

Planning Commission Staff Report

March 10, 2016

Item 3

Applicant: Sharalyn Backus

Location: 826 W 1900 N

Prepared by: Brian Tucker

Public Hearing Item: No

Zone: RA-2

ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

REQUEST

Consideration of an application for a home occupation for a massage therapy business at 826 W 1900 N in the RA-2 Zone.

BACKGROUND AND PROJECT DESCRIPTION

The property is located at 826 W 1900 N in a medium density area in the northern part of Mapleton City. The applicant intends to operate a massage therapy and energy healing business and “make and sell body products including soap, lip balm, lotion, cream and deodorant.” Appointments will be by appointment only and would be available Monday–Friday from 7:30 am to 6 pm. According to the applicant the majority of the business is done remotely, including “online or over the phone energy healing sessions.” Advertising is typically “via word of mouth,” although boutiques, Facebook and other social media may also be used to get the word out. The applicant indicates that only “on rare occasion do people come to” her home “for service and/or products.” The applicant delivers her products “free of charge in Utah County” or via shipping.

The applicant is requesting a Home Occupation that would allow the making and sale of body products in addition to energy healing and massage therapy services. A home office would be part of the request.

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 business must be licensed by the city and comply with city regulations,

7. The home occupation must be conducted by either a person who occupies the dwelling,
8. The home occupation shall not involve the use of hazardous materials or chemicals in amounts that endanger public safety,
9. The home occupation shall not produce any noise, fumes, light or electronic interference that is discernable outside the dwelling,
10. The home occupation shall not make excessive demands on the provision of public services, including water supply, sewer capacity, and public safety protection,
11. Background checks will be conducted on all inhabitants of the dwelling and employees, and
12. The home occupation shall operate in compliance with any applicable city or state requirements.

Compliance:

Massage therapists are required to be licensed by the State of Utah. The home occupation will be required to carry a Mapleton City Business License. The business can't include the use of more than 500 sf, may include no more than one employee, appointment times will be staggered to keep parking and traffic in check, and the home occupation will not include any exterior changes to the home that will change the residential character of the building.

A handful of massage, cosmetology and esthetics salons have been approved throughout the city. No issues with any of these existing salons have been reported. When a business license has an aspect that deals with the manufacture and sale of the products there can be issues beyond the impact of a typical service location or home office. Sales can be problematic due to traffic and drop in customers, however when sales are primarily internet based and/or secondary to a service they are typically workable. Manufacturing is a larger issue. While manufacturing is not specifically prohibited, the use of hazardous materials, the impact on neighboring property owners and the impacts on city service systems must be closely examined. The City has, within the last 6 months, had issues with the manufacturing of soap in this area. The oils and/or fats used to make soaps have caused problems with the sewer lift station when they congeal within the sewer system. Other products that the applicant intends to manufacture may create similar excessive impacts on city infrastructure. Mapleton City's Public Works Director has indicated that a grease trap or other equipment may be necessary to protect the lift station and other public sewer and/or water infrastructure from damage.

Since 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. The business shall operate on an appointment only basis to minimize the amount of traffic and on

street parking associated with the business.

3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. The applicant shall maintain a copy of their current massage therapist license with the City.
5. With the exception of activities that are clearly incidental and secondary to the therapy use, the home occupation shall be conducted within the confines of the structure.
6. No signs shall be placed on the property without a sign permit.
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.
9. The applicant will install a grease trap or other equipment necessary to protect sewer and water infrastructure as directed by Mapleton City's Public Works Department unless it can be demonstrated to the Public Works Director that such a grease trap or other equipment is unnecessary.

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.	✓

Brian Tucker

From: Sharalyn Backus <sharalyn.backus@gmail.com>
Sent: Wednesday, February 17, 2016 11:18 AM
To: Brian Tucker
Subject: Home Business Application Submission Follow Up

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Bryan!

My name is Sharalyn Backus. We talked briefly yesterday about my desire to have a home business license approved here in Mapleton. My husband and I just moved from Orem and are happy to live where there is a "small town feel".

My home business is Choose Your Best Life.
I do a few things, namely energy healing.
That includes The Emotion Code, The Body Code and Guided Meditation.

I also make and sell body products like soap, lotion, lip balm, deodorant, etc. and offer massage therapy (Cranial Sacral Therapy and/or Swedish Massage, etc.).

The majority of my business is done remotely. Most of my time, in business, is online or over the phone energy healing sessions. On rare occasion do people come to my home for service and/or products. I would estimate that only 9 times a year or less do clients/customers come to my home. I deliver my body products free of charge in Utah County or I ship.

If somebody does approach me for massage therapy, they come to my home or I go to theirs.

My typical business hours are 7:30 am-6 pm Monday-Friday, by appointment only.

As far as advertising goes, clients and customers find out about me via word of mouth. I have business cards available for those interested. I did participate in a boutique last year that further spread the word of what I do. Sometimes I post on my personal Facebook wall and at one point I maintained a profile at [thumbtack.com](https://www.thumbtack.com/profile/services/gGiWyP0E90oitw/).
<https://www.thumbtack.com/profile/services/gGiWyP0E90oitw/>

I send people to my web-site if they would like to read more about my work. It is in a blog type format at the moment: chooseyourbestlife.wordpress.com/about/

I hope this gives the detail that was requested to further explain what I do.
If it does not, please let me know what I can explain.

Thank You
In Hope, Sharalyn Backus