

# Mapleton City Planning Commission Staff Report

Meeting Date: December 12, 2013

**Item:** 2

**Applicant:** Amanda Bray

**Prepared by:** Brian Tucker, Planner

**Public Hearing Item:** Yes

**Location:** 1559 Apple Orchard Lane (Parcel #34:384:0003)

**Zone:** RA-2

## **REQUEST**

Consideration of a request for a Home Occupation to operate the “Brayn Train” Personal Training business in the Residential –Minor Agricultural (RA-2) Zone.

## **BACKGROUND AND PROJECT DESCRIPTION**

The property located at 1559 Apple Orchard Lane is located in a medium density area in the northwest part of Mapleton. The applicant is requesting a Home Occupation Permit that would allow a personal training business to operate from the home.

## **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. 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 must operate in accordance with the Health Spa Services Protection Act, Title 13, Chapter 23 of Utah Code and will be required to carry a Mapleton City Business License. Personal trainers do not need to be licensed but the business must be registered in accordance with Utah Code. The business does not include the use of more than 500 sf, will include no more than one employee, appointment times will be limited to no more than 2 clients at a time and staggered 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.

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 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. No signs shall be placed on the property without a sign permit.
5. Mapleton City Police and Fire Department approvals are required.
6. Violations of the terms of this use permit or laws, rules or ordinances of the City, the State of Utah or the United States constitute grounds for revocation of this permit and associated business license by the Planning Commission.
7. 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.	✓

**PROJECT LOCATION**

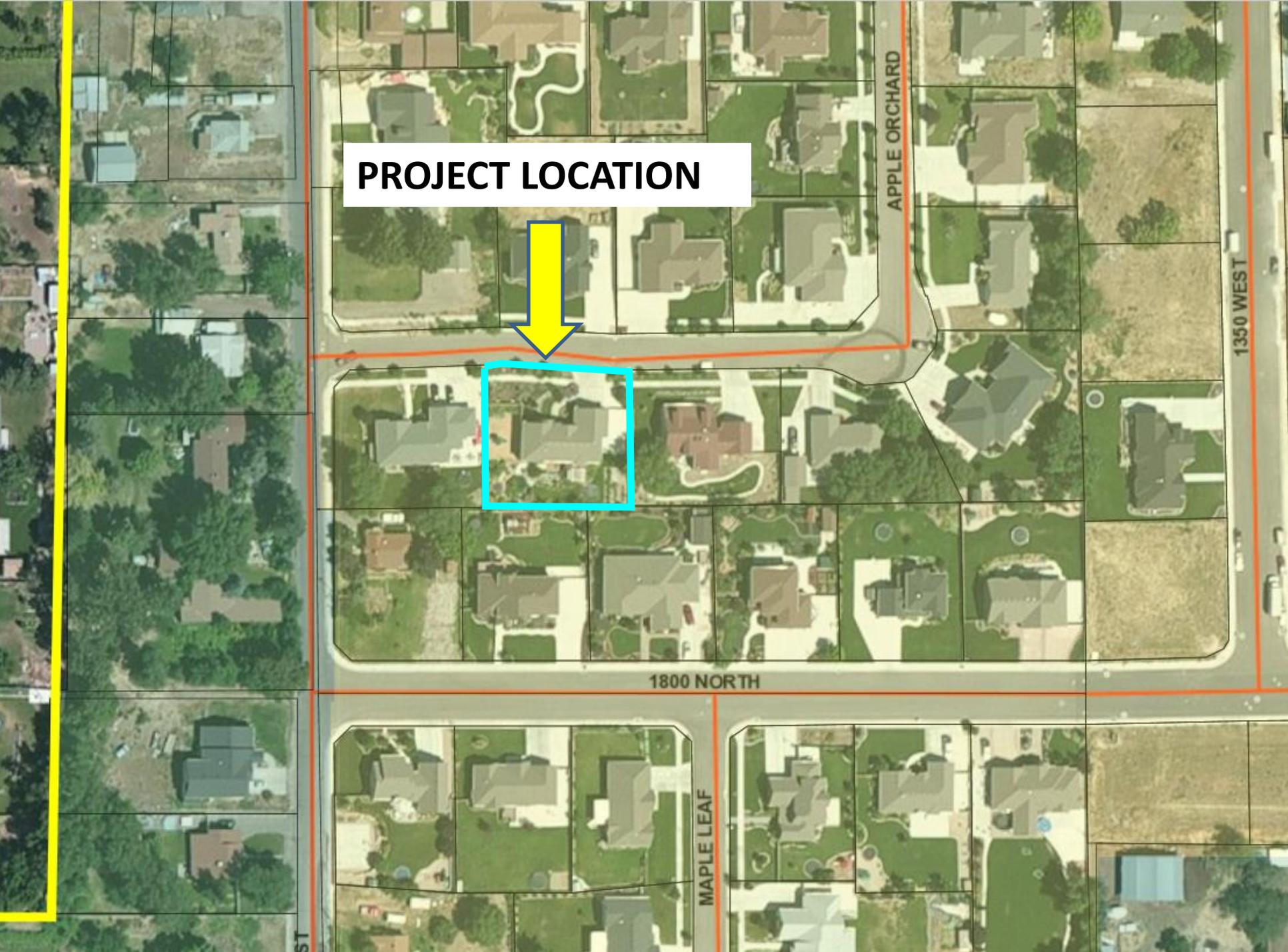


APPLE ORCHARD

1350 WEST

1800 NORTH

MAPLE LEAF



## Brian Tucker

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**From:** Amara Bray <[redacted]>  
**Sent:** Thursday, November 14, 2013 4:07 PM  
**To:** Brian Tucker  
**Subject:** Amara Bray personal training business

My personal training business is small and needs to stay small. I train clients who come together and split the cost of an hour's training usually (a husband and a wife for example, or two best friends). I have found that I can do two sessions in the morning, but if I try to do a third session of clients I can't give them the energy and caring that they need and deserve. I cater to people I already know, many of my clients are in my neighborhood and walk to the appointment. I do Monday through Friday, and am always finished by 9:00 am. On Tuesday and Thursday I am finished at 7:30 am. My clients typically choose to do two to three sessions a week, as it is now, I can handle 8 people total this way, although I have people on a waiting list in case someone drops out. Please let me know what other information I can provide that would be helpful.