge the City for this service. Alternate Commissioner Bangerter informed the Commissioners that he was one of the Council Members who pushed for the City to have Day & Associates help with getting grants and other things. It has now been four years and he wonders at what point the City is going to cut ties with Day & Associates. Thus far, he does not feel that they have accomplished what he wanted to see when he was on the City Council. Alternate Commissioner Mullins reminded everyone that the City hired them to help with the General Plan and the Plan is not complete. Alternate Commissioner Bangerter wondered why it keeps dragging on. The Planning Commission has held their Public Hearing and nothing else has happened. Alternate Commissioner Mullins stated that the Public Hearing was planned on a draft of the Plan and not on a final draft. He feels it was jumping the gun and was improper to try to push through a rough draft as a final draft. Alternate Commissioner Mullins said he would be embarrassed to have his name on this General Plan. There were spelling and grammar errors and it is not complete. The surveys of the parks have not even been completed. Alternate Commissioner Mullins feels that he has written about half of the plan and he cannot do everything. Commissioner Parker stated that he was the Commissioner that was the Commissioner in charge of surveying the parks. He went through the City and felt that there was nothing that needed to be changed or addressed. The changes at North Park were not there at the time. Alternate Commissioner Mullins informed Commissioner Parker that part of the survey is to recommend park improvements and that never happened. Alternate Commissioner Mullins would like the Planning Commission to finish the plan and submit the final research to Ms. Wiese so she can finalize the draft and forward it on to the City Council. Alternate Commissioner Mullins does have a problem with the current City zoning. He does not believe that Sunset is up to par with State and Envision Utah recommendations. Trainings have taught the City to not be lasafare. As mentioned a couple of meetings ago, he wants the City to be proactive and not reactive. He doesn't care how small Sunset is. He is sick and tired as a resident of having things happen in our community that go way over what the plan is to guide. The City has illegal nonconforming signs up on the highway that were approved by somebody that are in violation of the sign ordinance. They need to be specific in what the plan states. Alternate Commissioner Bangerter replied that the City Council can always override an ordinance. Alternate Commissioner Mullins responded that an ordinance is law and the City Council cannot just decide that something applies now, but not next time. Alternate Commissioner Bangerter explained that there are always going to be new things that come in that the City may not be on top of. Alternate Commissioner Mullins stated that he is talking about a sign company that changed the design on purpose and installed the sign. The City Council then had to, approve it after the fact, even though it is in violation of the ordinance. This is the type of thing that he is trying to protect the Planning Commission against. The City needs to be visionary.

Alternate Commissioner Bangerter feels that if they keep dragging out the plan, they will never see a completion date. Alternate Commissioner Mullins sent Ms. Wiese changes by email and needs to have those things added to the plan. Zoning is what the Planning Commission does, therefore if Mr. Day doesn't want to work on a CP Zone, the Commissioners can do it. Chair Cobb feels that the City would be better off to implement the C-1 zone, explaining that the C-1 zone is stricter than the C-2 zone. It has been brought to his attention that the danger of a CP Zone is, as new Council Members are elected, their vision can change. If the City is bringing in businesses that are leaving things up to management of the construction site or architect wishing to build, this now becomes their say. Alternate Commissioner Mullins stated that this is not true and asked if Chair Cobb has ever heard of design standards and themes. City's employ these with new building all the time. All of the communities around us are employing design standards and themes. Chair Cobb replied that as themes are, so are people that can change them. Alternate Commissioner Mullins stated that if it is in zoning, the Council cannot change it without it coming before the Planning Commission. Chair Cobb feels that if the zone is strict, such as a C-1, this is control for the City. Alternate Commissioner Mullins stated that Sunset does not have a C-1 zone and asked what a C-1 is. Treasurer/Office Manager informed all the Commissioners that the City does have a C-1 ordinance, but does not currently have any property zoned C-1. Chair Cobb feels that this will be better for the City vision and not leave it up to the architect. Chair Cobb stated that it has been brought to his attention that the City has an Attorney they can use if the Council does not want to pay Day & Associates to help with ordinances. Alternate Commissioner Mullins asked Chair Cobb who is bringing this to his attention. Chair Cobb stated he speaks to other people and wants to leave it at that. He would like to leave everything in house and do as much work on this as a Planning Commission as they can and not have to pay someone else to do their work. Alternate Commissioner Mullins responded that if Chair Cobb wants to leave it in house, then he shouldn't be consulting outside, should he. Chair Cobb informed Alternate Commissioner Mullins that this is why they are having this as an agenda item tonight, so that everyone can be involved in deciding what to do next. Alternate Commissioner Mullins informed Chair Cobb that he was appointed by the Planning Commission to oversee the plan and it is not complete, but if he would like to send an incomplete plan forward as a Planning Commission, that is their choice. He asked everyone to do something that they would actually be proud of. Alternate Commissioner Mullins then asked Chair Cobb how much he has invested personally in the plan and how much he has offered to the plan. Chair Cobb replied that there is a great deal of consideration and wants it clear that with the West Side Development, the City cannot know what is going to happen in the future. Alternate Commissioner Mullins asked Chair Cobb if he was proud of what Main Street looked like. Chair Cobb responded that whether he is proud or not is irrelevant, but whatever planning is there is only by the choice of those who want to develop it. There is land for sale up on Main Street that no one is interested in purchasing. Alternate Commissioner Bangerter stated that the City has a design theme. Alternate Commissioner Mullins responded no, and said all that is required is that someone put in sod. Alternate Commissioner Bangerter replied that it is Gregorian. Alternate Commissioner Mullins responded no, that is only for the City Building. Alternate Commissioner Bangerter stated he agrees that Alternate Commissioner Mullins has a lot more invested in the plan

than he does. The Planning Commission needs to take the items that Alternate Commissioner Mullins presented months ago and get it into the General Plan and present it to the City Council. The City Council may turn it back to the Planning Commission and not accept a lot of what they have in it. Then the Commissioners get to start again. Alternate Commissioner Bangerter again reiterated that they have to get this rolling, he does not want to see it drag on for another three years. As the West Side Development begins, there will be a lot of things that will be required to go back and forth to the Planning Commission. Alternate Commissioner Bangerter continued by saying that there are past Council Members that thought that Smith's was the best thing to ever come into the City. Who is to say that a large business is any more deserving than a small mom & pop type business. Alternate Commissioner Mullins stated it is not the "not allowing", it is that business needs to follow certain standards. Alternate Commissioner Bangerter appreciates that, but there are businesses that have been here for forty plus years. Alternate Commissioner Mullins replied not on 1800 North. This discussion continued between Alternate Commissioners Bangerter and Mullins. Commissioner Haller interrupted by stating that he appreciates all of the comments, but would like to focus back on to the agenda item which is to schedule a General Plan Work Meeting. He asked the Commissioners to review their calendars and come up with a date.

Commissioner Haller made a motion to schedule a work meeting on August 14, 2008. Commissioner Gabbert seconded the motion. The motion passed unanimously.

Chair Cobb recognized that there is now representatives here for agenda item #2.

Commissioner Haller made a motion to go back to agenda item #1. Commissioner Parker seconded the motion. The motion passed unanimously.

Portfolio Automobiles, Inc / Conditional Use Business License Request / 1703 North

Main: Chair Cobb turned the time over to Brian Rothschild and Jason Miskin. Mr. Rothschild reported that Mr. Miskin's father owns a commercial property at 1703 North Main. They would like to use this location as a brick and mortar location for an internet-based automobile dealership. Having a location for the business protects the consumer so they know where to go if there should be any problems. Commissioner Haller asked if there was a second business at this property. Mr. Rothschild replied no. Commissioner Haller asked where the actual transaction would take place. Mr. Rothschild replied that will be either in Sunset or a location in Salt Lake that is owned by Mr. Miskin. Commissioner Haller continued by asking how the sales tax would be divided. Mr. Rothschild informed the Commissioners that the Utah State Tax Commission is strict. Where the license is obtained and the twenty four square foot sign is placed is where the taxes will go. All paper work related to the vehicle sold will be stored at the location. Commissioner Haller asked where they would store the vehicles is a vehicle was sold by the dealership in Sunset and the new owner does not come to pick it up. Commissioner Haller is being proactive and suggested that they put something in the conditions. Commissioner Haller asked Mr. Miskin if he would be involved in repossessions. Mr. Rothschild said that Mr. Miskin will not be doing any of the financing. The purchaser would need to take care of that. Mr. Rothschild stated they would be the owners of the

vehicle until the purchaser pays for it. Mr. Rothschild and Mr. Miskin will be happy to have something put in the conditions. Commissioner Haller asked about parking for customers. Mr. Rothschild reported that he could not see that there would ever be more than one customer at a time. This business is going to be a very small business. Mr. Rothschild informed the Commissioners that the front property has room for four vehicles and also has a garage. The side drive that goes to the back of the property has eight parking spaces for two small residential properties which are being rented. Commissioner Haller's final question was if there would be any repair work done at the Sunset location. Mr. Rothschild responded no, they have a business they take the vehicles to if they need to be worked on. Alternate Commissioner Bangerter asked for clarification as to where exactly this business is going to be located. Mr. Rothschild was able to explain where the property is located. Alternate Commissioner Bangerter asked if, any time, this business would become a car lot. Mr. Rothschild explained that part of the State Tax Commission's regulation is for a brick and mortar location, be bonded, have a dealers license and even though they do not plan on having a vehicle lot, they must receive permission to park two to three vehicles. He again stated that they do not plan on having a vehicle lot, they must have the permission to have it. Alternate Commissioner Bangerter informed Mr. Rothschild that if they do bring vehicles to the property, the Commissioners need to look at it the same way as they do other car lots. There is a difference in how they will deal with the business depending on the vehicles and the conditions they set. Mr. Rothschild would like to see the Planning Commission allow them to have four vehicles. Chair Cobb asked about the hours of operation. Mr. Rothschild stated it would be by appointment only. They do not plan on making appointments after 8:00 p.m. Commissioner Haller stressed the importance of the sign ordinance and set conditions such as no junk and they follow all conditions set and come back before the Planning Commission if the business goes beyond the internet based business. He believes that the Planning Commission is going to give permission only for the internet based conditional use permit. The state requirements of having room for two to three vehicles was again brought up by Mr. Rothschild. Commissioner Haller is concerned about the parking.

Motion: Commissioner Haller made a motion to recommend to the City Council that Portfolio Automobiles, Inc. be allowed to open their business with the following conditions. 1. Must meet all Fire and Building Codes. 2. The conditional use is strictly adhered to as an internet based business and if there are additional opportunities that may exist that they appear again before the Planning Commission. 3. Limit of 4 vehicles for sale on the property. Commissioner Sanford seconded the motion. The motion passed unanimously.

Treasurer/Office Manager Youngdell informed Mr. Rothschild that this will go before Council on August 5, 2008.

General Information

Alternate Commissioner Bangerter reminded everyone about Fun Days which will be held July 25th and 26th. There are a lot of activities planned for both Central Park and John G. White Park. The Community Garden is looking good.

Alternate Commissioner Mullins asked Treasurer/Office Manager to ask the Mayor about a Farmers Market. The gardeners of the Community Garden could be involved. Commissioner Haller really likes the idea of a Farmers Market. He feels it would help add to the local flavor as Sunset continues to forge on their identity.

Commissioner Haller made a motion to adjourn.

The meeting adjourned at 7:10 p.m.

These minutes have been read and approved at the Planning Commission meeting held August 21, 2008.

Bryan L. Cobb, Chair
Treasurer/Office Mgr.

Linda J. Youngdell,