

## Conditional Use Permit Home Occupation Class II

for Aaron and Rebecca Morrison  
Cool Pools Service & Repair  
5235 W. Paradise Lane  
Application Number: CUP22-08



*Prepared for:*  
**Aaron & Rebecca Morrison**

*Prepared by:*  
**Earl & Curley, P.C.**  
3101 N. Central Avenue, Suite 1000  
Phoenix, Arizona 85012

Prepared: July 28, 2022  
Revised: August 26, 2024

## Project Summary

Our firm represents Aaron and Rebecca Morrison, property owners at 5235 W. Paradise Lane who seek a Conditional Use Permit (“C.U.P.”) for a Home Occupation Class II use for their small pool service company. The Morrisons’ home is located at the southeast corner of Paradise Lane and 53rd Avenue (APN: 231-01-040). The Morrisons seek to obtain a C.U.P. to utilize a portion of their residential property for their home-based business. The home occupation use is located within the existing freestanding accessory building located behind the primary house. This use has been operating at this location for seven years without incident, and this C.U.P. would bring the existing use into proper compliance.



The home-based business consists of Aaron and Rebecca within the accessory structure running the office component. Beyond that, a select group of employees who function as technicians come to the property in the morning to process minor paperwork, pick up parts for their routes, and then head out in the field for the rest of the day. No customers come to the property. Deliveries to the property are infrequent and do not exceed what is the norm these days for typical residential properties. The home occupation is minor and will not detract from the residential character of the neighborhood—nor has it for its seven years of operation at the property.

The subject property is .8 net acres (35,097 square feet) in size, is a corner lot with two street frontages (Paradise Lane and 53rd Avenue), and backs to an alley/bridle trail. According to the City of Glendale's Roadway Classifications Map, the roadway onto which the home fronts (Paradise Lane) is classified as a "Collector" roadway. Currently there are two existing structures on the property. The backyard is fully enclosed by a block wall and mature landscaping. The property is zoned SR-30, which permits "Home Occupation Class II" subject to securing a C.U.P.

We believe this C.U.P. for a Home Occupation Class II is compatible with the area and does not negatively impact the neighborhood. The business is quiet and is almost entirely out of sight and out of mind for the community.

### Background of Cool Pools Service & Repair

This family business is known as Cool Pools Service & Repairs, and it is a pool maintenance & repair business. This family-owned business has been in existence since 2006, almost 18 years, and has been operating at this property for seven years. Dedicated, honest, and quality work with fair pricing continues to bring them supportive customers and has allowed them to stay in business. Aaron and Rebecca are the owners and are the only individuals who work from the property, where they do simple office work (i.e., fielding calls, scheduling appointments, etc.). They currently have fourteen employees who work in the field as technicians.

## Conditional Use Permit Request

### Characteristics of Use

The property owners have and will continue to maintain the residential look and feel from the adjacent streets (see below photos). As customers never come to the site, there is no reason to deviate from this aesthetic or to locate signage or any other indicator of the business.



*View of front of house from Paradise Lane.*



*View of front and side of house from 53rd Avenue. Looking southeast.*

*View of side yard from 53rd Avenue. Looking east.*



The Morrisons are parking vehicles associated with the business on a dustproof portion of the backyard, which is behind the wall and screened away from the neighborhood.

The ordinance sets forth three criteria, which determine if a Home Occupation Class II CUP is required. Here, the analysis under the first two criteria explain the need for the Class II CUP, which is the intent of this application.

Below we have provided the City with additional background about the nature of the proposed home occupation, under each of the three criteria for a Home Occupation Class II.

1. *Is conducted entirely from within the principal residence with no activity or storage in the garage or other accessory buildings, or in other outdoor areas;*

The accessory building is approximately 3,500 square feet in size and located in the rear yard adjacent to 53rd Avenue. Half of this building is used for the home-based business. This space is broken up into small offices, a meeting room, and a storage area. This building already exists. Moreover, as the aerial below demonstrates, these types of detached structures are common in the immediate surroundings (see the yellow boxes around the accessory structures on neighboring properties).



2. *Is conducted only by a resident or residents of the dwelling unit (no employees other than the family), no outside employees visit the site;*

Currently, there are a total of sixteen employees, including Aaron and Rebecca Morrison. The employees for this family-owned business can be broken into two types: (1) office/clerical and (2) technicians/repairmen. The office clerical employees consist of Aaron and Rebecca. Aaron and Rebecca remain in the office all day, Monday through Friday, from 6:00 a.m. to 6:00 p.m. Their main responsibilities include office administrative work, answering phones, paperwork, billing, setting up work orders, and assisting customers over the phone. No customers come to the site.

The other fourteen employees are the technicians. These team members momentarily come to the office in the mornings, entering through the back RV gate that opens onto the alley behind the house. The technicians arrive on a staggered basis over a 2.5 hour window, between 5:30 am and 8:00 am. This staggered arrival means that the use is not noticeable to any average observer, especially since those vehicles disappear behind the backyard wall and mature landscaping.

This staggered arrival is a substantial mitigating factor in this case that would not even be present with a more typical home occupation like dance lessons at someone's house. In those instances, a group of parents, each with their own vehicle, often line the street as they wait to pick up their children after the dance class finishes. Day care would be similar, with parents generally arriving near the same time to drop off in the morning and pick up in the afternoon. Here, the technicians' arrival is spread out over the course of 2.5 hours.

Additionally, the team members who arrive on this staggered basis are only on-site for a brief period to get their work orders for the day, process paperwork and load their work vehicle with parts for the day. The technicians' time on site takes about 30 to 45 minutes, but occasionally it could last up to an hour.

Some of the technicians come to the office in their personal vehicles and park those personal vehicles in the backyard, behind the wall and landscaping, and then use a company vehicle to go off-site to perform their work during the day.

After they finish their routes for the day, only about half of the technicians need to return to the site to retrieve their personal vehicle. And they do so, again, on a staggered basis as they each finish their daily route. This occurs between 12:30pm and 6:00pm, but mostly between 12:30pm and 3:30pm. The other half of the technicians do not return to the site in the afternoon because they simply drive home in the company truck they used for their route.

The screening for the vehicles parked in the backyard is aided by the grade difference between the street and the property. As seen in the photo below, the property is higher than the street, which means the site has excellent screening. The vehicles in the backyard will be out of sight, out of mind.



Unless there are multiple technicians in the back at once, the instruction to the technicians is to close the gate behind them while on site and after they leave, to limit views into the backyard.

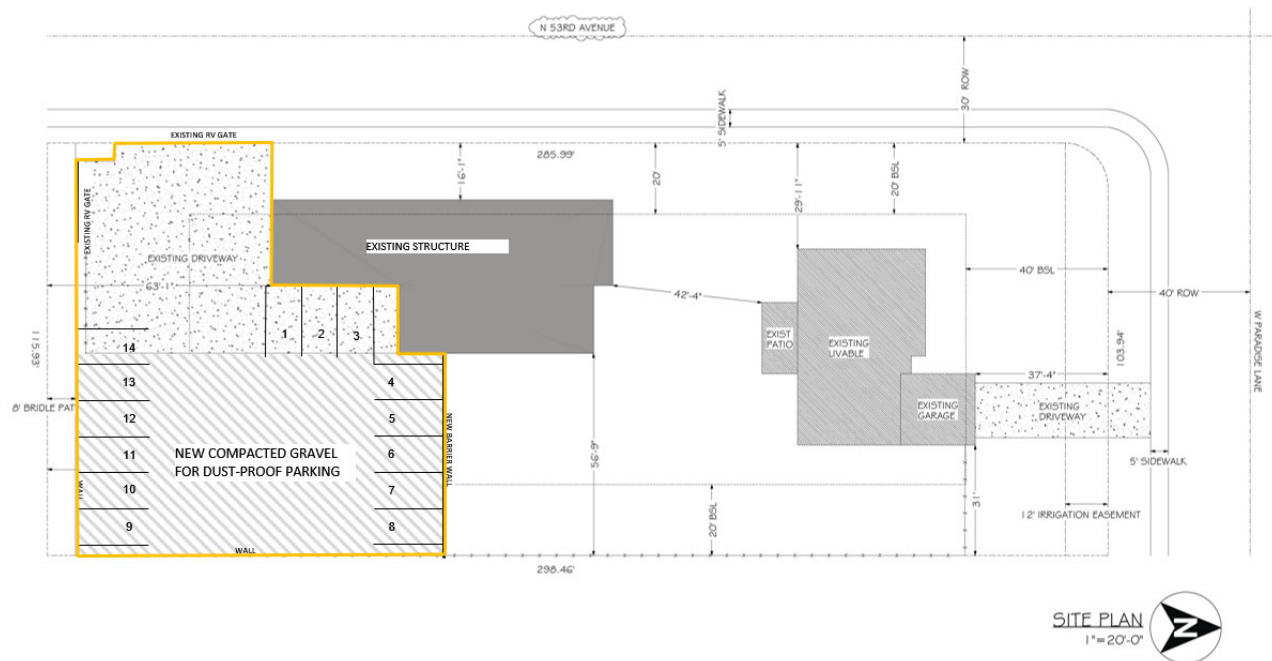
The dust-proof parking area is large enough to fit 14 vehicles. Therefore, the Morrisons agree to stipulate that no more than 14 vehicles will be permitted to be parked in the backyard and no vehicles associated with the use will be permitted to park on the public street.

Beyond those vehicles, only one additional unmarked work truck (i.e., no logo or branding) would be parked in the main house driveway. This appearance is perfectly consistent with typical residential uses because many homeowners drive work trucks of this type and park them in their driveways.

Based on the above, although employees come to the site, their presence and activity is not readily apparent and will not detract from the residential character of the neighborhood.

All technician vehicles will be parked in the backyard, screened behind the existing walls

and mature landscaped hedge. There will be sufficient dust-proofed parking areas in the backyard to accommodate all vehicles and all associated maneuvering. This is identified in the aerial below, and it is more technically shown in the site plan at the bottom of the page. The key is that *no* technician parking will occur on the street or in a location visible to the public.



3. Does not have any customer traffic or more than one (1) commercial delivery vehicle a day coming to the residence related to the home occupation.

Customers do not come to the site. New customers can register for new services or repairs via the internet or phone calls. As discussed above, the employees come to the office in the morning and approximately half of the technicians return after their work schedule has been completed. Except for the admin work in the home office, and the route and supply pick up in the mornings, all the work of this home occupation occurs off-site, with technicians servicing and repairing residential pools across the Valley.

As for deliveries, there are only up to 3 UPS type deliveries per week and those are typically delivered to the house. This frequency is entirely consistent with a typical residential property in today's era of at-home deliveries from online retailers.

## Compliance with Conditional Use Permit findings

The City's Zoning Ordinance states that the Planning Commission shall make the below findings before granting a conditional use permit (see Section 3.904). The applicant's C.U.P. request meets all the findings for granting approval. Below is our analysis of each.

### A. General Findings.

#### **1. That the proposed use is consistent with the policies, objectives, and land use map of the Glendale General Plan and the purpose of the zone district in which the site is located;**

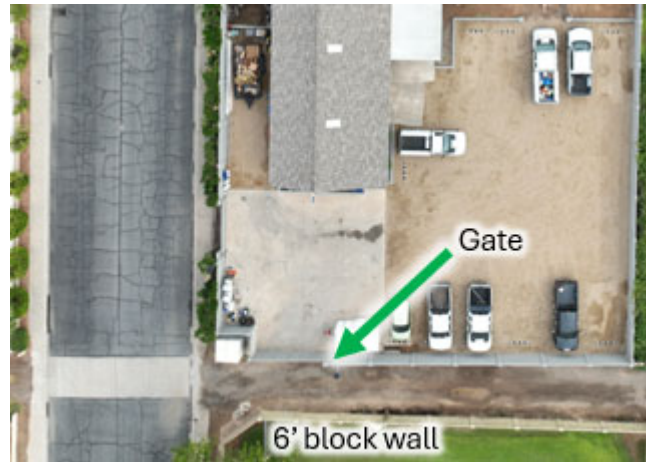
This proposal does not seek to modify the existing General Plan designation, nor does it seek to modify the property's existing SR-30 zoning. The City's General Plan land use map identifies this property as "LDR 2.5" (Low Density Residential 1-2.5 du/ac).

SR-30 permits residential and other non-residential uses such as churches, home childcare centers, private schools, and Home Occupation Class II uses, subject to securing a C.U.P. Thus, the City of Glendale has long recognized that certain uses, other than dwellings, are appropriate in residential districts. Home Occupation Class II is one of those uses that the City views as a potential compatible use. The Ordinance establishes rules and regulations that should be followed when one seeks a C.U.P. The reason for requiring a C.U.P. for a Home Occupations Class II is so the Staff and Planning Commission can evaluate each request on a case-by-case basis and determine if the use presents any negative impacts to the neighborhood or the fabric of the neighborhood and its surrounding area.

Because of the lack of customer traffic, very low visibility of the business's existence, and the fact that nearly all aspects of the business are internal, we believe the Morrisons' request is consistent with the City's policies. This request will bring the subject property into conformance with the City of Glendale's regulations under a C.U.P. for a Home Occupation Class II.

The business has been in operation at this location for seven years without incident and without harming the character of this neighborhood. Additionally, as part of this application process, the Morrisons have provided a dustproofed and screened parking

area in the backyard. Previously the technician's vehicles were parked on the adjacent street. But the Morrisons have already remedied this issue by creating an ample, dustproof parking area in the backyard that is behind an existing wall and existing mature landscaping—both of which shield the vehicles from view, except possibly during those limited times when the RV gate is open (and even then the gate faces south into the alley and visibility would be minimal).



2. ***That the proposed use will not be materially detrimental to the health, safety or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood or the city when consideration is given to the character and size of the use and hours of operation;***

The Morrisons' home-based business is small-scale and does not generate customer traffic. It does not have an exterior business sign, and all of the technician vehicles will be kept on-site behind walls and landscaping. Except for the few employees coming to the site briefly in the morning and returning in the afternoon/evening and a few deliveries each week, there is no additional traffic generated by this use. Activity from this use is limited and does not occur throughout the day in a manner that would negatively impact the neighborhood.

Prior to commencing this application, the Morrisons stored routine pool chemicals on the property, which the technicians would pick up to use in servicing clients' houses. As part of this application process, the Morrisons commissioned a consultant to study the safety of such storage. In that report, the consultant concluded that such storage was in compliance with the associated fire code regulations.

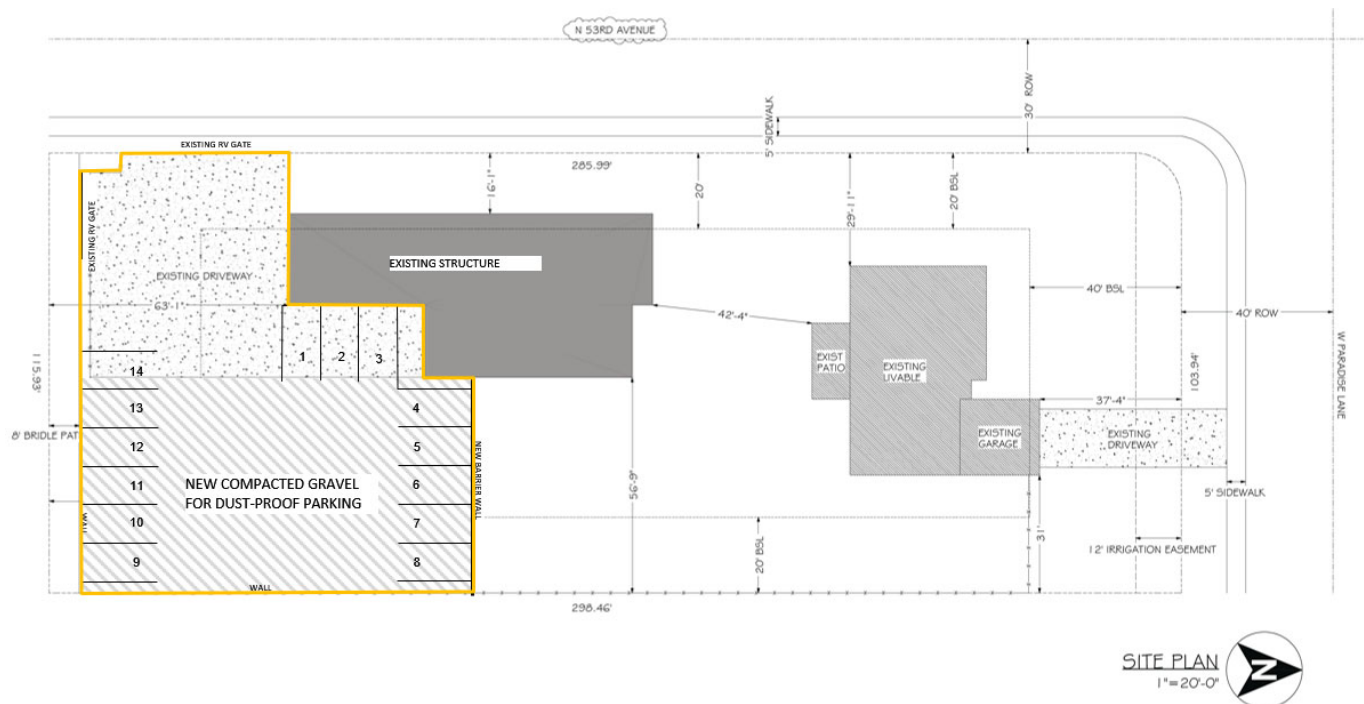
However, after further discussions with the City, the Morrisons have agreed to simply eliminate all hazardous chemical storage on the property. The technicians will now simply pick up such chemicals from the supplier directly. Thus, our proposal no longer includes any storage of hazardous pool chemicals. This is another example of the accommodations the Morrisons have made to ensure this use is protective of the residential character of the area.

3. ***That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;***

The property totals .8 net acres (35,097 square feet) and is larger than the minimum lot size for the SR-30 zoning district. The lot is sufficient in size and has appropriate space and building area to accommodate the existing home occupation. The existing

accessory building is approximately 3,500 square feet in size, which is more than sufficient in size for this small-scale use. Indeed, only half of the accessory building is being used for this home occupation.

As the site plan below shows, there is more than adequate space on the property to accommodate the parking area and existing improvements.



- 4. That the proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient;**

Access to the property is from Paradise Lane, a collector roadway, and from 53rd Avenue, which is a quarter mile street location. These public streets provide adequate access to the property. Only minor traffic is generated from this use and is staggered over specific time windows in the morning and then again in the afternoon. A successful piano teacher or day care provider could generate more traffic than what the Morrissions' small business generates—and those are typical home occupations in residential neighborhoods.

Because the owners will have their employees park on-site, within the block walls on a dustproof area, there will be no on-street parking. This further minimizes evidence of a home occupation at this property.

- 5. That adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure that any anticipated detrimental**

***effects can be mitigated.***

The Morrisons have proposed several conditions on their business as part of this narrative.

**Conclusion**

We believe this small-scale home occupation use is appropriate for this neighborhood. Additionally, we believe that with a property of this size, accessory uses are part of the normal enjoyment of reasonable property rights. This property provides block walls and a large oleander hedge that minimizes any visual impacts from the use to the public. There is minimal traffic created by the use and with the Morrisons' willingness to keep all parking on-site, we believe this proposal should be approved.

This is a small-scale pool service and repair business for which the majority of the work is performed off-site at various residential neighborhoods throughout the valley. The residential character of the property or the surrounding area is not harmed by this use, nor has it been over the past 7 years the business has operated here. We respectfully request the Planning Commission's approval to allow this family-owned business to continue at the location.

[https://ecllaw.sharepoint.com/sites/Common/Shared Documents/INDEX/Cool Pools Service and Repair/Docs/CUP Narrative - \(CUP22-08\)\(3rd Submittal\)\(FINAL\)\\_8.26.2024.docx](https://ecllaw.sharepoint.com/sites/Common/Shared Documents/INDEX/Cool Pools Service and Repair/Docs/CUP Narrative - (CUP22-08)(3rd Submittal)(FINAL)_8.26.2024.docx)