

# Mapleton City Planning Commission Staff Report

Meeting Date: September 25, 2014

**Item:** 2

**Applicant:** Damsel in the Dress

**Prepared by:** Brian Tucker, Planner

**Public Hearing Item:** Yes

**Location:** 1452 W Meadow Lane (Parcel #41:561:0009)

**Zone:** RA-2

## **REQUEST**

Consideration of a request for a Home Occupation to operate a costume sewing and online sales business as a Home Occupation in the Residential-Minor Agriculture (RA-2). The proposed business uses the home as an office, sewing shop and a temporary storage site for dresses that have yet to be shipped. Shipping will consist of occasional UPS and USPS style shipping van pickups.

## **BACKGROUND AND PROJECT DESCRIPTION**

The property located at 1452 W Meadow Lane is in an exclusively residential area. The applicant is requesting a Home Occupation that would allow a costume sewing and online sales business as a Home Occupation in the Residential-Minor Agriculture (RA-2). Though they only moved to Mapleton in March of this year, the applicants have been running the business for 10 years on a small scale. The business has been growing in recent years and they have hired and trained seamstresses who work at other locations on a piece rate. The trained seamstresses do not work from within the home, but while in training the seamstresses are present in the home to ensure that quality standards are maintained.

## **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. Home occupations must be listed as a permitted or conditional use in the zone,
2. The business must be conducted entirely within a completely enclosed structure on the property,
3. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
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 home occupation". No display of merchandise shall be visible from outside the structure,
6. No commercial vehicles may be stored at the home except for one small delivery truck.
7. No more than 6 cars may be parked at the residence at any one time,
8. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
9. Signs shall be limited to 4 square feet, attached to the building and not electrified,
10. The home occupation must be licensed by the city and comply with city regulations,
11. The entrance to the home occupation must use the same entrance as the residents unless specifically

- required by an agency with regulatory powers over the business,
12. The business shall not use hazardous materials or chemicals that increase the hazard of fire, explosion, or jeopardize the safety of the neighborhood,
  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,
  15. The home occupation must be conducted by a person who occupies the dwelling. Background checks will be conducted on all inhabitants of the dwelling and employees, and
  16. 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 must not include the use of more than 500 sf, cannot include more than one employee who works within the home, and the home occupation will not include any exterior changes to the home that will change the residential character of the building.

The primary issues with this business request are the seamstresses in training who will come to the home and the related potential parking issues. Section 18.84.380.D. of Mapleton City Code states that “not more than one person, not a member of the residing family, may be engaged in the home occupation”. Furthermore, Section 18.84.380.D. states “not more than six (6) cars (including those owned by the residing 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.”

The business has a number of seamstresses that are engaged in the business but, except for the time they are in training, do not actually work from within the home. In previous home occupation cases that have come before the Planning Commission and cases that have been approved by Staff this has been thought of in terms of “number of employees who work within the home” and in previous staff reports it has been simplified to read “no more than one person who does not reside on the property may be engaged in the home occupation”. The ordinance reads that “not more than one person, not a member of the residing family, may be engaged in the home occupation” which could be interpreted to mean that there may not be more than one employee engaged in the business regardless of where the work is actually conducted. It is fair to say that the language has been interpreted by Staff to mean that no more than one employee who does not reside within the home may work within the home but this is an interpretation that the Planning Commission should formally decide as part of this application. If the Planning Commission chooses to interpret the language in the traditional fashion, the only issue would be the number of trainees working from the home at any one time, which should in no case exceed one.

The parking issue that no more than 6 cars, including those owned by the residing family, may be parked at the home at one time is generally not a problem when no more than one employee is involved. When you have multiple business associates engaged in related and interconnected business activities there is a tendency to have the occasional meeting and those meeting can involve large numbers of people and, as it pertains to home occupations and the desire to keep such a business largely unnoticeable by neighbors, large number of cars that need to be parked within proximity of the home. This possible issue can easily be mitigated by holding such meetings at non-residential locations. A home occupation is strictly limited to no more than 6 cars at all times.

Assuming 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.

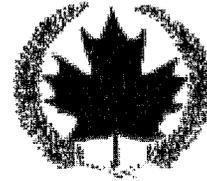
**CONDITIONS**

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. No more than one trainee or employee shall work from within the home at any time.
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. Standard Conditions.
3. Application Materials.

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



**BUSINESS LICENSE APPLICATION**

BUSINESS LICENSE NUMBER

<input type="checkbox"/> Commercial Business <input checked="" type="checkbox"/> Home Occupation Business <input type="checkbox"/> Temporary/Seasonal Sales <input type="checkbox"/> Burglar Alarms					
Name of Business: <i>Damsel in this Dress</i>		Business Phone Number: <i>417-499-3695</i> Business Fax Number:			
Business Address:		Email Address: <i>seanstress@damseldress.com</i>			
Mailing Address:		<i>1452 W Meadow Ln, Mapleton UT 84664</i>			
State Registration: <input type="checkbox"/> Sole-Proprietor <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> LP <input type="checkbox"/> LLP		DBA # LLC# <i>7979695-0160</i> Expires	State Tax # (if applicable) <i>13899939-002-SSE</i>	Corporation # (Must attach a copy of Articles of incorporation)	Federal Tax ID # (if applicable) <i>45-1660414</i>
Business Owner Name(s) <i>Tyler &amp; Michelle Thorstrom</i>		Owner's Address Street: <i>1452 W Meadow Ln</i> City: <i>Mapleton</i> State: <i>UT</i> Zip: <i>84664</i>		Owner's Phone Number(s) <i>417-499-3695 801-494-3810</i>	
Nature of Business: <input checked="" type="checkbox"/> Manufacturing <input type="checkbox"/> Wholesale <input type="checkbox"/> Retail <input type="checkbox"/> Services <input type="checkbox"/> Daycare/Preschool - Number of children _____ <input type="checkbox"/> Other _____					
Total Number of Employees: <u>9</u> Number of Full-time Employees: <u>2 (me and husband)</u> Number of Part-time Employees: <u>7 (contract workers, pick up things to sew)</u>					
Briefly describe your business: <i>Manufacture costumes to sell online &amp; at events</i>					
Annual License fee rates: <ul style="list-style-type: none"> <li>Business License - \$100 plus \$25 per employee</li> <li>Home Occupation - \$100 plus \$25 per employee</li> <li>Home Occupation Renewal - \$50 per year + \$25 per Employee</li> <li>Burglar Alarms - \$50 plus \$2.00 for each subscriber</li> </ul>		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 31 <sup>st</sup> . 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 31 <sup>st</sup> . Any license fee not paid within thirty (30) days of the due date will be issued a late fee.			
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>\$325</i> </div>		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.			
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>\$325</i> </div>		X _____ <i>8/30/14</i> 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

**\*The following renewals will be updated in our system within seven days\***  
**Please print the following receipt for your records**

***Summary For:***

**Business Name:** DAMSEL IN THIS DRESS, LLC

**Entity Number:** 7979695-0160

**Business Renewed:** 08/05/2014

**Business Entity Information**

**Entity Number:** 7979695-0160

**Renewal Fee:** \$70.00

**Entity Name:** DAMSEL IN THIS DRESS,  
LLC

**Late Fee:** \$0.00

**Signature:** Michelle Thorstrom

**Total Fee**

**Paid:** \$70.00

**Address Change:**

**Principal Address:** 1452 W Meadow Lane  
Mapleton, UT 84664 United States

**REINSTATED**

ARTICLE VI  
MANAGEMENT

- A. Subject to the terms, conditions and procedures set forth in the Company's Operating Agreement, all powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under the direction of, its members. The names and street addresses of the initial members of the Company are:

**TYLER THORSTROM**  
1534 EAST 10 NORTH  
SPANISH FORK, UT 84660

**MICHELLE THORSTROM**  
1534 EAST 10 NORTH  
SPANISH FORK, UT 84660

ARTICLE VII  
INTERNAL AFFAIRS

The Company shall not be required to maintain at its principal place of business the written statement described in Sec. 112(8) of the Act. Except as provided in these Articles of Organization, and as provided by law, the regulation of the internal affairs of the Company, including, without limitation, the members' rights and responsibilities, are set forth in the Company's Operating Agreement.

IN WITNESS WHEREOF, this instrument has been executed under penalty of perjury as of the 1ST day of JANUARY 2011.

**DAMSEL IN THIS DRESS, LLC**

By:   
\_\_\_\_\_  
**TYLER THORSTROM**  
Member

By:   
\_\_\_\_\_  
**MICHELLE THORSTROM**  
Member

ARTICLES OF ORGANIZATION  
OF  
DAMSEL IN THIS DRESS, LLC

U.S.T.O.  
APR 18 2011  
Provo

The undersigned, desiring to form a limited liability company under the Utah Revised Limited Liability Company Act, Utah Code Annotated Sec. 48-2c-101, et. Seq., (the "Act") hereby adopt the following Articles of Organization for such limited liability company pursuant to the Act.

ARTICLE I  
NAME OF THE LIMITED LIABILITY COMPANY

The name of the limited liability company is "DAMSEL IN THIS DRESS, LLC" (the "Company").

ARTICLE II  
DURATION

The Company's period of duration is from the date of filing of these Articles of Organization with the Utah Division of Corporations and Commercial Code until December 31, 2099, unless earlier terminated pursuant to the terms of the Company's Operating Agreement (the "Operating Agreement").

ARTICLE III  
BUSINESS PURPOSE

The Company may engage in any and all businesses for which a limited liability company may be organized under the Act.

ARTICLE IV  
STREET ADDRESS OF REGISTERED AND DESIGNMATED OFFICE:  
INITIAL REGISTERED AGENT

The street address of the Company's registered office is **1534 EAST 10 NORTH SPANISH FORK, UT 84660 CANYON DRIVE PROVO, UT 84660** address of the Company's designated office shall be **1534 EAST 10 NORTH SPANISH FORK, UT 84660**

By signing in the following space WILL DURIS hereby acknowledges and accepts appointment as the Company's initial registered agent:

  
\_\_\_\_\_  
TYLER THORSTROM

\* address has been  
changed online



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You have 0 items in your cart

#	Product	Price
	<b>Total</b>	<b>\$0.00</b>

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- ### Categories
- Vests and Jackets
  - Alterations
  - RUSH FEE!
  - Repairs
  - Corsets**
    - Renaissance
    - Pirate
    - Steampunk**
    - Fantasy
  - Skirts
  - Blouses
  - Accessories

Store / Corsets / **Steampunk**

## Steampunk

 <p>Torian Corset \$109.00 <a href="#">View Product</a></p>	 <p>Steampunk Vest (Top Only) \$199.00 <a href="#">View Product</a></p>	 <p>Steampunk Jacket (Top Only) \$239.00 <a href="#">View Product</a></p>
 <p>Military Trim Torian Corset \$139.00 <a href="#">View Product</a></p>	 <p>Button Panel Torian Corset \$159.00 <a href="#">View Product</a></p>	 <p>Crossfire Corset \$169.00 <a href="#">View Product</a></p>
		

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<b>Total</b>		<b>\$0.00</b>

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- ### Categories
- Vests and Jackets
  - Alterations
  - RUSH FEE!
  - Repairs
  - Corsets
  - Skirts**
  - Blouses
  - Accessories

## Store / Skirts

# Skirts

 <p>Mini Bustle Skirt \$79.00 <a href="#">View Product</a></p>	 <p>Knee Length Bustle Skirt \$99.00 <a href="#">View Product</a></p>	 <p>Full Length Bustle Skirt \$119.00 <a href="#">View Product</a></p>
 <p>Pointy Fairy Skirt \$45.00 <a href="#">View Product</a></p>	 <p>Swagger Skirt \$69.00 <a href="#">View Product</a></p>	

MasterCard VISA DISCOVER PayPal CREDIT Get more time to pay. Check out with PayPal and choose PayPal Credit. Subject to credit approval. See terms. US customers only.

<b>Standard Home Occupation Conditions</b>		
<b>No.</b>	<b>Condition</b>	
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 non-illuminated 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.	✓

**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.	✓

**From:** [Tyler Thorstrom](#)  
**To:** [Brian Tucker](#)  
**Subject:** Damsel in this Dress/Business details  
**Date:** Monday, September 08, 2014 4:20:14 PM

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To Brian:

As requested, here is a letter explaining more about our business, as we currently operate it. Before I proceed, I would just like to thank you and all of the city officials for all the hard work you put in to help make Mapleton so beautiful and peaceful, and additionally help the small businesses here to thrive and follow procedures to keep them safe and operating. I am grateful for all the time and talents that are used to facilitate these wonderful blessings, and I know that you do it all out of a sense of wanting to do what's right, keep people safe, and promote personal freedom.

My husband and I started our business 10 years ago, and we've always run it on a smaller scale, with the production of these costumes all done out of our home so that we can still both spend time with our children. In the past few years, we have had some good growth, which has allowed us to hire and train a few extra seamstresses to work on piece rate (being paid for a certain task that they perform on each piece of costuming as it runs through the line). This has been a blessing for both parties, as it takes some stress off of me, but allows both stay-at-home moms and girls in college to be able to work around their own busy schedules but still be able to progress in their own lives and goals, on their own schedules. It helps them to work harder and faster, and do something rewarding while having a lot of control over how much they are able to supplement their income. I can't think of a greater example of the beauty of entrepreneurship working and flourishing to bless the lives of the citizens.

Right at this moment, I've got a few new girls that I'm training, and while I do understand that having piles of employees coming in and out of a residence is not good for the neighbors, for this temporary time, I'm being sure to have them either park right in my own driveway or even in my own garage since we have an open space. They are not driving in and out all day, and really cause no more traffic than I would if I were taking my kids to school and picking them up. It's just that for now, while I'm training them to sew these pieces that sell for hundreds of dollars, I need to be right there to make SURE that the quality is maintained until they can take the pieces and sew on their own in a bigger batch. I understand and have read through the zoning codes and small business restrictions for Mapleton, and I'm trying my very best to stay within the guidelines, be a good peaceful member of the community, and maintain the company that allows me and my husband to provide for our family.

If you, or anyone in the city has a good reasonable suggestion of another way we might handle this so that we can be completely within the guidelines, I'm certainly open to this. I have

looked into renting a temporary commercial space, and unfortunately, since machines and fabric just happen to take up a lot of space in their production stage, any commercial spaces that I've even found in Utah Valley that were open were running about \$10,000 a month. Seeing as that's more than I currently pay my part-time contract workers all combined, it would defeat the whole idea of even having a company, seeing as there would be no profits at such an enormous overhead.

Once again, I appreciate your time and efforts on our behalf, and I apologize if we have caused any inconvenience at all by waiting until our business space in our basement was finished so that we could have it inspected for our permit.

Michelle and Tyler Thorstrom of Damsel in this Dress