

**West Point City  
Planning Commission  
3200 West 300 North  
February 11, 2016**

**Present:** Brad Lee, Jeff Macfarlane, John Detamore, Curtis Seeds, Korey Kap, Brian Vincent, Troy Moyes – City Planner, Michelle Bailey – Planning Commission Secretary

**Excused:** Jeremy Strong

**Visitors:** Carlyle Grundy, Charlotte Grundy, Reed Grundy, Casey Grundy, Denny Green, Danny Green, Amanda Green, James Newman

**WORK SESSION**

**1. General Training**

This item was moved to the end of the agenda. There was not time to do any training after discussing the agenda items. Troy Moyes mentioned the joint meeting that will be held with the City Council and Planning Commission on March 1, 2016. They will be opening the General Plan soon and discussing that so everyone will be on the same page going forward. There will be a couple of joint meetings held throughout the year.

**2. Discussion regarding a Major Home Occupation for Green Adventure Sport Rentals, LLC, located at 2097 West 750 North, Danny Green & Denny Green, applicants.**

Troy Moyes stated that the applicants, Danny and Denny Green are requesting a Conditional Use Permit for a Major Home Occupation. Staff has met with the Greens to discuss the application and go over the ordinance pertaining to a home occupation. They have contacted the neighbors to discuss the nature of this application. In 2014, they were approved for a minor home occupation at Denny's home in a cul-de-sac. They had several complaints against the business at that location so Danny has purchased a home and they are proposing to move the business to that home. It is a better location for the business. This business provides summer rental equipment to customers that includes: kayaks, paddleboards, and other non-motorized water toys. This is a seasonal business with peak times between Memorial Day and Labor Day. Pickup of rentals would be done on an as-scheduled basis. This will help control how many customers come to their home. It would take approximately 5-10 minutes for a customer to pick up their equipment. Troy displayed a map of their property. One issue that Staff is concerned about is traffic. The Greens have submitted a traffic plan to keep traffic off the road when customers come to pick up or drop off equipment. They will have a gravel road going to the back of their property. Staff asked for an estimate of how many vehicles would be there per day. Danny said during peak season, there would be no more than 16 vehicles per day. The complaints that came in at the other address were because they lived on a cul-de-sac and there was no way for vehicles to get off the road. The gravel driveway at this new location would alleviate that problem. They also have two garages at the new location to store the equipment. Korey Kap asked how the Greens would enforce the traffic plan.

The initial plan is to drive down the west side of the property, flip around and go back out the same way. Staff is concerned about customers loading and unloading on the road which would be a safety concern; that is why the Greens have submitted a traffic plan. Brad Lee commented on the deep lot. Danny said the lot is 1.4 acres. They are able to stagger pick up and drop off times because all of the rentals are done by reservation. Curtis Seeds asked about returns on Sunday afternoons. Danny responded that returns are more difficult to control. They ask for an approximate time on the rental agreement. They ask the customer to text them on their way back and let them know when they will be there so they will be available. That gives them a way to mitigate the problem of several people dropping off at the same time. Normally, that isn't the case; it's usually staggered, but occasionally they will get a couple of customers at a time.

Troy Moyes stated that he has been concerned about this after meeting with the Greens. Troy said he gave a lot of thought to how they could mitigate the nuisance that would be on the neighboring residents. In the Staff Report, Troy outlined three options that the commission could consider to add conditions to the approval of this application. Adding conditions to the approval of the application makes it more enforceable if there are complaints. Staff suggested the commission could 1. Limit the number of vehicles per day 2. Require that business could only be done on the property, and vehicles are not allowed to park on the street. Korey Kap asked about storage of the equipment. Danny stated that they plan to store it all in the bottom garage. He also has two Lifetime storage sheds that are in the backyard. Troy Moyes said they are not allowed to store any of their equipment out in the open as per the ordinance. Curtis Seeds expressed concern about dust from the gravel driveway. Danny said he just received a quote for installing asphalt road base. The salesman told Mr. Green that they press it down and then when the sun heats it up, it melts together like asphalt does. Curtis felt like that would eliminate the dust issue. Jeff Macfarlane asked if the 90 feet shown in the back yard for a turnaround is big enough for a truck and trailer. Danny said he did some research online. He won't be able to accommodate semi trucks, but 5<sup>th</sup> wheels and large travel trailers should be fine. Korey Kap said a standard turnaround for a fire truck is 100 feet so 90 feet should be adequate. Troy Moyes suggested to Mr. Green, which there is nothing the City can do about this, but from a personal business standpoint, he could offer some sort of discount to have them drop off at a certain time where he can talk with other businesses to maybe lease their parking lot for a Saturday and have people drop off in the commercial area and then he could just load it all onto his trailer and take it all home. That might be most beneficial to do on peak days throughout the summer. Brad Lee asked what the worst case scenario would be as far as number of vehicles coming to pick up in a day. Danny responded that they could accommodate up to about 16 vehicles in a day. Brad Lee commented that Mr. Green's frontage is quite large, would it be a problem to have cars parked along the street waiting to pull into the driveway? Troy Moyes said there is a letter that needs to be read in its entirety in the regular meeting from one of the neighbors which expresses concern with this business. Brad Lee asked Danny if he has encountered complaints from any other neighbors. Danny said there is only one neighbor that has expressed concern.

John Detamore asked about the previous home owner. Troy Moyes stated the previous homeowner conducted a landscape business and parked a lot of concrete equipment on the property. Danny said one reason they bought this home was to accommodate their

business better and have less impact on their neighbors. They purchased the home a couple of months ago. Danny said the neighbor across the street will not be able to see any business taking place. He will see vehicles turn into the driveway but then they go down a hill and disappear. Danny mentioned that they offer free rentals to neighbors throughout the summer to say thank you for helping them out. Whenever equipment is available they will have access to using it. Jeff Macfarlane asked how much equipment they have. Danny said currently they have approximately 55 rental items; 25 paddleboards, six canoes, six tandem kayaks, five children's boats etc. Jeff asked if they rent trailers as well. Danny said they have two trailers they can rent; a flat bed and a traditional trailer with the slots on the side to carry canoes. They are able to store all of that inside with the exception of the two trailers.

The commission discussed conditions to place on the business that are enforceable. Corey Kap asked what normal business hours are. Danny responded that their normal business hours are 7:00 am – 9:00 pm. He and Denny both work full-time jobs and this is a side business so most of the time during week days they aren't busy at all. Most pick ups are scheduled before they go to work. The only day they have business more than just in the morning or evening is on Saturday or on a holiday. City Code does not limit business hours. Jeff Macfarlane asked how they will alleviate people just pulling up to the house and going to the front door. Danny said, due to City Code, they cannot put up signs telling people to pull into the driveway. They will put information on the website and also tell people on the phone when they call. They are allowed one 2'x2' sign on the house to advertise. Staff is concerned about friends that accompany the customer and wait while he pulls in to pick up the rentals. They don't want the friends to park along the street while they wait. They will need to get all of the vehicles off the street. John Detamore asked what the average time is to load a customer. Danny responded that depends on the number of boats per customer. Most customers are taking one or two items so that only take 5-10 minutes. It gets longer if they don't know how to tie the load down. Sometimes they will have a scout group come that is renting several boats and that would take a bit longer. Brian Vincent asked about pick ups/drop offs on Sunday. Danny said occasionally people that live out of town will show up to drop off on Sunday so they don't have to come back on Monday morning before work to drop off. They keep business to a minimum on Sundays. They have no pick ups on Sunday and minimal drop offs; they try to be closed on Sunday. Danny Green asked if it would be possible to use part of a paddleboard as a decoration in his front tree area or would that infringe on the sign ordinance? The commission didn't feel like that would be appropriate but told him to ask the Code Enforcement Officer. The commissioners discussed the hours of operation for the business as well as how to determine if the business grows too much to still be considered a home occupation.

**3. Discussion regarding a Conditional Use Permit for a kennel license located at 3377 West 1300 North, James Newman, applicant.**

Troy Moyes stated that the applicant was brought in by animal control to comply with the legal amount of dogs that he is allowed to have on his property. Staff has met with Mr. Newman and after discussions with Staff, he has submitted an application for a kennel license. He lives on a flag lot. He currently has four dogs; he is only allowed two dogs by ordinance, but he may have a third dog if he obtains a kennel license. The fourth dog

belongs to his son who is living with him at this time. Animal Control is waiting on the decision from the Planning Commission. He meets the requirements to obtain a kennel license.

## REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeff Macfarlane
4. **Approval of Minutes from January 28, 2016.**

Jeff Macfarlane made a motion to approve the minutes from January 28, 2016, as written. Brian Vincent seconded the motion. All voted aye.

5. **Public Comments:** None given

6. **Consideration of a Major Home Occupation for Green Adventure Sport Rentals, LLC located at 2097 West 750 North, Danny Green & Denny Green, applicants.**

Troy Moyes gave a brief review of the application. Staff has met with Danny & Denny Green and reviewed the ordinance pertaining to home occupations. They have contacted their neighbors and discussed the nature of the application with them. This business would provide summer rental equipment including: kayaks, paddle boards and other non-motorized water toys. This is a seasonal business that would operate at peak from Memorial Day through Labor Day. The process that was explained to Staff is that customers will come on an as-scheduled basis to their home to pick up the equipment, sign an agreement and then leave (total time approximately 5-10 minutes). This will allow them to control how many customers come at once to the home. Their parcel of land is 1.4 acres. They are proposing to do a roto-milled base driveway that will extend the length of their property where the customers can pull up, get the equipment while on the property and then pull out and leave. Staff wants to make sure there will not be vehicles on the road so they can keep the residential neighborhood as safe as possible.

Brad Lee read a letter in its entirety that was submitted to the Planning Commission by a neighbor of the Greens. The letter follows:

*Planning Commission West Point City*

*February 10, 2016*

*Business license request for home at 2097 West 750 North*

*Dear Sir or Madam:*

*What happens when business is allowed to operate in a residential neighborhood?*

1. *Traffic increases from the people shopping there plus the delivery trucks used to bring the merchandise sold at that business.*

2. *Clutter increases dramatically from the traffic increase and the packaging materials used for the merchandise they are selling. Dumpsters and other business type entities downgrade the complete area.*
3. *Danger to the children living in the area increases because of the increased traffic and addition of trucks.*
4. *Businesses of this kind attract more business if allowed and will cause more people to want to open additional operations in the same area.*
5. *The lot at 2097 W. 750 N. was designated as the primary and largest lot in the subdivision and not as a commercial lot*
6. *There is a big difference in someone operating a beauty shop or a tax business that are primarily operated inside and do not create traffic problems, clutter, and downgrade the area.*
7. *Businesses operated in a subdivision, downgrade the value of everyone's property and eventually cause a total downgrade and cause the quality of the area to decrease and the good residents to leave the area.*
8. *Additionally, the mail delivery person would have to fight their way thru the parked cars and traffic and would not function well and the increased traffic always brings trash with them.*

*Respectfully Yours,  
Residents of the area*

Brad Lee asked Danny Green to come to the podium to answer questions from the commissioners. Brian Vincent wanted to address the points brought up in the letter that was read. 1. Talked about delivery trucks. Danny Green said they don't have any delivery trucks ever coming to the residence. Danny has a personal van that he would use to go pick up anything they would need for their business. The van is parked in the driveway of his home now. 2. Talked about packaging materials and dumpsters. Danny Green responded that they don't need any packaging materials nor do they have dumpsters because they don't sell anything. They rent equipment that doesn't have any packaging on it. If/when they get new items it would be wrapped in bubble wrap and they would just discard it in the trash can. 3. Talked about increased traffic/danger to children. The traffic flow will be discussed in a few minutes. 4. Talked about businesses attract more businesses. Brian felt that was just a personal opinion. 5. Talked about it being designed as the primary and largest lot and not a commercial lot. Brian stated they weren't discussing a commercial lot, it is still a residence with a home occupation. 6. Talked about the difference between a beauty shop/tax business not creating traffic problems. Brian's opinion is that either of those businesses would create more parking problems because their customers would be there for longer periods of time. He asked Danny how long customers would be at his home. Danny Green responded that on average it takes 5-10 minutes to help them load or unload equipment from their vehicles. Brian asked Mr. Green how he controls the number of customers at his home at one time. Danny Green responded that they do everything by reservation. Customers find them online; families, scout groups, couples. They contact them and they can control reservation times and mitigate the problem of having several come at the same time. They stagger them throughout the day. Saturdays are usually the only day they have people coming throughout the day. Danny and Denny both work full-time jobs so on weekdays they will schedule to load people up in the mornings and then unload in the evenings when they are home. The only days when there are a measureable amount of people will be Saturdays

and holidays. They mitigate that through reservations. Their hours of operation are 7:00 am – 9:00 pm. 7. Talked about businesses downgrade the value of surrounding properties. Brian felt that this item is subjective. 8. Talked about street parking.

Brad Lee asked for any other questions directed to Mr. Green. Someone from the audience made an inaudible comment. Brad Lee told them that since this is not a public hearing, their questions would have to be answered after the meeting. He volunteered to meet with that resident after the meeting to discuss any concerns they had. Another resident asked when they should have asked their questions. Brad Lee responded that any comments regarding this agenda item should have been given during Agenda Item #5 Public Comments. More questions were asked by residents and Brad Lee instructed them that this is not a public hearing and he would be happy to talk with them after the meeting.

John Detamore made a motion to approve the Major Home Occupation for Green Adventure Sport Rentals, LLC, located at 2097 West 750 North, Danny Green and Denny Green, applicants, contingent upon the following items being met:

1. Pick up and return times will be staggered with appropriate time spacing so there isn't a traffic backup.
2. No convoy of customers' friends to park along any streets surrounding the residence.
3. Business hours would be between 7:00 am – 9:00 pm. If a later drop off is necessary, arrangements would be made for it to be done the following day.
4. Encourage customers to follow the appropriate laws regarding speed, parking, and noise. Also take measures to control the dust.
5. Add additional verbiage to website to clarify that all business will be done off the street at the storage site; not on the street or in the driveway.
6. All rental items must be stored in the garage as indicated it will be.

If these conditions are not met, the permit will be reviewed and can be revoked. Korey Kap seconded the motion. All voted aye.

#### **7. Consideration of a Conditional Use Permit for a kennel license located at 3377 West 1300 North, James Newman, applicant.**

James Newman was present to answer questions. Troy Moyes reviewed the application. Mr. Newman currently has four dogs. One of the dogs belongs to his son who is staying with him right now. Mr. Newman meets all of the requirements in the Code to have a kennel license. Staff recommends approval of the application.

Curtis Seeds made a motion to approve the Conditional Use Permit for a kennel license located at 3377 West 1300 North, James Newman, applicant. Brian Vincent seconded the motion. All voted aye.

#### **8. Planning Commission Comments**

Jeff Macfarlane thanked Troy for the research done on the agenda items. He thanked the public for their comments. He also thanked the commission for the work they do.

Korey Kap thanked Staff and the commission.

John Detamore echoed the previous comments.

Brian Vincent echoed the previous comments.

Curtis Seeds echoed the previous comments.

Brad Lee echoed the previous comments.

## 9. Adjournment

Korey Kap made a motion to adjourn at 7:23 p.m. Brad Lee seconded the motion. All voted aye.



Chairperson – Brad Lee



Secretary – Michelle Bailey

