

Mapleton City Planning Commission Staff Report

Meeting Date: March 11, 2010

Item: 4

Applicant: Nancy Sorensen

Zone: RA-2

Parcel #: 66:226:0006

Prepared by: Matt Brady

Council Action Required: No

REQUEST

Nancy Sorensen requests approval of a Home Occupation Permit for Succeeding With Reading, located at 1967 North 700 West in the RA-2 Zone.

FINDINGS OF FACT:

1. Home occupations that involve clientele visiting the business must be approved by the Planning Commission (see Mapleton City Code 18.84.380(G)(3)).
2. The Planning Commission may attach conditions to the Home Occupation Permit which relate to "health, safety and quality of the residential environment" (see Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions).
3. Mapleton City Code 18.84.380(D)(7) states: "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."
4. An inspection by the Mapleton City Fire Inspector is pending.
5. The Applicant is requesting approval of a home occupation permit for a home school, with 23 total students proposed: 9 in the morning and 14 in the afternoon (see Attachment #1 – Home Occupation Permit Application). Entrance to the home occupation is proposed from the front door of the home.
6. The Applicant is proposing the following: "Most activities are inside. Very limited exercise time is spent outside, weather permitting." Mapleton City Code 18.84.380(D)(2) states: "The home occupation shall be conducted entirely within a completely enclosed structure on the property."
7. The Applicant is proposing "two teachers (Nancy and one other teacher) with the morning group and two with the afternoon group. Other teachers come in sporadically through the week as they are scheduled to come." (see Attachment #1). Mapleton City Code 18.84.380(D)(4) states: "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."

STAFF ANALYSIS:

1. According to Utah County records, the total living area of the home is approximately 5,724 square feet. According to the plan submitted by the Applicant, the rooms to be used for the home occupation total approximately 499 square feet (gross), or approximately 8.72% of the home. Mapleton City Code 18.84.380(D)(3) states: "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." The Applicant meets this requirement.
2. International Fire Code requires 35 square feet of net floor space per child (excluding furniture) for the proposed use. The net floor space of the areas proposed for the home occupation is approximately 395.96 square feet, which would allow for a maximum occupancy of 11 children at any given time. It is the opinion of Staff that at any one given time, the number of students at the home should not exceed 11.

3. It is the opinion of Staff that no activities related to the home occupation should be conducted outside the home, as per Mapleton City Code 18.84.380(D)(2) (see Findings of Fact #6 above).
4. It is the opinion of Staff that the home occupation ordinance allows for 1 employee who is not a member of the residing family to be “*engaged in*” (i.e. employed in or volunteering in) the home occupation. Two teachers who are not members of the residing family are proposed during the afternoon shift, with additional teachers proposed to “*come in sporadically through the week as they are scheduled to come.*” The Planning Commission needs to discuss the number of employees who are not members of the residing family.

RECOMMENDED ACTION:

Staff recommends approval of the home occupation with the following conditions.

1. The maximum number of vehicles to be parked outside the home shall be 6 at any one time, as per Mapleton City Code 18.84.380(D)(7).
2. The Applicant shall pass an inspection with the Mapleton City Fire Inspector.
3. Occupancy limits shall not exceed 11 children at any one time, as per International Fire Code.
4. No activities related to the home occupation should be conducted outside the home, as per Mapleton City Code 18.84.380(D)(2).
5. The number of employees or volunteers who are not members of the residing family shall be limited to one, as per Mapleton City Code 18.84.380(D)(4).
6. That the Applicant comply with all other requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS.

ALTERNATIVE ACTIONS:

1. The Planning Commission may Deny the Home Occupation Permit. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENTS:

1. Home Occupation Permit Application.

VICINITY MAP:



SITE PHOTOS:



Looking northwest at the Sorensen home from 700 West Street



Looking southwest at the Sorensen home from 700 West Street

A Attachment # 1

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
 Itinerant/Solicitations
 Temporary/Seasonal Sales

Name of Business: Succeeding With Reading
 Business Phone Number: 489-9371
 Business Fax Number: _____
 Business Address: 1967 No. 700W.
 Mailing Address: same
 Email Address: _____

State Registration:
 State Tax # (if applicable)
 Corporation # (Must attach a copy of Articles of incorporation)
 Federal Tax ID # (if applicable)
 Sole-Proprietor
 Corporation
 LLC
 LP
 LLP
 DBA # _____
 Expires / /

Business Owner Name(s): Nancy Sorensen
 Owner's Address: 1967 No. 700W.
 Owner's Phone Number(s): 801-489-9371
 Street: _____
 City: Mapleton
 State: UT
 Zip: 84664

Nature of Business:
 Manufacturing
 Wholesale
 Retail
 Services
 Daycare/Preschool - Number of children _____
 Other: Homeschool - 14 children

Number of Full-time Employees (exclude self): 0
 Number of Part-time Employees (exclude self): 5
 Total Number 5

Briefly describe your business: We teach children to read & play the violin

Initial License fee rates:

- Commercial Business License - \$100
Plus - \$25 per employee
- Home Occupation License - \$100
Plus - \$25 per employee
- Itinerant/Solicitations - \$50 per day/per employee
- Temporary/Seasonal Sales
Administrative Approval - \$50
Planning Commission Approval - \$100

\$ _____

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 1st. 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.

Nancy Sorensen
 8-4-09
 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

Comments From Planning & Zoning:

Information requested by Mapleton City for Nancy Sorensen's Home Business

1. Letter describing in detail the activities of the business, proposed hours of operation, drop off and pick up arrangements, whether outside activities are proposed. Also, are 14 children proposed at one time, or in shifts. What age are the kids. Is there any other instruction besides reading and playing the violin.

Children are to reach their highest potential. We give them every opportunity in as many subjects as possible, and with the best teachers. Most teachers are parents and grandparents. Schedule is included with subjects and teachers and times. Drop-off is 8:30 am and 12:30 pm and most children are car-pooled. Pick-up is 12:00 for morning children and 2:30 for afternoon children. Most activities are inside. Very limited exercise time is spent outside, weather permitting. Shifts include 9 children in the morning and 14 children in the afternoon. We have five 4-year olds; four 5-year olds; two 6-year olds and three 7-year olds.

2. Discuss the number of family vs. non-family employees with Staff, and revise the application, if necessary, to meet this requirement.

There are two teachers (Nancy and one other teacher) with the morning group and two with the afternoon group. Other teachers come in sporadically through the week as they are scheduled to come.

3. Floor plan shows an outside porch being used as an instruction area.

No outside areas are used for instruction. Floor plans for the home and areas designated for the business are attached.

4. Please submit revised floor plans showing furniture, with more exact calculations.

See attached floor plans, showing furniture and more exact calculations.

5. After furniture is finalized, have an inspection from city employees.

That has been done and two fire extinguishers have been placed.

6. & 7. Detail and clarify parking issues.

Parking areas are included with updated site-plan and floor plan info.

8. Provide copy of child care license from Utah State Bureau of Child Care Licensing.

Letter to Donna Thomas at the State Office of Child Care Licensing is attached, requesting an exemption notice because of our operation as it has been explained to her. Her office will send us a questionnaire, which will be sent back and they will then issue an exemption notice.

October 22, 2009

Donna Thomas
Bureau of Child Care Licensing
P.O. Box 142007
Salt Lake City, Utah 84114-2007

Dear Ms. Thomas:

Per a phone conversation with Rose Mary last Wednesday, I am submitting a request for license exemption for my reading and arts neighborhood school in Mapleton.

I and my helpers teach children reading, math, art, scriptures and the violin. Most of my twenty children stay 2.5 hours per day, Monday through Thursday, and four of them stay for 5 hours per day. I have fourteen children in the morning session and eight in the afternoon session. She explained that if all the children were here for 4 hours or less, this letter for exemption request would be unnecessary. My program has nothing to do with traditional "day care," but is purely an educational program as I have outlined above.

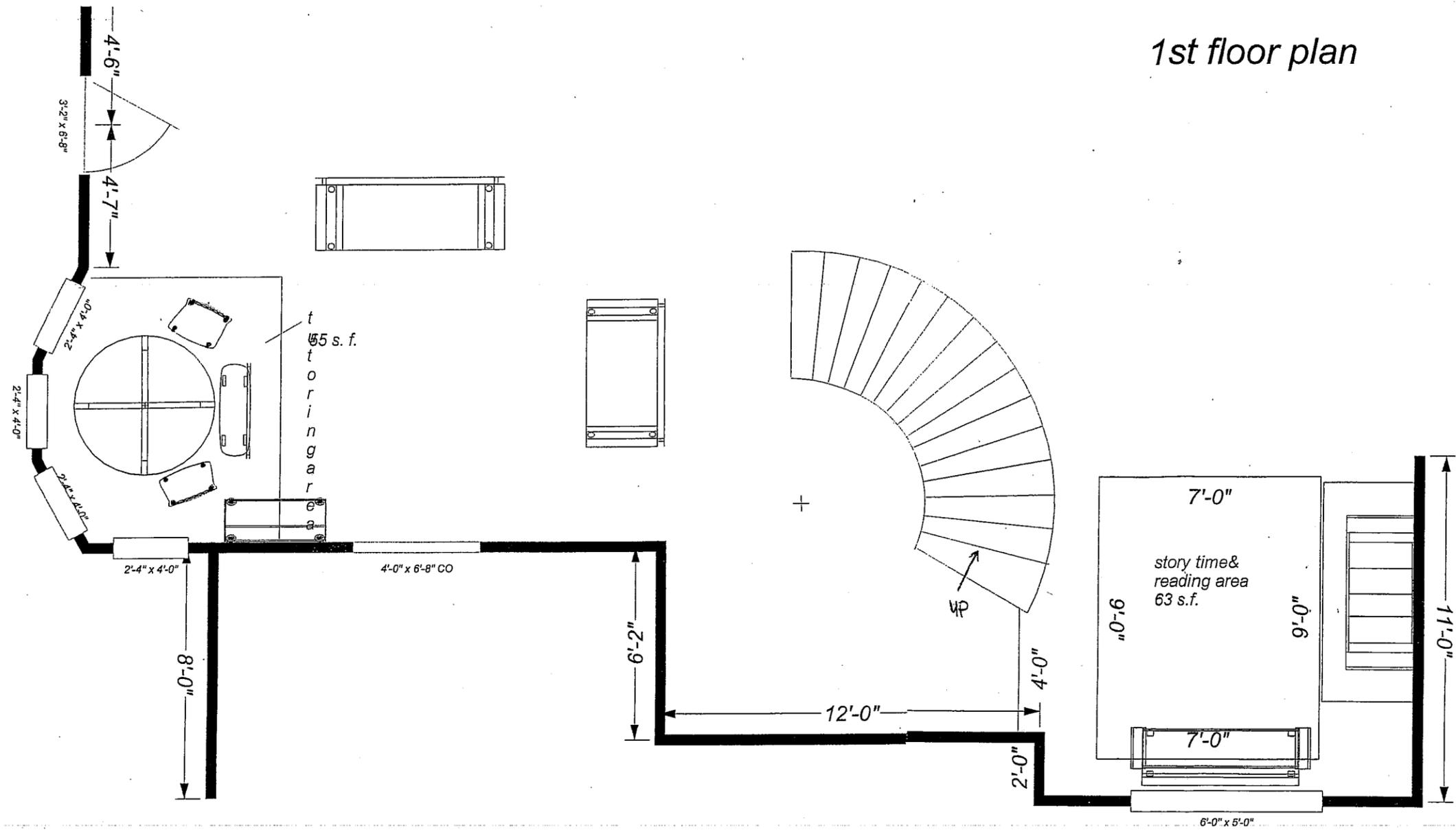
Thank you for providing the information I received. If anyone in your office has questions, I can be reached at 801-489-9371.

Sincerely yours,



Nancy J. Sorensen

1st floor plan



Sorensen Home School

Scale $\frac{1}{4}'' = 1'$

