

**Item:**

3

Date:

5/13/2021

Applicant:

Benjamin Clements

Location:

1550 W 2600 South

Prepared By:

Brian Tucker, Planner

Public Hearing:

No

Zone:

A-2

Attachments:

1. Application information
2. Proposed operation plan
3. Proposed Site Plan
4. Retail Structure Rendering

REQUEST

Consideration of a request for Conditional Use Permit Approval for a Commercial Greenhouse operation at 1550 West 2600 South in the A-2 Zone.

BACKGROUND & DESCRIPTION

The subject property is 2.18 acres and is located on the corner of 2600 South and Highway 89. The property is zoned A-2. The subject property has been used for both residential and greenhouse uses in the recent past, with conditional use permits having been granted in 2005 and again in 2013. These uses were not kept licensed or in meaningful operation and, as a result, a commercial greenhouse operation must be re-approved under the recently amended standards.

The applicant has submitted a conditional use permit request for a 20,050 square foot commercial greenhouse operation. The operation would include 13,650 square feet of greenhouses for growing inventory and a 6,400 square foot display and sales greenhouse with associated designated parking.

EVALUATION

A conditional use permit is considered an administrative permit. Utah Code section 10-9a-507 states the following regarding conditional use permit review:

*"A land use authority **shall** approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards."*
(emphasis added)

In other words, unless there are reasonably anticipated detrimental effects that cannot be mitigated, and/or the proposal is not in compliance with adopted standards, the conditional use permit must be approved. Special conditions, however, can be added when necessary, to mitigate reasonably anticipated detrimental effects.

On May 17, 2021, the City Council approved an ordinance amending conditional uses allowed in the A-2 zoning district. Commercial greenhouses were approved as a conditional use with the following standards:

- a. The facility shall be located on a legal lot of record of two (2) acres in size or larger with at least two hundred feet (200') of frontage on an approved public road that is designated as a "major residential" road or larger on the City's official Master Street Plan Map.

- b. Hours of operation shall be limited to 10:00 a.m. to 8:00 p.m. six days a week.
- c. A minimum of eight (8) parking spaces shall be provide. The planning commission may require additional parking spaces based on the scope of the proposed use.
- d. Someone or some entity other than a residing family member may hold the business license and operate the business only when the property abuts a property in the GC-1 or I&M-1 zones.

In addition, there are conditions that apply to all conditional use permits in the A-2 zone. The following conditions are particularly relevant to this application:

- 4. Any proposed signage associated with the proposed use shall comply with section 18.86.030 of this title.
- 5. All parking required for the proposed use shall be provided on a surface that will not generate dust or allow mud to be tracked onto City streets. All on-site parking shall be provided behind the required front and side yard corner lot setbacks.
- 7. Permanent restroom facilities shall be provided for the commercial use, which shall conform to the commercial requirements in the current version of the International Building Code unless the use does not include any clientele visits to the property. For uses in accessory buildings, restrooms in the home shall not count toward this requirement.

The proposed operation will not be operated by the owner of the property, however as the property is located next to a property zoned GC-1, this arrangement is permissible. The hours of operation must be limited to 10am to 8pm and the business can only operate six days per week. The 8 required parking spaces have been exceeded and the applicant intends to maintain the parking and drive areas with gravel. The subject property has more than the required 2 acres and 200' of frontage. In addition, the proposed use meets the setback standards for the A-2 zone with 30' of frontage on both Hwy 89 and 2600 South. The inventory greenhouses are accessory structures, subject to a 3' side setback because they do not exceed 15' in height. The Commercial Greenhouse operation will be required to carry a Mapleton City Business License. The operation will need to provide permanent restroom facilities. Restrooms in the home do not satisfy this requirement.

As the standards of review are met and any 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.

Conditions:

- 1. The applicant shall obtain a business license prior to opening for business.
- 2. The operation shall not be expanded beyond the scope of this permit unless prior approval is granted by the Planning Commission.
- 3. No signs shall be placed on the property without a sign permit.

4. The business will not extend the hours of operation beyond the 10am to 8pm window and shall not operate more than 6 days per week.
5. The ingress and egress shall occur from 2600 South and shall be approved for compliance with Mapleton City's adopted traffic and engineering standards.
6. The designated parking and driveways shall consist of a surface that does not generate dust or allow mud to be tracked onto city streets. The parking spaces shall not be reduced to less than the number presented without prior approval of the Planning Commission.
7. Permanent restroom facilities must be provided in accordance with City Code.
8. Mapleton City Police and Fire Department approvals are required.
9. 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.
10. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

Mapleton City Corporation

125 West Community Center Way (400 North)

Mapleton, UT 84664

Phone: (801) 489-5655

Fax: (801) 489-5657



Business License Application

BUSINESS LICENSE NUMBER

☒ Commercial Business ☐ Home Occupation Business ☐ Temporary/Seasonal Sales ☐ Burglar Alarms				
Name of Business: Flower Factory		Business Phone Number:		Business Fax Number:
Business Address: 1550 W 2600 S Mapleton, UT		Email Address:		
Business Address: 1550 W 2600 S Mapleton, UT		Mailing Address: 1550 W 2600 S Mapleton, UT		
State Registration: ☐ Sole-Proprietor ☐ Corporation ☒ LLC ☐ LP ☐ LLP		DBA # Expires / /	State Tax # (if applicable)	Corporation # (Must attach a copy of Articles of incorporation) Federal Tax ID # (if applicable) 85-3648031
Business Owner Name(s) Benjamin Clements, Max Clements		Owner's Address Street: 575 E 3125 N City: Provo State: Utah Zip: 84604		Owner's Phone Number(s) 208-241-5199
Nature of Business: ☐ Manufacturing ☐ Wholesale ☒ Retail ☐ Services ☐ Daycare/Preschool – Number of children _____ ☐ Other _____				
Total Number of Employees: 10 Number of Full-time Employees: approx: 5 Number of Part-time Employees: approx: 5				
Briefly describe your business: Retail plant nursery				
Annual License fee rates: • Business License - \$100 • Home Occupation - \$100 • Home Occupation Renewal - \$50 per year • 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 <u>Benjamin Clements</u> Signature <u>5/3/2021</u> 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

CONDITIONAL USE PERMIT APPLICATION

FLOWER FACTORY LLC

BENJAMIN CLEMENTS – Applicant, Owner	208-241-5199	ben.s.clements@gmail.com
MAX CLEMENTS – Owner	208-351-5342	

PROJECT DESCRIPTION:

The greenhouses located at 1550 W. 2600 S. Mapleton, UT., Zones A2, have formerly been used as a nursery and have previously been approved for a conditional use permit allowing retail sales. We would like to apply for such a permit to allow us to add additional greenhouses as needed in accordance with city building and zoning requirements and to allow retail nursery sales.

Nursery sales include annual/perennial flowers, hanging baskets and other containers, garden starts/seeds, trees/shrubs. Etc.

We intend to have some greenhouses for agriculture use only, namely the cultivation, growing, and protecting of nursery plants, in which we may apply for an agricultural use building permit exception, in which case, customers will not be admitted to said greenhouses.

Additionally, we would like to construct a larger “gutter-connected” greenhouse for which we have stamped, engineered plans. This greenhouse will be used primarily for the display and retail sales of our nursery products. (Illustrated by the colored rendering).

As shown in the site plan, we intend to have a large, well maintained gravel parking area to accommodate ample parking needs.

Our intentions with this project are to beautify and make better use of this available nursery lot and meet the need to offer the surrounding area beautiful, locally grown flowers and garden plants as well as other garden/yard products.





