

Planning Commission Staff Report

July 14, 2016

Item 2

Applicant: Rosalyn Ellsworth

Location: 1932 Harvest Parkway

Prepared by: Brian Tucker

Public Hearing Item: No

Zone: SDP-1

ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

REQUEST

Consideration of an application for a Home Occupation for a small group music instruction business at 1932 West Harvest Parkway in the SDP-1 Zone.

BACKGROUND AND PROJECT DESCRIPTION

The property located at 1932 Harvest Parkway is located in the Harvest Park Development, directly across the street from the city park and clubhouse. The applicant intends to provide “small group music instruction for children ages 8 and younger and their parents.” The children being taught typically range from 2 to 8 years old. Up to a maximum of 6 families at one time. Classes vary in times, generally in the daytime or early evening up to 7pm, with no more than 10 hours per week for all of the classes combined. The applicant is requesting a Home Occupation that would allow music education activities.

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 daycare 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. 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 is not subject to daycare regulations from the State of Utah but will be required to carry a Mapleton City Business License. The business can't include the use of more than 500 sf, will include no more than one employee, pickup and drop off times can be staggered and carpooling used to keep parking and traffic in check. The home occupation will not include any exterior changes to the home that will change the residential character of the building.

A number of music education, preschool, and preschool/daycare uses have been approved throughout the city, including a handful in Harvest Park. No issues with any of these existing businesses have been reported. 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. Drop offs and pick-ups shall be controlled by the license holder such that the business complies with the requirement that no more than 6 cars, including those owned by the property owner, may be parked at the home at any one time. The maximum number of children is limited by the maximum parking requirement.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. With the exception of activities that are clearly incidental and secondary to the business, 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. 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.
7. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

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.	✓

July 14, 2016

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
 Temporary/Seasonal Sales
 Burglar Alarms

Name of Business: Let's Play Music with Rosalyn Ellsworth
Business Phone Number: 801-380-9265
Business Fax Number: _____
Email Address: folkst4@gmail.com
Mailing Address: _____

Business Address: 1932 Harvest Parkway Ellsworth
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): Rosalyn Ellsworth
Owner's Address Street: 1932 Harvest Parkway
City: Mapleton
State: UT
Zip: 84664
Owner's Phone Number(s): 801-380-9265

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

Total Number of Employees: 0
Number of Full-time Employees: 0
Number of Part-time Employees: 0

Briefly describe your business: small group music instruction for children ages 8 and younger

Annual License fee rates:

- Business License - \$100 plus \$25 per employee
- Home Occupation - \$100 plus \$25 per employee
- Home Occupation Renewal - \$50 per year + \$25 per Employee
- Burglar Alarms - \$50 plus \$2.00 for each subscriber

\$ _____

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 31st. 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.

X Rosalyn Ellsworth _____
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

