

# Mapleton City Council Staff Report

Meeting Date: October 7, 2014

**Applicant:** Blossom Dress Boutique, Sheila Gibson & Karen Schultz

**Prepared by:** Sean Conroy, Community Development Director

**Public Hearing Item:** Yes

**Location:** 208 South 680 West (Parcel #55:479:0010)

**Zone:** RA-1-C

## **REQUEST**

Consideration of an appeal of the Planning Commission's decision to require a home occupation for a special occasion dress rental and consignment business located at 208 South 680 West to operate by appointment only.

## **BACKGROUND AND PROJECT DESCRIPTION**

The subject property is located at 208 South 680 West in a residential subdivision in the Residential Agricultural RA-1-C zone. The Planning Commission approved a home occupation license allowing a special occasion dress rental-consignment business at the subject property on August 14, 2014 with special conditions (see attachment "2"). The business focuses on renting formal dresses to high school aged girls that are planning on attending school dances, but also allows for women of any age to rent dresses for formal occasions. The applicant's intent is to start the business from the home, but if it becomes successful to move to a more permanent business location.

During the Planning Commission's review, concerns were raised by members of the public and members of the Commission that the business had the potential of generating more traffic than desirable for a home based business. The Commission determined that one way to mitigate the traffic concerns was to require the business to operate by appointment only. The Commission asked the applicant if she would prefer to be approved with the condition that the business be operated by appointment only, or if she would prefer to be continued and come back to the Commission at a future meeting with a traffic control plan. The applicant elected to have the Commission approve the application with the appointment only requirement.

The applicant is now requesting that the Council overturn the Commission's condition requiring the business to be operated by appointment only. The basis for the applicant's appeal includes:

- The appointment only condition unnecessarily detracts from the business.
- Many potential clients are either turned away because they don't have an appointment or chose to shop at other locations that do not require an appointment.
- The applicant intends to maintain the business in a manner that is occasional in nature as encouraged by the City's home occupation ordinance.
- The applicant has a viable plan to address any parking and traffic concerns.

## **EVALUATION**

**Appeals:** Mapleton City Code (MCC) Chapter 18.84.460.B indicates that any final decision by the Planning Commission may be appealed to the City Council if an appeal is filed within 10 business days. The applicant has filed a timely appeal, which is why the request is being scheduled for a hearing with the City Council.

**Traffic & Parking Concerns:** MCC Chapter 18.84.380 indicates that no more than six (6) vehicles shall be parked at a home based business at any one time. The Commission's concern was that the proposed business had the potential of having more than six vehicles at the business at one time, particularly on days just before a major school dance or event, and on days immediately following the dance or event.

The applicant is proposing the following to address the traffic and parking concerns:

- Require all clients to park on site.
- If more than six cars arrive to the property at once, the applicant plans on providing a drink coupon to clients that can be used at Holiday Oil. They will be invited to use the coupon and return in 30 minutes.
- Encourage car-pooling.
- Expand the hours of operation to allow more flexibility to potential clients and to reduce the probability of having an excessive number of clients at any one time.

Staff is supportive of the proposed mitigation measures. Staff also notes that the business has been open and has received clients from the neighboring high school's homecoming events, and no traffic or parking problems have been reported.

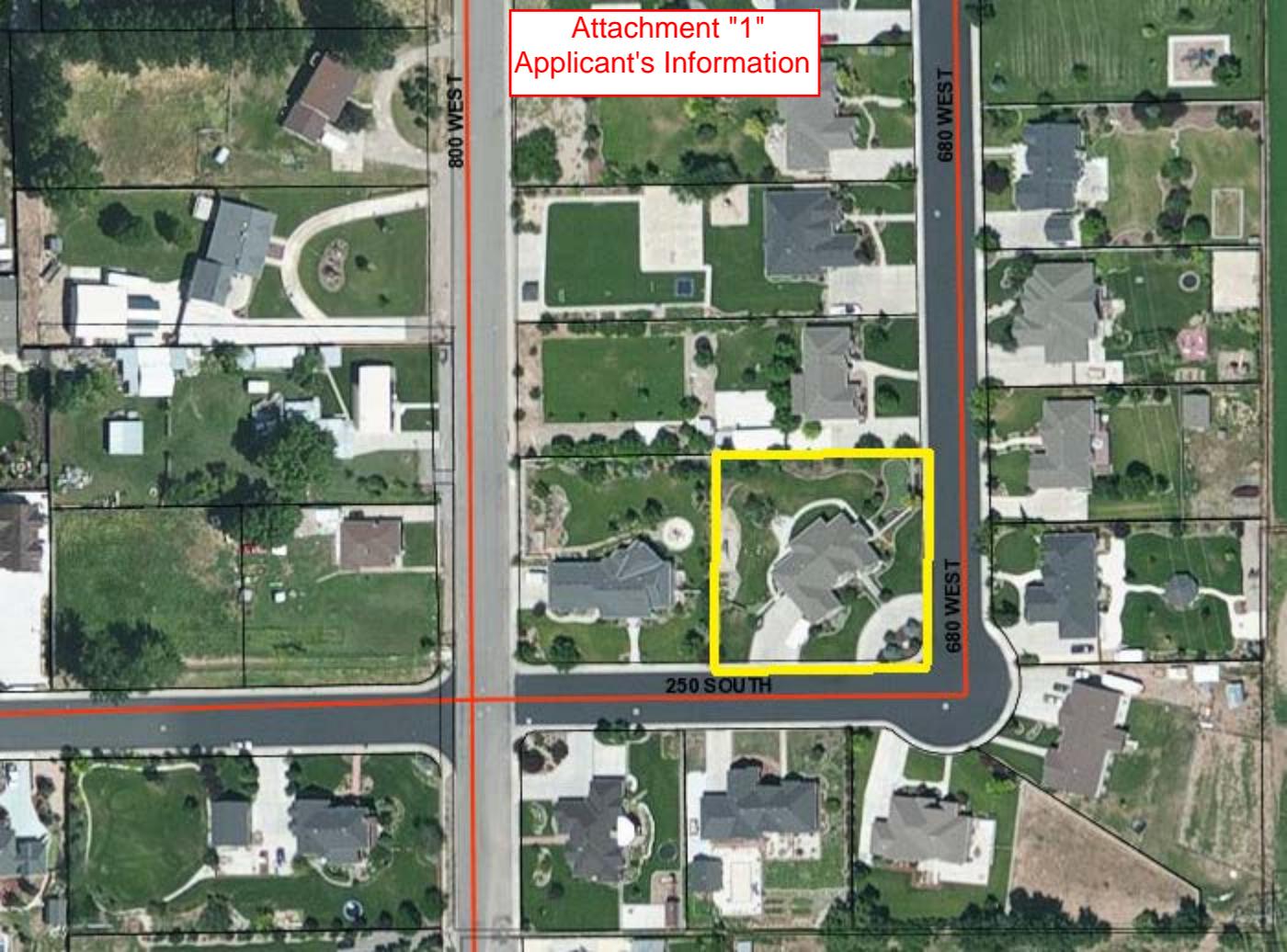
**RECOMMENDATION**

Grant the appeal and remove the condition that the business must be operated on an appointment basis only.

**ATTACHMENTS:**

1. Applicant's information.
2. Planning Commission minutes dated 8/14/14.
3. Home Occupation Requirements.

Attachment "1"  
Applicant's Information



800 WEST

680 WEST

680 WEST

250 SOUTH



Mr. Conroy,

Thank you for setting up the opportunity to appear before the City Council on October 7th to discuss concerns with our business license. We would like to appeal to the city council the appointment only limitation on our business license and days of operation. Currently we can not have potential customers come by during our open hours unless they have an appointment. There have been over a dozen instances that we have turned customers away because they were not available during our specified hours of operation. It is my feeling that the appointment only restriction put on our business license was to control traffic concerns in the affected neighborhood. At the time of our application we did not submit a traffic mitigation plan. However, now that we have been open for a month, we feel we have a plan in place that works to limit the amount of traffic. Please see the plan attached. We feel it is imperative that we can see customers when they want to arrive during business hours, regardless of appointment or not. This allows the opportunity for our business to be successful, but more importantly meet customer needs.

We have had to turn people away because our set days of operation have not been concussive to customer demand. Admittedly, after being open for a month, we have assessed our customer needs and our current days and hours of operation are not adequate for our business. During the initial proposal we suggested the type of hours and days we would be open. We wanted to convey that this business would not be a full time business, but rather a part time business with limited hours of operation. This was somehow interpreted to be cast in stone as to when we would be open. We are currently open for 10 hours a week and limited to Thursday, Friday, 4pm - 7pm and Saturday 10am - 1pm and dress return on Sunday 7pm - 8pm. I feel like the most important thing is that we remain "occasional" in nature type of business. We would like to be open 15 hours a week during busy dress rental season Homecoming, Valentines and Prom season if needed. The flexibility to change our days of operation is important due to the fact that Fridays are not the best days for our target market. Occasion in nature in my opinion should be interpreted as to hour of operation and not what days we are open.

Both my business partner and I are Mothers first and have family responsibilities. It has never been our intent originally or currently to run a full time business form my home. We feel like the "occasional" in nature designation is appropriate. We are seeking the flexibility to meet our customer and family demands and remain true to the business license that we have been granted. Thank you for your consideration and professionalism through this process. I would also like to thank you for taking the time to visit our business to see the type of operation that we are running. It has been great to work with outstanding young ladies and women as they prepare for the fun events in their lives.

Thank you,  
Shiela Gibson & Karen Schultz  
Blossom Dress Boutique

## Traffic Mitigation Plan

Blossom Dress Boutique  
208 S. 680 W., Mapleton  
385-223-4680

Our parking plan is designed to control the number of cars that are allowed to visit our business at one time. It is our intent to comply with the parking and traffic restrictions set on our business license. Our plan

1. We have enough on sight parking (front and side driveway) to accommodate customer's cars on our property without parking in the street. We ask customer's to park in the driveway when they visit Blossom Dress Boutique.
2. Our Boutique is small and easy for us to know how many customers are visiting. If we do have more than 6 cars at the Boutique, then we have an agreement with The Holiday convenient store in Mapleton for our customers to enjoy a 32 oz. drink compliments of us. They are presented with a drink coupon and asked to give us 30 minutes to wrap up with our current customers and then return for an individual dress fitting. We also recommend carpooling if possible.



Front circular driveway at 208 S 680 W

**MAPLETON CITY  
PLANNING COMMISSION MINUTES  
August 14, 2014**

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**PRESIDING AND CONDUCTING:** Vice-Chairman Golden Murray

**Commissioners in Attendance:** Justin Schellenberg  
Keith Stirling

**Staff in Attendance:** Sean Conroy, Community Development Director  
Brian Tucker, Planner

**Minutes Taken by:** April Houser, Executive Secretary

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Vice-Chairman Murray called the meeting to order at 6:30pm. Keith Stirling gave the invocation and Justin Schellenberg led the Pledge of Allegiance.

*Items are not necessarily heard in the order listed below.*

Alternate Commission Justin Schellenberg was seated as a voting member this evening.

**Item 4. Consideration of a request for a Home Occupation to operate a “Special Occasion” dress rental and consignment business in the Residential-Agricultural (RA-1-C) Zone.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. The proposed business has two owners, one of whom does not reside within the home. Because not all of those engaged in the business, the business including customer visits, and the fact that the business includes the sale of goods it requires Planning Commission approval. The proposed hours of operation are Thursdays, Fridays, Saturdays and Sundays with listed hours on each day. The applicant is proposing to use 450 square feet of the home for this Home Occupation. The cap is 6 cars, including those of the owner and employee, to be allowed on site at any one time. Most of the conditions of approval are standard for Home Occupation permits. 3 letters have been received who are against the approval of this request stating they have parking and traffic concerns. Copies of these letters were given to the Commissioners in attendance.

**Karen Schultz**, applicant, is working with the home owner as part of this Home Occupation. She does not feel traffic will be of any concern, and that they hope to grow the business to one they can move to a commercial building. This business is based off consignment.

**Vice Chairman Murray** opened the Public Hearing. **Haylee Petersen** was discouraged from doing this type of business in Mapleton by staff in the past, and has since set up her business in a commercial zone in Springville that will open within the next couple weeks. She respected staff’s opinion at the time and decided not to move forward with this type of business as a Home Occupation. Mrs. Petersen passed out pictures to those Commissioners in attendance showing a similar business and the traffic and parking concerns brought on by the business, and felt it not appropriate in a residential zone. **Ben Gardner** felt that when we start allowing a commercial business in a residential neighborhood that it opens a can of worms the City will not be able to get out of. He feels there will be teenage girls infiltrating a residential neighborhood, while texting and not paying attention to the rules of the road. He feels the applicants

should take a year to save money so they can open their business in a commercial area. **Kathy Gardner** had a concern with how the applicant stated that most traffic would be unchaperoned, and worried teenage girls with their friends would be visiting the home multiple times before bringing a parent with them. **Karen Schultz** stood again wondering if these individuals speaking this evening were more concerned about how their requests were denied or discouraged in the past, or if they had real concerns in regards to this in particular Home Occupation. **Commissioner Schellenberg** hates to stifle a business that can operate under the guidelines given. Past history has not shown any issues with this type business and he would rather see a business make a go as long as they can stick within the guidelines of the Home Occupation license requirements. Commissioner Schellenberg hates to see this item shut down before it is even able to have a chance. He does not feel if they stay within the guidelines that he would be against living in a neighborhood with this type of Home Occupation taking place. He does not feel the negativity given from a competitor should be the defining measure that leads to denial of this request. Clients will enter the Home Occupation through a separate entrance in the basement. The code states that they must use the main entrance to the home, but Staff does not feel they should be restricted to this requirement. Sean does not see that there would be an issue as long as the business could be accessed through the front door of the home as well. Commissioner Schellenberg understands the concerns given, but has an issue with stopping the business because due to assumptions that they will not meet the permitted guidelines. He would prefer to allow them the chance to abide by these guidelines and have the chance to grow their business. Commissioner Stirling would like to address a way to limit the number of clients visiting the home at any given time, so as not to cause issues for the residents living in the neighborhood. Vice-Chairman Murray asked the applicant if it would work to be on an appointment based business. Karen stated that they would not be against it, and ensured that if the parking was to become a problem they would address it immediately. The applicant would be more in favor of an approval this evening, even if it means receiving approval with the stipulation of having it by appointment only. Haylee Petersen stood again and stated that she is not trying to stifle the applicant and is all for business. Ben Gardner also stood a second time saying that he does not feel the commission understands the impact of these inexperienced drivers and the risk of their neighborhood safety. This business needs to be in a commercial setting. **Nate Petersen** is all for entrepreneurship, and feels we need to have the same standards across the board when reviewing these types of Home Occupations in the City. No additional comments were given and the Public Hearing was closed. The Commission wants these types of businesses to succeed within the parameters of the ordinance.

**Motion:** Commissioner Schellenberg moved to approve the Home Occupation to operate a “Special Occasion” dress rental and consignment business in the Residential-Agricultural (RA-1-C) Zone with the findings and conditions listed below:

1. The applicant shall obtain a business license prior to opening for a business.
2. The Home Occupation be approved based on an “Appointment Only” schedule for their hours of operation in order to ensure that no more than 6 cars, including those of the homeowner and employee, are found on the property at one time as allowed in the Home Occupation Ordinance.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. The Home Occupation shall be conducted within the confines of the structure.
5. No signs shall be placed on the property without a sign permit.
6. The business shall remain “occasional” in nature. Any increase in business hours or intensity must be approved by the Planning Commission.
7. Mapleton City Police and Fire Department approvals are required.
8. Violations of the terms of this Use Permit or other Ordinances of the City may constitute grounds for revocation of the permit and associated business license by the Planning Commission.

9. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

**Second:**

Commissioner Stirling

**Vote:**

Unanimous

**Attachment "3"**  
**Home Occupation Requirements**

**MCC Chapter 18.84.380.D – Home Occupations**

D. Conditions And Criteria: All home occupations shall be subject to full compliance with the following conditions and criteria:

1. Home occupations shall be listed as a permitted or conditional use in the zone.
2. The home occupation shall 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.
3. 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.
4. 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.
5. 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.
6. No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. The home occupation shall be operated in compliance with any applicable city or state requirements.
16. 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.