

# Planning Commission Staff Report

September 24, 2015

## Item 3

**Applicant:** Roger Comstock

**Location:** 318 S Main

**Prepared by:** Sean Conroy,  
Community Development  
Director

**Public Hearing:** No

**Zone:** RA-1

**Attachments:**

1. Standard Conditions.
2. Application Materials.

### REQUEST

Consideration of a request for a Home Occupation Permit to operate an office for an online auto sales business in a residence located at 318 South Main Street in the RA-1 zone.

### BACKGROUND AND PROJECT DESCRIPTION

The subject lot is approximately five acres in size in the RA-1 zone and is developed with a single family residence. The applicant is proposing to utilize a room above the garage as a home office for Five Star Auto Direct. The business sells vehicles online.

### EVALUATION

Home Occupations are governed by Mapleton City Code (MCC) section 18.84.380. 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.

Home occupations that meet specific standards can be approved administratively by staff. However, if the home occupation will utilize an employee that is not a member of the family and/or if the business involves direct sales, Planning Commission review is required.

While the application involves direct sales, all sales will take place on line. No customers will be visiting the property and the property will not be used as a car lot. The only business activity will occur in the office above the garage. MCC Chapter 18.84.380 outlines several conditions that apply to all home occupations. These are included as conditions of approval. The application complies with these conditions and is consistent with the intent of the home occupation standards.

### RECOMMENDATION

Approve the application with the attached conditions.

<b>Standard Home Occupation Conditions</b>		
<b>No.</b>	<b>Condition</b>	
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.	✓



Project Location



Five Star Auto Direct is fundamentally changing the way people buy their cars. Rather than car buying the traditional way: spending hours haggling, drinking Diet Cokes, and having your salesman "crunch the numbers" with their sales manager Five Star searches the entire US for your exact make, model, miles, and options. Five Star has access to 800K of weekly inventory that consumers don't. Once you approve the car anything that needs to be fixed is, it is given a oil change and detail, then shipped to your door! Zero hassle. Time Saved. Money Saved.

There will no traditional car lot or cars for sale at this location. It will be for office use only.



**Roger Comstock / CEO**  
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<http://www.fivestarautoirect.com>





MAPLETON CITY CORPORATION  
Home Occupation Questions

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1. Will the home occupation be conducted entirely within a completely enclosed structure on the property? YES
2. If the home occupation will be conducted in a detached structure, is the structure located within 15 feet of the main dwelling? YES
3. Will the home occupation 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 (please include a floor plan showing the area proposed for the home occupation)? YES
4. Will the activities of the home occupation be conducted by members of the residing family?  
YES
5. Will there be any person engaged in the home occupation business that is not a member of the residing family? If so, how many? NO
6. Are you proposing to sell any goods that are not produced as part of the home occupation? If so, what goods will be sold and approximately what % of the business will involve the sale of these goods? NOT PRODUCING ANYTHING, BROKERING CARMS  
ALL OVER U.S. + SOME IN UTAH
7. Are you proposing to display any goods produced by the home occupation that will be observable from outside the dwelling? NO
8. Will the home occupation require the storage of any commercial vehicles (not including one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity)? NO
9. Do you anticipate having any more than 6 cars (including those owned by the resident family) parked at the residence at any one time? NO
10. Do you anticipate the need for clients to park or store vehicles on the premise overnight?  
NO

11. How will you ensure that the home occupation is 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? DISCREET ON ALL VISIBLE FRONTS WILL BE

USING OFFICE SPACE ABOVE GARAGE

12. Are you proposing any exterior signage? If so, please describe the location, size and material. 3' X 6' SIGN ON SIDE OF OFFICE AS REQUIRED

BY STATE.

13. Will the entrance to the home occupation from the outside be through the same entrance normally used by the residing family members and not be through the garage? NO

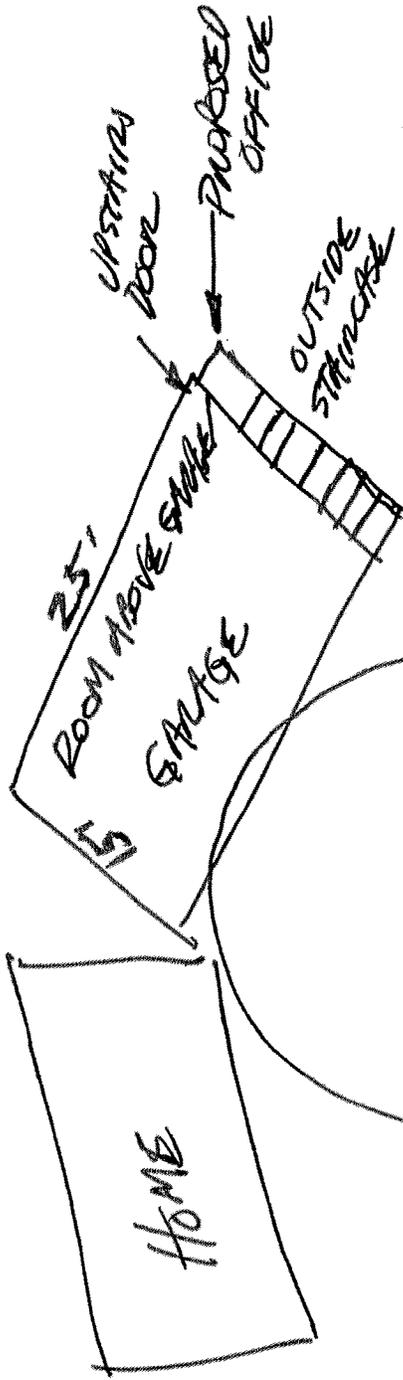
14. Will the activities of the home occupation involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings? NO

15. Will the operation of the home occupation produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling? NO

16. Will the physical appearance, traffic, and other activities in connection with the home occupation have the potential to depreciate surrounding property values or the quality of the area for residential purposes? NO

17. Are you the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if you are renting or leasing the home, do you have written permission (signed and notarized) allowing you to conduct a business in the home? YES - OWNER

FLOOR PLAN  
FIVE SEAM AUTO DIRECT



DRIVEWAY

MAIN ST.

9/10/15