



**Planning Commission Staff Report
Conditional Use Permit
Administrative Hearing Date:
August 7, 2019**

ITEM # 1 Riverside Lawn and Landscaping, Inc. requests a Conditional Use Permit for a Major Home Occupation, located at 1213 S 1100 W in a Residential Agricultural (RA) zone. Lakewood neighborhood. Aaron Ardmore (801) 852-6404 PLCUP20190208

Applicant: Riverside Lawn & Landscaping Inc., Cameron Cox

Staff Coordinator: Aaron Ardmore

Property Owner: Cameron R. Cox

Parcel ID#: 21:043:0176

Current Zone: RA

Proposed Zone: RA

General Plan Designation: Residential

Acreage: 1.20

Number of Properties: 1

Number of Lots: 1

Alternative Actions:

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 21, 5:00 P.M.*

2. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report. The Administrative Hearing Officer should state new findings.*

Current Legal Use: The property is a legal single-family home in a residential agricultural zone.

Relevant History: The owner of the property has operated a landscaping company since 2003. In April 2017 a complaint was sent to Provo City zoning. A notice of violation was sent to the owner in May 2017 citing a violation of Section 14.41.040. The applicant applied for a Conditional Use Permit for a Major Home Occupation in June to resolve the violation.

Neighborhood Issues: The neighborhood chair waived the neighborhood meeting on this request stating that there was not much concern for the permit, but there was concern on the neighborhood Facebook page regarding trucks blocking the street at times. That correspondence is attached to this report.

Summary of Key Issues:

- The request comes as a result of a zoning complaint from 2017.
- There is concern regarding trucks blocking the street.
- The applicant received approval signatures from all neighbors within 300 feet (attached).
- Overall, the neighborhood does not feel the business is a threat to health, safety, and welfare of the area.

Staff Recommendation: That the Conditional Use Permit for a Major Home Occupation be approved, with the following conditions:

1. That at no time shall loading/unloading take place on 1100 West.
2. That the business is restricted to two outside employees.

OVERVIEW

Cameron Cox, of Riverside Lawn and Landscaping Inc. has requested a Conditional Use Permit for a Major Home Occupation in order to continue operating a landscape business from his home at 1213 S 1100 W, in the Residential Agricultural (RA) zone.

Mr. Cox has run his business since 2003. A zoning complaint was submitted in April 2017, citing a violation of Section 14.41.040. Provo City Zoning division sent a Notice of Violation in May 2017, directing the owner to address the size of his business operation. Following that notice, discussions were had among the applicant and staff, and it was determined that applying for this major home occupation permit would be the best way forward. The applicant applied for a Conditional Use Permit for a Major Home Occupation in June 2019 to resolve the violation.

The applicant chose to collect signatures of all his neighbors within 300 feet of his property to show support for his business. That along with the decision of the neighborhood chair to not hold a meeting on this item shows that there is not much concern among the community regarding this proposal. However, there are some that have expressed concern with trucks parking on 1100 west, so that has been proposed as a condition of the permit.

CODE ANALYSIS

1. Compliance with 14.02.040

The ordinance, in part, is as follows:

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.

(2) The following standards shall apply to any request for a Conditional Use Permit:

*(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity. **(responses in bold)***

(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity:

*(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes; **With the proposed condition restricting the parking of trucks on 1100 West, there will not be any unreasonable risks to the safety of***

persons or property in the vicinity due to the operation of the home occupation.

*(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property; **The proposed use will not interfere with the lawful use of the residential and agricultural properties in the area.***

*(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; **The proposed use has been in operation for a number of years already, and should not create a need for any additional municipal services due to this request.***

*(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity. **The proposed use will not be detrimental to the health, safety, or general welfare of the area if the proposed and standard conditions are applied to the operation of the home occupation.***

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

(d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this section.

- ~~2. Project Plan Approval~~
- ~~3. Design Review~~
- ~~4. Landscaping~~
- ~~5. Trash Container Enclosure~~
- ~~6. Fencing~~
- ~~7. Parking~~
- ~~8. Signage~~
- ~~9. Transitional Development Standards~~
- ~~10. Design Corridor~~
- ~~11. Other Concerns~~

BUILDING INSPECTION REVIEW

OTHER CITY DEPARTMENTS

BONDING

CONCLUSIONS

RECOMMENDATION

That the Conditional Use Permit for a Major Home Occupation be approved, with the following conditions:

CONDITIONS OF APPROVAL

1. That at no time shall loading/unloading take place on 1100 West.
2. That the business is restricted to two outside employees.

ATTACHMENTS

1. April 2017 zoning complaint
2. Applicants 300 foot buffer signature collection
3. Neighborhood Chair email
4. Aerial of property

ATTACHMENT 1 – APRIL 2017 ZONING COMPLAINT

Emilee King

17-0723ZE

From: Ellen Karren
Sent: Thursday, April 20, 2017 5:08 PM
To: Emilee King
Subject: new case

Hi, Emilee,

Can you please set up a new case:

Address: 1213 S 1100 W

Parcel ID: 210430176

Zone: RA

Neighborhood: Lakewood

Complaint received via phone call and she did not want to leave her information.

Assigned to: Ellen

Issue: Possible violation of a home occupation. Size of business may be too large to be a home occupation.



ELLEN KARREN
COMMUNITY DEVELOPMENT
PLANNING TECHNICIAN
TEL 801 852 6421
FAX 801 852 6417

ATTACHMENT 2 – APPLICANTS 300 FOOT BUFFER SIGNATURE COLLECTION

APPLICATION FOR A CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION LICENSE FOR
 CAMERON COX
 DBA RIVERSIDE LAWN AND LANDSCAPING
 1213 SOUTH 1100 WEST PROVO, UTAH 84601

We the undersigned support a major home occupation at the above address:

Date	Printed Name	Signature	Address	comments
6/2/18	Francisco Rodriguez	[Signature]	1246S 980 W	N/A
6/2/18	Jackie Barron	[Signature]	1264 S 980W.	NA
6/2/18	Rhonda McEee	[Signature]	997W. 1280S.	No problems
3/12/19	Marci Gustafson	[Signature]	963W 1150S	No problems
3/12/19	Sean Delmude	[Signature]	1227S 980W	all ok
3/12/19	Jacob Younesson	[Signature]	1243S 980 W	No Problems
3/12/19	Roman Fisher	[Signature]	1248 S. 940W.	No Problems
3/12/19	Amy Arnold	[Signature]	1015 W 1150 S	No Problems
3/12/19	Kelly Coleman	[Signature]	1031w. 1150S.	No Problems
5/12/19	Tim Gillingham	[Signature]	1226 S. 1180W	No problems

ATTACHMENT 3 – NEIGHBORHOOD CHAIR EMAIL

From: Becky Bogdin <provolakewoodneighborhood@gmail.com>
To: Aaron Ardmore; Bill Peperone; Karen Tapahe
Cc:
Subject: Fwd: Correspondence from City of Provo - Neighborhood Meeting Notice

Sent: Sat 7/6/2019 9:18 AM

Message Neighborhood Meeting Notice.pdf 20190706_091433.jpg

Hi all

Hope your holiday went well.

Cameron Cox called me Friday, July 5, 2019. I have waived the neighborhood meeting requirement for the following reasons:

1. I don't have luck getting the residents from 1100 west to attend a neighborhood meeting.
2. This issue came up over 1 year ago and I knocked just about every door around the residence asking about this conditional use permit.

Neighborhood feed back

1. When knocking doors last year most people did NOT have an issue with Cameron's landscaping business
2. The issue that was brought up while knocking doors over 1 year ago was

A. When the trucks are being loaded in the morning time the noises made were really, really loud. It was described as banging from loading trucks and some sort of machine. This came from multiple residents adjacent to the back yard area (east).

Neighborhood Face Book Page feedback

1. May 26, 2018 a resident was concerned with the company blocking 1100 west while backing trucks into the property. It is a daily occurrence.

Teresa Killcrease...Is this the landscaping company? So I have some traffic concerns. The intersection by Foot Printers has had multiple accidents. If this is the business that I am thinking of, there have been several instances that the road has been blocked as they move in and out of the yard. Especially at start and stopping work times

2. When I got the notice Cameron had applied, I asked again on the FB page in June 2019 and a different resident was concerned about delivery trucks blocking 1100 west during drop off times for Sunset Elementary.

Please note: 1100 west is the major coridor from our neighborhood to the elementary. Currently Head Start is on 1100 west just north of this property...and the Head Start location is the proposed location for the Dixon Middle School. 1100 west is one of 2 collectors that currently connect to the Lakeview Parkway...making 1100 west a major westside collector road. I included a map so you can see the proximity of 1150 south (Foot Printer's Park road) and the Head start/Dixon Middle School location (school board property and buildings on the southern end)

Jenny Brimhall. So my only concern is there have been a few times- not very many- where a delivery truck was dropping stuff off and blocked the road. Not a big deal but each time it happened it was in the morning while I was on my way to drop my son off. So if there could be a suggestion of what time deliveries happen, or have better traffic direction, I'm not sure. I have no other issue with his business. Just making sure his large deliveries are done without causing problems with school drop off. ☐

Other neighborhood feed back from Face Book
2018

Brooke Barnes..I live in the Liberty Bay subdivision which is just around the corner from that house. I drive past there on 1100 West every day and I've never had a problem with them. I've never experienced the road being blocked or noticed any extra traffic.

Bailey Seay...I have never noticed any traffic in front of his house. I have actually used his services. He does landscaping and has a small nursery behind his house. They usually have yard equipment and a small excavator. It is usually behind his house but if they are getting ready for a job it is in front of the house. I would highly recommend him to do work. It doesn't look like a business most of the time.

2019

Brooke Barnes. This is the landscaper just north of the stake center on 1100, right. I live around the corner and I've never had a problem with the business being there. As far as I'm concerned, I'm fine with him continuing to operate his business there, if that's what your asking about.

Thanks

Becky

ATTACHMENT 4 – PROPERTY AERIAL



APPLICANT AGREEMENT TO CONDITIONS

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) _____ Date _____