

**SUNSET CITY CORPORATION  
PLANNING COMMISSION MINUTES  
October 21, 2010  
Page 1 of 3**

Minutes of a regular Planning Commission meeting held **October 21, 2010**, at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Chair Gabbert presiding:

**Planning Commission Members Present:**

Jason Gabbert	Chair
Randy Feik	Commissioner
Tena Hale	Commissioner
David Hackett	Commissioner
Brad Weller	Commissioner
Brian Cobb	Alternate Commissioner

**Excused:**

Brian Parker	Alternate Commissioner
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**Employees and Officials Present:**

Ray Chapman	Council Member
Linda Youngdell	Treasurer/Office Manager

**Others Present:**

Brian Hale	Resident
Victoria Moreno	Rainbow Unlimited

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

**Minutes:** Commissioner Hale made a motion to approve the minutes of July 15, 2010 as amended. Commissioner Feik seconded the motion. The motion passed unanimously.

**Minutes:** Commissioner Feik made a motion to approve the minutes of September 2, 2010 as written. Commissioner Hackett seconded the motion. The motion passed unanimously.

**Minutes:** Commissioner Feik made a motion to approve the minutes of September 16, 2010 as written. Commissioner Hale seconded the motion. The motion passed unanimously.

**1. Temporary Business License Request / Rainbow Unlimited / 1963 North Main:**

Chair Gabbert turned the time over to Victoria Moreno to explain her request for a temporary business license. Ms. Moreno explained that she conducted this business from the same location in a prior year. There were some problems with a trailer that was on the property which was used as an office, lights and the removal of trash. This year there will not be a trailer or any lights. Alternate Commissioner Cobb asked about covering the blankets, hours of operation and the removal of trash. Ms. Moreno stated that the blankets would be brought on site in a small cargo trailer and will be hauled off site every day. Hours will be from 9:00 a.m. – 7:00 p.m. and the garbage will be collected and removed daily. Commissioner Hale reviewed that there will be no lights, the business will close at dark and the cargo trailer will be removed daily. This should take care of the issues that were experienced from the prior

**SUNSET CITY CORPORATION**  
**PLANNING COMMISSION MINUTES**  
**October 21, 2010**  
**Page 2 of 3**

year. Commissioner Hackett believes it is dark by 7:00 p.m. Ms. Moreno will actually shut down at 6:00 p.m., but this will allow her one hour to take everything down. Chair Gabbert read from Sunset City Ordinance 3-8-4.3 which states that the temporary business shall be located on improved property including a main building, paved parking, curb and gutter, sidewalk, landscaping and fire protection system as required by the City. Commissioner Weller informed Ms. Moreno that the Planning Commission can not override an ordinance. Ms. Moreno can appeal to the City Council, but at this time the Planning Commission cannot recommend the business to the City Council for approval. Alternate Commissioner Cobb suggested some locations that have improved lots, but are vacant that she could look into. Ms. Moreno was given the ordinance when she applied for the license, she has read it, but didn't realize exactly what it meant. Chair Gabbert informed Ms. Moreno that the City Council meets on November 3, 2010 and explained that even if the Planning Commission would have had no issues with the business request, it would still be required to go before the City Council for approval. The Planning Commission is a recommendation board only. Ms. Moreno did not realize that and stated she did not feel that the City Council would approve her license request due to prior issues.

Motion: Commissioner Weller made a motion to deny the request to recommend this business to the City Council due to Sunset City ordinance 3-8-4.3, unless she chooses another location and would need to appear before them again. Commissioner Hale seconded the motion. The motion passed unanimously.

**2. General Information**

Commissioner Hale reported that a Court of Honor was held for her son. She appreciates the City for the purchase of a savings bond.

General discussion incurred about ordinance 3-8-4.3. The Planning Commissioners feel that this needs to be brought to the attention of the City Council in case they feel it needs to be changed. Commissioner Hackett can understand what the purpose of the ordinance is, but agrees that the Council should be made aware of this. Council Member Chapman will bring it to the Council's attention.

Commissioner Weller asked that the Planning Commission begin review of the conditional use business licenses. Treasurer/Office Manager reminded them that this is not within the scope of the Planning Commission's assignments. The City Council can assign tasks above their required ones, but once a recommendation has been given to the City Council for a conditional use business license, it is then up to the City to enforce. The City Council can be made aware of this and give their direction.

Commissioner Weller made a motion to adjourn. Commission Member Feik seconded the motion. The motion passed unanimously.

The meeting adjourned at 6:55 p.m.

**SUNSET CITY CORPORATION  
PLANNING COMMISSION MINUTES  
October 21, 2010  
Page 3 of 3**

These minutes have been read and approved at the Planning Commission meeting held February 17, 2010.

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Jason Gabbert, Chair

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Linda J. Youngdell, Treasurer/Office Mgr.