

Mapleton City Planning Commission Staff Report

Meeting Date: October 18, 2012

Item: 3

Applicants: Richard Herlevi and Robert Campbell

Prepared by: Matt Brady

Public Hearing Item: Yes

Council Action Required: No

REQUEST

Richard Herlevi and Robert Campbell request approval of a Home Occupation Permit for *Nebo Shooter Supply and Tactical*, involving the sale of firearms and emergency supplies, and gunsmithing, located at 1542 West 1800 North in the RA-2 Zone.

FINDINGS OF FACT:

1. Home occupations that involve visiting clientele or employees/business owners that are not part of the residing family must be approved by the Planning Commission.
2. The Applicants are proposing a home occupation involving the sale of firearms and emergency supplies, and gunsmithing. See Attachment #1 for information submitted by the Applicants.
3. One of the business owners (Robert Campbell) is not a member of the residing family. Mapleton City Code 18.84.380(D)(4) states: *"The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation."*
4. The Planning Commission may attach conditions to the Home Occupation Permit which relate to health, safety, and quality of the residential environment. (See Attachment #2 Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions).

STAFF ANALYSIS:

1. The Police Chief has reviewed the proposal, and recommends that no ammunition or black powder be stored for the business on the subject property. The Police Chief also needs to verify approval of a Federal Firearms License prior to the Applicants beginning operations.
2. An inspection by the Fire Inspector is pending. Staff is recommending as a condition that the Applicant pass inspection by the Fire Inspector.
3. According to Utah County records, the total floor area of the home is approximately 4,536 square feet. The area proposed for the home occupation is approximately 146.42 square feet, or approximately 3.23% of the home. Mapleton City Code 18.84.380(D)(3) states: *"The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures."* The applicant meets this requirement.
4. Mapleton City Code 18.84.380(D)(14) states: *"The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city."* The Planning Commission needs to decide whether the proposed application meets the above requirement, or whether more information is needed (for example, opinions from licensed appraisers). The

Planning Commission has not required this of similar recent home occupations involving firearms (Examples: The Firing Line Gunsmith and Bert’s Guns).

RECOMMENDED ACTION:

Staff recommends approval of the home occupation with the following conditions:

Police Chief:

1. No ammunition or black powder for the business shall be stored at the subject property.
2. The Applicants shall provide an approved Federal Firearms License for review prior to beginning operations.

Fire Department Inspector:

1. Applicant must pass an inspection from the Fire Inspector.

Planning:

1. The Applicants must abide by the conditions represented in their attached statement (see Attachment #1). Any modifications in business practices shall be approved by the Planning Commission, subject to an application and applicable fee to re-appear before the Planning Commission.
2. The Applicants must abide by all other requirements set forth in Mapleton City Code 18.84.380: HOME OCCUPATIONS.

ALTERNATIVE ACTIONS:

1. The Planning Commission may Deny the Home Occupation Permit. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENTS:

1. Information submitted by the Applicants

VICINITY MAP:



SITE PHOTO:



File photo of the Herlevi home – 1542 West 1800 North

Nebo Shooters Supply and Tactical

Nebo Shooters Supply and Tactical is a new and evolving business. The business idea developed from the interest of the two owners. Rob Campbell is a Provo City Police Officer and military veteran with time served in Iraq. Rob is also a concealed carry instructor and builds custom rifles. Dr. Rick Herlevi is an Emergency Room Physician at Utah Valley Regional Medical Center and the EMS director for Springville Fire Rescue. Rick also has an interest in Emergency and Disaster Preparedness and Tactical Medicine.

With these interests in mind we decided to build a business that would help promote these interests to others. We plan on doing the majority of our business online and through gun shows. However we will have 2 hours a week of walk in Business time. This will be unadvertised and we expect all of our local business to be by appointment only.

Our business will include sale of firearms as well as transfers of firearms. With ATF approval Rob will also sell his custom rifles on a made to order basis. In addition to the sale and transfer of firearms, we expect a large component of our business will come from the sale of First Aid Kits and supplies, Emergency Preparedness supplies, and Tactical equipment. Tactical equipment would include things like scopes, magazines, holsters, slings, sights, bags, cases, clothing, shoes etc.

All of the firearm related business would not commence until we obtain our Federal Firearms License for the business.

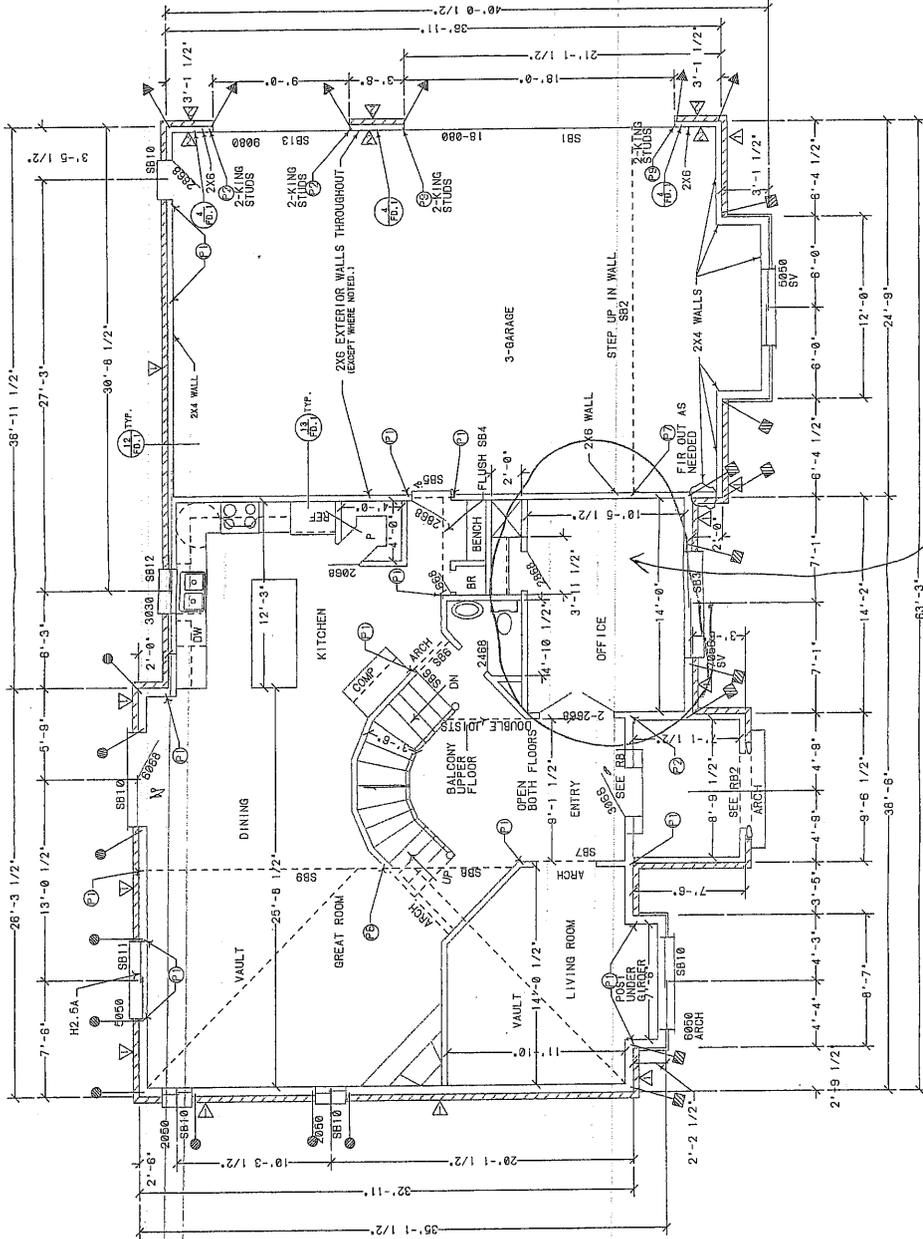
LOT # 2
 MARRY SIMMONS SUB
 MARPLETON, UT

TITLE: MAIN FLOOR DIMENSIONS
 DRAWING FOR: R. C. DENT CONST. LLC
 GENERAL NOTES:

DATE: 1/8/11 UNLESS OTHERWISE NOTED
 SCALE: 1/8" = 1'-0"
 R. C. DENT CONSTRUCTION BLDG.
 TOTAL SQUARE FEET: 1497 MAIN FLOOR
 1970 SECOND STORY; 1898 BASEMENT
 TOTAL FINISHED 3027 SQ. FT. (MAIN AND 2ND STORY)



STRUCTURAL ELEMENTS ONLY



Area of Proposed home occupation.

- SHEAR WALLS
 1. 7/16" OSB OR CDX PLY 8d NAILS
 2. 2x6 STUDS
 3. 2x6 STUDS THROUGHOUT (EXCEPT WHERE NOTED.)
 4. 2x6 STUDS THROUGHOUT (EXCEPT WHERE NOTED.)

- POSTS
 DOUBLE STUD (TRIMMER)
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- NOTES:
 1. USE (10) 16d NAILS BETWEEN TOP BEARING & SHEAR WALLS (SEE 6/FD.1)
 2. USE H.I. CLIP ON ALL TRUSS TO WALL CONNECTIONS UNO (SEE 7/FD.1)