

**Bountiful City
Administrative Committee Minutes
January 18, 2016**

Present: Acting Chairman – Lloyd Cheney; Committee Members – John Marc Knight and Dave Badham; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren.

Excused: Chairman – Chad Wilkinson

1. Welcome and Introductions.

Acting Chairman Cheney opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for January 11, 2016.

Mr. Cheney recommended that the minutes be tabled. Mr. Knight made a motion to table minutes for January 11, 2016. Mr. Badham seconded the motion.

 A Mr. Cheney
 A Mr. Knight
 A Mr. Badham

Motion passed 3-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Lawn Care Business (yard care) at 370 East 1700 South, Gisgard B. Gonzalez, applicant.

Gisgard Gonzalez, applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the Lawn Care Business is proposed is located in the R-4 Single Family Zone. Home Occupation lawn care/landscaping businesses are classified in the City Ordinance as requiring a conditional use permit.

The application submitted indicates that the applicant will park two trucks and a double-axle trailer on the property. The trucks will be parked on the driveway and under the carport. The yard care equipment and supplies are to be stored on the trailer, which will be parked on pavers east of the driveway. The application did not indicate that any employees or customers would visit the site. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall obtain a business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. Noise, dust, fumes, glare, traffic, etc)
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City
4. The use shall not include any outside storage at the residence.
5. The trailer and vehicles must be parked on paved surfaces meeting setbacks as required by the Bountiful City Zoning Ordinance.
6. The Conditional Use Permit is solely for this site and is non-transferable.

PUBLIC HEARING: Acting Chairman Cheney opened and closed the Public Hearing at 5:03 p.m. with no comments from the public.

Mr. Badham stated that one truck and one trailer is generally the norm for lawn care businesses and noted that Mr. Gonzalez has two trucks. He asked Mr. Gonzalez if he understood the parking conditions and also asked if Mr. Gonzalez had room for his personal vehicles. Mr. Gonzalez explained that he understood the parking conditions and does not own any personal vehicles. Mr. Knight inquired if Mr. Gonzalez has employees. Mr. Gonzalez explained he has two employees. Mr. Knight stressed that employees cannot meet at the residence. Mr. Gonzalez stated that he would pick up his employees and they would go to their job site. Mr. Badham inquired regarding the use of two trucks in the business. Mr. Gonzalez stated that when two trucks are required, one employee will be driving one of the trucks and will park his personal car at the residence. A discussion ensued regarding the permissibility of an employee parking at Mr. Gonzalez's home. Mr. Cheney read from Bountiful Land Use Ordinance 14-17-105(B): "Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity." A discussion ensued regarding whether an employee can park at the residence and if Mr. Gonzalez's employee can be considered as an "assistant" under the exception of 14-17-105(B). Mr. Badham stated his belief that picking up a truck should not be considered as working, and Mr. Knight agreed. Mr. Badham stated that the catch is that employees shouldn't park there, but it could be acceptable if the employee's car is parked in the driveway while they have the company truck and at night they switch out. Mr. Knight stated that the spirit is that if Mr. Gonzalez has an employee who picks up the business truck they do not park on the street, including summer and winter. Mr. Gonzalez agreed to inform his employees of this.

Mr. Knight made a motion for approval of a Conditional Use Permit for a Home Occupation Lawn Care Business (yard care) at 370 East 1700 South, Gisgard B. Gonzalez, applicant, with the following additional condition: Only one employee may come to the site as allowed by Code, and any employee who picks up the additional business truck must park their personal vehicle in the driveway and not in the street. Mr. Badham seconded the motion.

A Mr. Cheney
A Mr. Knight
A Mr. Badham

Motion passed 3-0.

4. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Remodeling Contractor Business at 314 West Center Street, Unit 151, Nathan Halling, applicant.**

Mr. Badham made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Remodeling Contractor Business at 314 West Center Street, Unit 151, Nathan Halling, applicant. Mr. Knight seconded the motion.

A Mr. Cheney
A Mr. Knight
A Mr. Badham

Motion passed 3-0.

5. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Lawn Care Business (lawn and sprinkler care) at 863 Windsor Lane, Nicholas Pol Denis, applicant.**

Mr. Badham made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Lawn Care Business (lawn and sprinkler care) at 863 Windsor Lane, Nicholas Pol Denis, applicant. Mr. Knight seconded the motion.

A Mr. Cheney
A Mr. Knight
A Mr. Badham

Motion passed 3-0.

6. **Miscellaneous business and scheduling.**

Mr. Cheney ascertained there were no further items of business. The meeting was adjourned at 5:12 p.m.



Chad Wilkinson, City Planner