

Mapleton City Planning Commission Staff Report

Meeting Date: February 27, 2014

Item: 2

Applicant: Quilt-n-Sisters

Prepared by: Brian Tucker, Planner

Public Hearing Item: Yes

Location: 1365 West 800 North (Parcel #41:737:0001)

Zone: RA-1

REQUEST

Consideration of a request for a Home Occupation to operate a machine quilting business in the Residential-Agricultural (RA-1) Zone.

BACKGROUND AND PROJECT DESCRIPTION

While the property located at 1365 West 800 North zoned RA-1, surrounding properties include general commercial and medium density residential zoning and uses.

The applicant is requesting a Home Occupation that would allow a machine quilting business that will include one on one instruction in the art of quilting as well as classes that may include 4-6 students at a time. These activities would occur within an out building on the property and there would be no employees of the business that do not reside within the home. Customers will deliver their home made quilts for additional work to be done by the proprietor. The shop has toilet facilities and enough space that the applicant would like to be able to rent out the shop for people to use for “quilting days”.

EVALUATION

Law:

Home Occupations are governed by section 18.84.380 of the Mapleton Municipal Code. Home occupations are allowed so long as they constitute no more than a modest level of business within dwellings, conducted under conditions and levels of operation that do not adversely affect, undermine, or significantly depreciate the residential character of the area. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling. Conditions may be imposed in order to mitigate specific, legitimate impacts to the neighborhood or to neighboring property. Section 18.84.380 does not label specific uses as being allowed as a home occupation, rather it suggests criterion that must be met in order to issue a home occupation permit. The following conditions and criteria apply to the proposed use:

1. The business must be conducted entirely within a completely enclosed structure on the property,
2. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
3. No more than one person who does not reside on the property may be engaged in the home occupation,
4. No more than 6 cars may be parked at the residence at any one time,
5. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
6. The home occupation must be licensed by the city and comply with city regulations,
7. The home occupation must be conducted by a person who occupies the dwelling,
8. Background checks will be conducted on all inhabitants of the dwelling and employees, and
9. The home occupation shall operate in compliance with any applicable city or state requirements.

Compliance:

The home occupation will be required to carry a Mapleton City Business License. The business does not include the use of more than 500 sf, will include no more than one employee, except for the “quilting days” and classes the client visits can be staggered in order to keep parking in check, and the home occupation will

not include any exterior changes to the home that will change the residential character of the building.

The concern on the part of the staff is related to some degree to the classes but is primarily due to the rental concept, the “quilting days”. Home occupations are intended to be very minor affairs conducted by people who live within the home on the property. The primary concern with the classes is the parking situation as no more than 6 cars are allowed to be at the property at any one time, including cars owned by the residents, guests and clients. This concern can probably be mitigated by placing a condition on the approval that restricts the number of vehicles to 6 or less at any one time in order to approve this permit.

Staff believe that idea of renting the outbuilding to member of the public is not in keeping with the purpose of home occupations which is to *“to allow the establishment and conduct of a modest level of business activity within dwellings within the city provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area”*. When portions of a property, portions of the primary structure or outbuildings are rented to the public it undermines the residential character of the area because these type of uses are commercial in nature. Renting a portion of the property or building in effect makes the commercial activity the primary use of the property for the day or a large portion of the day. Rental uses are more appropriate for commercial areas than residential ones.

As these and any other potential issues can be mitigated by reasonable conditions it appears that the application is in compliance with the applicable standards.

RECOMMENDATION

Approve the application without the rental activities and with the attached findings and conditions.

ALTERNATIVE ACTIONS

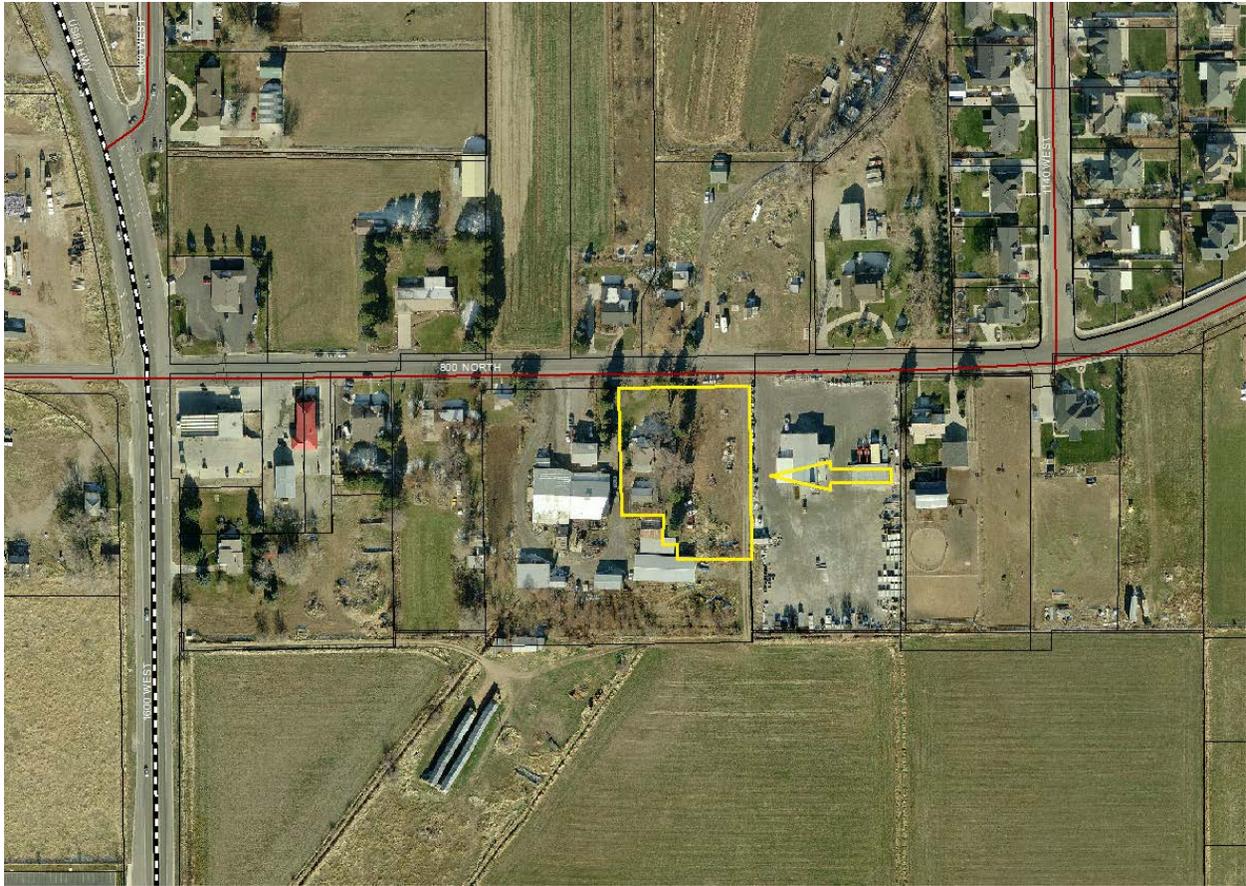
1. Approve the application with revised conditions.
2. Deny the application.
3. Continue the application with a request for changes/additional information.

CONDITIONS

1. The applicant shall obtain a business license prior to opening for business.
2. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton.
3. The home occupation shall be conducted within the confines of the structure.
4. Group activities associated with the business must be limited to groups that can be limited to no more than 6 parked vehicles at any time, including vehicles belonging to the owner, their guests and their clients.
5. No signs shall be placed on the property without a sign permit.
6. Mapleton City Police and Fire Department approvals are required.
7. 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.
8. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.



Standard Home Occupation Permit Findings

No.	Finding	
1.	The proposed use will not be in conflict with the City's General Plan.	✓
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✓
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✓
4.	The home occupation will be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.	✓
5.	The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.	✓
6.	The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.	✓
7.	Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.	✓
8.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✓
9.	Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.	✓
10.	The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.	✓
11.	Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.	✓
12.	The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.	✓
13.	Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.	✓

14.	The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.	✓
15.	The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.	✓
16.	The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.	✓
17.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✓
18.	The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.	✓
19.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓
20.	The proposed use will not be injurious to public health, safety or welfare.	✓
21.	Any special conditions included in the permit are consistent with MCC Chapter 18.84.380.	✓

Quilt-n-Sisters is a small operation offering custom machine quilting, small instruction classes and one on one help for quilters. I am the owner and only employee.

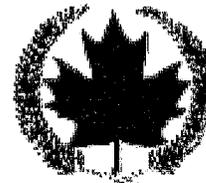
I have an out building that holds my 15 foot long-arm quilting machine, sewing machines, supplies, etc. There is enough room to set up some tables and have classes where the students can get some instruction and help in the art of quilting. I will be offering classes to students 4 to 6 at a time. I will also offer one on one instruction on the long arm machine and then rent time on the machine for those who would like to be able to quilt their own quilts.

Basically, my customers deliver their handmade quilt tops, including the backs, to me or in some cases I pick them up. Using the long are machine, I quilt custom patterns on their quilts and then return them to finish the edges. My machine is not computerized, so the work is all hand guided, called free motion.

My shop has a small bathroom and kitchenette so the students can come for all day workshops if they desire, or bring their friends and have "quilting days". I would like to be able to rent the shop for that use.

I have been doing this work for 13 years and have had business licenses in Garden City, Rich County, Utah and in Tooele, Utah. I have a Utah state business registration and my Utah State Sales Tax License. My husband and I moved to Mapleton a year ago, and I hope to operate this small business here in our new location.

Mapleton City Corporation
 125 West Community Center Way (400 North)
 Mapleton, UT 84664
 Phone: (801) 489-5655 Web: www.mapleton.org
 Fax: (801) 489-5657



BUSINESS LICENSE APPLICATION

BUSINESS LICENSE NUMBER

Commercial Business
 Home Occupation Business
 Temporary/Seasonal Sales
 Burglar Alarms

Name of Business: <i>QUILT-N-SISTERS</i>	Business Phone Number: <i>801-489-5562</i>	Business Fax Number:
Business Address: <i>1365 W 800 N.</i>	Email Address: <i>gmbakbak@gmail.com</i>	
	Mailing Address: <i>Mapleton, UT 84664</i>	

State Registration: <input checked="" type="checkbox"/> Sole-Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> LP <input type="checkbox"/> LLP	DBA # <i>6467551-0151</i>	State Tax # (if applicable) <i>F66913</i>	Corporation # (Must attach a copy of Articles of incorporation)	Federal Tax ID # (if applicable)
	Expires <i>01/01/2016</i>			

Business Owner Name(s) <i>MARY H. FOJTEK</i>	Owner's Address Street: <i>1365 W 800 N</i> City: <i>Mapleton</i> State <i>UT</i> Zip <i>84664</i>	Owner's Phone Number(s) <i>801-489-5562</i> <i>801-589-0929</i>
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Nature of Business:
 Manufacturing
 Wholesale
 Retail
 Services
 Daycare/Preschool - Number of children _____
 Other _____

Total Number of Employees: _____
 Number of Full-time Employees: _____
 Number of Part-time Employees: _____

Briefly describe your business: *Machine quilting on clients quilts.*

Annual License fee rates:

- Business License - \$100 plus \$25 per employee
- Home Occupation - \$100 plus \$25 per employee
- Home Occupation Renewal - \$50 per year + \$25 per Employee
- 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 *Mary H. Fojtek* 18 Feb 2014
 Signature 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