Mapleton City Planning Commission Staff Report

Meeting Date: September 25, 2014

Item: 4

Applicant: Bulletproofco

Prepared by: Brian Tucker, Planner

Public Hearing Item: Yes

Location: 602 West 2925 South (Parcel # 41:732:0009)

Zone: A-2

REQUEST

Consideration of a request for a Home Occupation to operate a rifle training and sales business in the Agricultural-Residential zone (A-2).

BACKGROUND AND PROJECT DESCRIPTION

The property located at 602 West 2925 South is in low density residential area. The applicant is requesting a Home Occupation that would allow him operate a rifle training and sales business. The proposed business will specialize in one specific type or rifle system; the "Tracking Point" series of precision guided firearms. These sophisticated firearms require a significant training program to use. The business will operate on an appointment only basis. Training and sales of this rifle system must be made by a federal firearm license-holder (FFL).

On August 14, 2014 the Planning Commission held a Public Hearing on this application but tabled the item because the applicant was not able to attend the meeting to answer questions they had.

EVALUATION

Law:

Home Occupations are governed by section 18.84.380 of the Mapleton Municipal Code. Home occupations are allowed so long as they constitute no more than a modest level of business within dwellings, conducted under conditions and levels of operation that do not adversely affect, undermine, or significantly depreciate the residential character of the area. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling. Conditions may be imposed in order to mitigate specific, legitimate impacts to the neighborhood or to neighboring property. Section 18.84.380 does not label specific uses as being allowed as a home occupation, rather it suggests criterion that must be met in order to issue a home occupation permit. The following conditions and criteria apply to the proposed use:

1. Home occupations must be listed as a permitted or conditional use in the zone,
2. The business must be conducted entirely within a completely enclosed structure on the property,
3. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
4. No more than one person who does not reside on the property may be engaged in the home occupation,
5. Any sale of goods no produced as part of the home occupation shall "constitute a clearly incidental part of the home occupation". No display of merchandise shall be visible from outside the structure,
6. No commercial vehicles may be stored at the home except for one small delivery truck.
7. No more than 6 cars may be parked at the residence at any one time,
8. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
9. Signs shall be limited to 4 square feet, attached to the building and not electrified,
10. The home occupation must be licensed by the city and comply with city regulations,
11. The entrance to the home occupation must use the same entrance as the residents unless specifically required by an agency with regulatory powers over the business,
12. The business shall not use hazardous materials or chemicals that increase the hazard of fire, explosion, or jeopardize the safety of the neighborhood,
13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling,

14. 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,
15. The home occupation must be conducted by a person who occupies the dwelling. Background checks will be conducted on all inhabitants of the dwelling and employees, and
16. The home occupation shall operate in compliance with any applicable city or state requirements.

Compliance:
The home occupation will be required to carry a Mapleton City Business License. The business does not include the use of more than 500 sf, will include no more than one employee, and the home occupation will not include any exterior changes to the home that will change the residential character of the building.

The primary issue with this business request is the requirement in Section 18.84.380.D. that "any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation". The purpose of this regulation is to preclude retail businesses in residential structures located in residential districts. The reasons for precluding this type of business include concerns over the amount of vehicle traffic, foot traffic and frequency of customer visits typically associated with retail uses. The "appointment only" nature of this business, along with the fact that training is an equal part of the business to the sales aspect are mitigating factors that lead staff to conclude that the proposed business does not conflict with the spirit of the ordinance.

As these and any other potential issues can be mitigated by reasonable conditions it appears that the application is in compliance with the applicable standards.

RECOMMENDATION
Approve the application with the attached findings and conditions.

ALTERNATIVE ACTIONS
1. Approve the application with revised conditions.
2. Deny the application.
3. Continue the application with a request for changes/additional information.

CONDITIONS
1. The applicant shall obtain a business license prior to opening for business.
2. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton.
3. The home occupation shall be conducted within the confines of the structure.
4. No signs shall be placed on the property without a sign permit.
5. The business shall remain 'by appointment only'. Drop in customers and the display of merchandise or signage that would lead to drop ins is prohibited.
6. The applicant must maintain a federal firearm license (FFL) and a copy must be maintained on file with Mapleton City.
7. Mapleton City Police and Fire Department approvals are required.
8. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
9. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

ATTACHMENTS:
1. Findings for Decision.
2. Application Materials.

Mapleton City Corporation
125 West Community Center Way (400 North)
Mapleton, UT 84664
Phone: (801) 489-5655 Web: www.mapleton.org
Fax: (801) 489-5657

BUSINESS LICENSE APPLICATION

BUSINESS LICENSE NUMBER

☐ Commercial Business ☒ Home Occupation Business ☐ Temporary/Seasonal Sales ☐ Burglar Alarms

Name of Business: Bullet proof co	Business Phone Number: Business Fax Number: Email Address: brian@drtrapnell.com
Business Address: 602 W 2925 S	Mailing Address: Same

State Registration:		State Tax # (if applicable)	Corporation # (Must attach a copy of Articles of incorporation)	Federal Tax ID # (if applicable)
☐ Sole-Proprietor ☐ Corporation ☒ LLC ☐ LP ☐ LLP 87-0625160	DBA # Expires / /	87-0625160		

Business Owner Name(s)	Owner's Address	Owner's Phone Number(s)
Brian Trapnell	Street: 602 W. 2925 S. City: Mapleton State UT Zip 84664	(801) 602-9080

Nature of Business: ☐ Manufacturing ☐ Wholesale ☒ Retail ☐ Services ☐ Daycare/Preschool – Number of children _____

☐ Other _____

Total Number of Employees: 1 Number of Full-time Employees: _____ Number of Part-time Employees: _____

Briefly describe your business: See Attached

Annual License fee rates:

- Business License - $100 plus $25 per employee
- Home Occupation - $100 plus $25 per employee
- Home Occupation Renewal - $50 per year + $25 per Employee
- Burglar Alarms - $50 plus $2.00 for each subscriber

$_____

The receipt for payment of license fees does not constitute being approved to operate a business. The actual license will only be issued when all inspections are complete and approved. Business Licenses expire annually on December 31st. Renewal is the responsibility of the business owner. Failure to receive a renewal notice does not excuse this responsibility. License renewal fees are due on or before January 31st. Any license fee not paid within thirty (30) days of the due date will be issued a late fee.

I hereby agree to conduct said business strictly in accordance with the Laws and Ordinances set forth by Mapleton City, Utah County, the State of Utah, and Federal standards, covering such business, and swear under penalty of law that the information contained herein is true to the best of my knowledge. I also agree that no other type of business will be conducted other than what has been stated above.

X _____ Signature 7-10-2014 Date

THIS SECTION FOR OFFICE USE ONLY

Planning & Zoning	Date:	Zone:	Signature:	Approved Yes / No
Police Department	Date:	Comments:	Signature:	Approved Yes / No
Fire Department	Date:	Comments:	Signature:	Approved Yes / No

Brian Tucker

From: Sean Conroy
Sent: Monday, July 28, 2014 9:35 AM
To: Brian Tucker
Subject: FW: Fireworks and Home Occupation

Here is some info on the rifle sales:

From: Brian Trapnell [mailto:brian@drtrapnell.com]
Sent: Monday, July 28, 2014 9:22 AM
To: Sean Conroy
Subject: Re: Fireworks and Home Occupation

Sean,

Thanks for the reminder!

I've completed my FFL exam and and am waiting for my number.

The business plan is simple in scope. I plan to receive Tracking Point rifles for clients and then train them on the usage of the rifle. As you saw personally, the rifle is very sophisticated and training is needed before we can release the firearm. I do not have any employees, and the small number of rifles I plan on selling will be delivered on an appointment basis. This is not a retail business and there will be no local advertising.

Let me know if there are any further questions.

Thank you Sean!

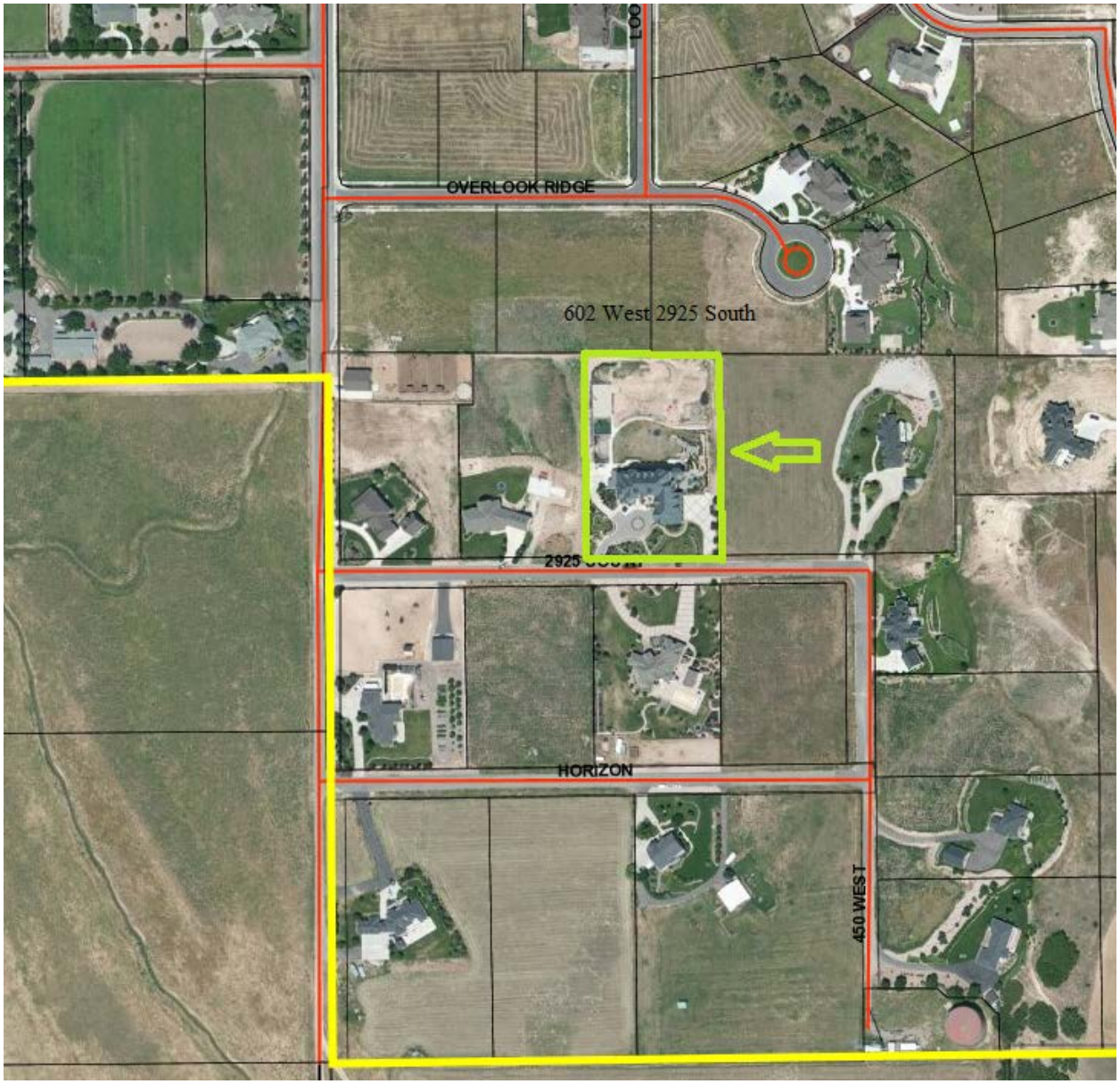
Brian

PS- I'm glad you liked the fireworks!! I am biased, but I also think it was a great show!! Thanks for all your help!

Sent from my iPhone

On Jul 28, 2014, at 7:55 AM, "Sean Conroy" <sconroy@mapleton.org> wrote:

> Hi Brian. Thanks for another amazing fireworks show. They seem to get better each year! If you get a chance, can you email me over the brief description of your home occupation business like we discussed? Thanks!
>
> Sean
>
> Sean Conroy, AICP
> Community Development Director
> Mapleton City
> 125 W Community Center Way
> Mapleton, UT 84664
> (801) 806-9101
> sconroy@mapleton.org


OVERLOOK RIDGE
LOO
602 West 2925 South
2925
HORIZON
450 WEST

Standard Home Occupation Conditions		
No.	**Condition**	
1.	Home occupations shall be listed as a permitted or conditional use in the zone.	✔
2.	The home occupation shall be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.	✔
3.	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	
4.	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.	✔
5.	Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.	✔
6.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✔
7.	Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.	✔
8.	The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.	✔
9.	Signs shall be limited to one non-illuminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.	✔
10.	The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.	✔
11.	Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.	✔
12.	The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.	✔
13.	The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.	✔

14.	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.	✔
15.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✔
16.	The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.	✔

Standard Home Occupation Permit Findings		
No.	**Finding**	
1.	The proposed use will not be in conflict with the City's General Plan.	✔
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✔
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✔
4.	The home occupation will be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.	✔
5.	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.	✔
6.	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.	✔
7.	Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.	✔
8.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✔
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17.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✔
18.	The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.	✔
19.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✔
20.	The proposed use will not be injurious to public health, safety or welfare.	✔
21.	Any special conditions included in the permit are consistent with MCC Chapter 18.84.380.	✔