



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

July 30, 2021

To: Draper City Planning Commission
Business Date: August 12, 2021

From: Development Review Committee

Prepared By: Travis Van Ekelenburg, Planner II
Planning Division
Community Development Department
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Re: Liz June's Atelier – Home Occupation Conditional Use Permit Request

Application No.: USE-0105-2021
Applicant: Elizabeth Lazaro
Project Location: 617 E Stokes Ave.
Current Zoning: RA2 (Residential Agricultural, 20,000 ft² min area) Zone
Acreage: 0.37 Acres (Approximately 16,117 ft²)
Request: Request for approval of a Home Occupation Conditional Use Permit in the RA2 zone regarding a home business making and selling candles and soaps.

BACKGROUND AND SUMMARY

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.37 acres located on the north side of Stokes Ave, at approximately 617 E Stokes Ave (Exhibit B). The property is currently zoned RA2. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow the applicant to make candles and soaps for sale.

The home is part of the Lone Peak Meadows Phase III Subdivision and has single-family home that was built in 2001.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential



Medium Density land use designation for the subject property (Exhibit C). This category is characterized as follows:

Residential Medium Density

LAND USE DESCRIPTION		
CHARACTERISTICS	<ul style="list-style-type: none"> • Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots • Variations and mixing of lot sizes, setbacks, and residential development forms • Minimal fronting of homes on major streets • Provision for trails that allow interconnectivity to other existing or proposed trails • Discourage "piecemeal" infrastructure installation • Trees and abundant landscaping, encouraging low water use and native plants 	
LAND USE MIX	Primary <ul style="list-style-type: none"> • Single-family detached homes 	Secondary <ul style="list-style-type: none"> • Parks • Churches • Schools • Open Space
DENSITY	<ul style="list-style-type: none"> • Density range: 2-4 dwelling units per acre 	
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Residential Agricultural (RA2) • Single-family Residential (R3) • Single-family Residential (R4) • Master Planned Community (MPC) 	
OTHER CRITERIA	<ul style="list-style-type: none"> • Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures 	

The property has been assigned the RA2 zoning classification, supporting approximately two dwelling unit per acre (Exhibit D). According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the RA2 zone is to *"foster low density development with little impact on its surroundings and municipal services; to generally preserve the character of the city's semirural areas; and to promote and preserve conditions favorable to large lot family life, including the keeping of limited numbers of animals and fowl. The predominant use in these zones is intended to be detached single-family dwellings, protected from encroachment by commercial and industrial uses."* The subject property is surrounded by the RA2 zoning designation.

Home Occupation Request. The applicant is requesting to make soaps and candles out of the home for sale. This use is classified as a cottage business and requires a conditional use permit to be run out of a home.

DCMC 9-3-040

COTTAGE BUSINESS: *A business where products are created in the home. The products are*

unique in nature, such as handicraft, art, and jewelry. Limited food production can also be considered. Anything that uses a material, a mixture of materials or a quantity of materials that could be classified by the fire marshal or building official as dangerous or hazardous will not be allowed.

It is the applicant's intent to have the products made and sold as a wholesale product to retailers, and then eventually an online business. There will be no other employees other than the homeowner. There will be no customers going to the home as the applicant will sell the products to retailers and online. Additionally, there will not be any business vehicles. The applicant's personal vehicle will not have any signage for the business and the subject property will retain the appearance of a single family home.

The applicant will be utilizing an office room in the home for the business that totals 135 ft² for the business, and this will include supplies and any business related materials (Exhibit E). Additionally the applicant has completed the applicant questionnaire that is attached to the end of this report (Exhibit F).

The DCMC Section 9-34-040 outlines development standards applicable to all home occupations. Those criteria, along with information specific to the subject request, are as follows:

A. Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.

The applicant will be the only employee for the business and is the owner of the home.

B. Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to [title 6, chapter 11](#) of this code.

The applicant will comply having a business license and having it maintained.

C. Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.

The applicant will be the only employee for the business.

D. Inspection: All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by city officials may occur as necessary to assure compliance with regulations.

The applicant will comply with any of these inspections and requirements.

- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*

The applicant will only be utilizing one room that is 135 ft² for the home business complying with this requirement.

- F. *Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.*

There will be no modifications to the home thus retaining the residential appearance of the home.

- G. *Nuisance: Tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise shall be prohibited.*

There will not be any nuisance activity produced by this home business.

- H. *Secondary Use: The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty five percent (25%) of the dwelling unit shall be used for the home occupation.*

The residential home will remain the primary use, the business secondary.

- I. *Signs: All signage in a residential area must comply with [chapter 26](#), "Signs", of this title.*

There will be no signage on the home or the vehicles at the residence.

- J. *Traffic, Parking, And Access: No home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located. All parking shall be provided and maintained on site with adequate provision for drop off traffic.*

The business will not have any customers coming to the home so the traffic will not be any different than any residential home in the neighborhood.

- K. *Vehicles: Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.*

The applicant will only utilize their own personal vehicle. They will have no signage on their personal vehicles for the home business.

- L. *Yards: Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.*

All of the storage and use for the business will take place in one room inside the home, complying with this requirement.

- M. *Customers: No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.*

There will not be customers coming to the home and the daycare/preschool does not apply to this business.

- N. *Utility Demand: The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.*

This home business will have a very small impact on utility demands and will not utilize differently than other homes in the neighborhood.

- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*

All business activity will be conducted within the home.

- P. *Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section [9-34-060](#) of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*

This is a single family home and the applicant complies with this requirement.

- Q. *Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but*

not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.

This home business does not involve child care.

Criteria For Approval.

The criteria for review and potential approval of a conditional use permit request is found in Section 9-5-080(E) of the DCMC. This section depicts the standard of review for such requests as:

- E. Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:
 - 1. A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.
 - 2. Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.
 - 3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
 - 4. The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:
 - a. The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;
 - b. The suitability of the specific property for the proposed use;
 - c. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
 - d. The economic impact of the proposed facility or use on the surrounding area;
 - e. The aesthetic impact of the proposed facility or use on the surrounding area;
 - f. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening,

- landscaping, open space, fire protection, and pedestrian and vehicular circulation;
 - g. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and
 - h. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.
5. The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Home Occupation Conditional Use Permit submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a decision based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

If the Planning Commission decides to approve the request, staff recommends they include the following conditions of approval:

1. All requirements of the Draper City Fire Department, Building Division, and Business License Division shall be satisfied throughout the operation of the home occupation on the property.
2. The home occupation is required to maintain approval and adequate licensure from any and all necessary agencies.

The findings for approval as are follows:

1. Reasonable mitigation measures can be placed on the conditional use to alleviate anticipated detrimental effects

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects.

MODEL MOTIONS

Sample Motion for Approval – I move that we approve the Home Occupation Conditional Use Permit, as requested by Elizabeth Lazaro, application USE-0105-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2021.

Sample Motion for Modified Approval– I move that we approve the Home Occupation Conditional Use Permit, as requested by Elizabeth Lazaro, application USE-0105-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2021, and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Home Occupation Conditional Use Permit, as requested by Elizabeth Lazaro, application USE-0105-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2021.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

Chris Diep

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Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No Comments.

Engineering and Public Works Divisions Review.

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other utilities.
2. The number of trips generated by the home owner/employee will not have a detrimental impact to traffic in the area due no indication of clients visiting the house. The applicant indicated how the products will be provided as wholesale to retailers, then would eventually create his/her website.
3. The proposed use does not appear detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

Building Division Review.

1. No Comments.

Fire Division Review.

1. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed on every level of the home. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
2. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Notes:

Plan approval or review shall not, be construed to relieve from or lessen the responsibility of any person designing, owning, operating or controlling any building. Damages to persons or property caused by defects, fire, improper installation, or other emergency conditions that occur in or on the building property shall not hold the Draper City Fire Department as assuming any liability.

EXHIBIT B
AERIAL MAP



EXHIBIT C LAND USE MAP

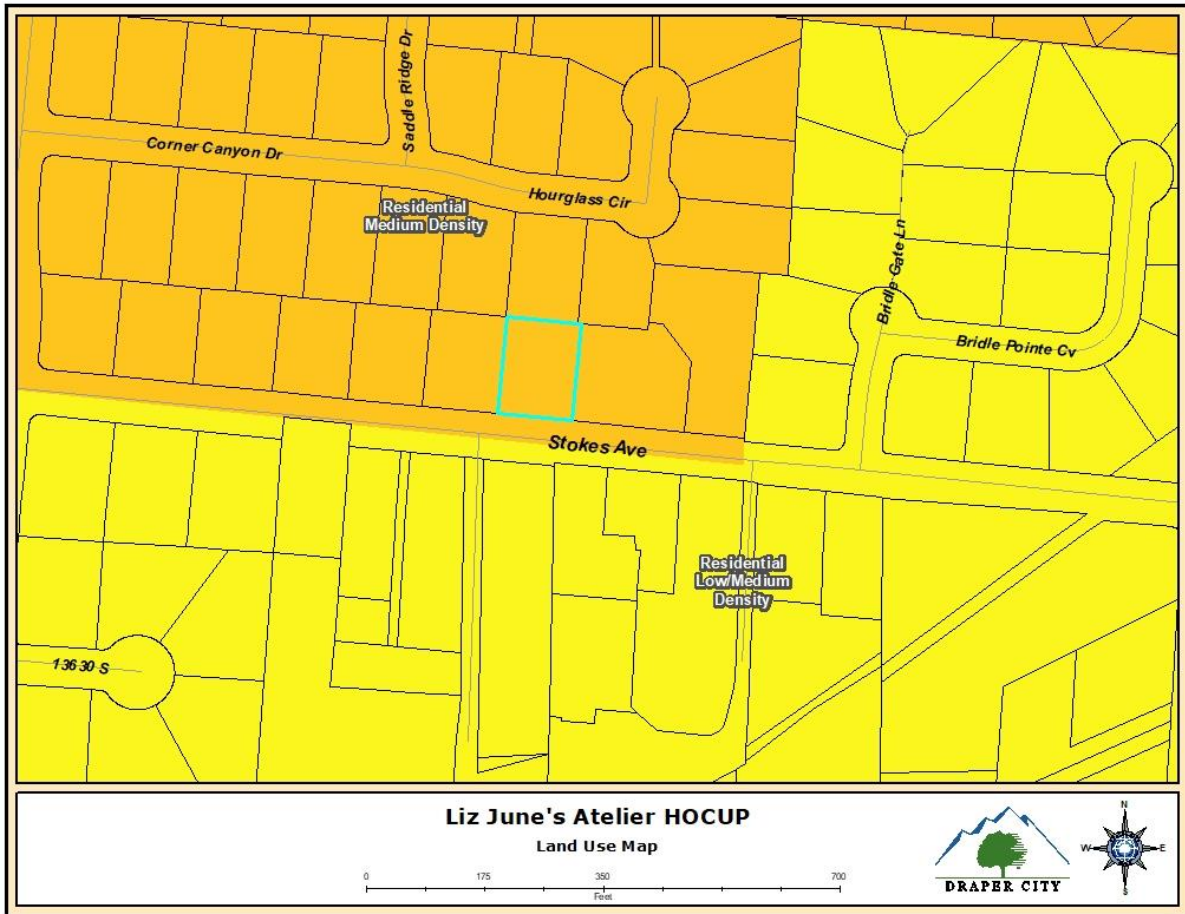


EXHIBIT D
ZONING MAP

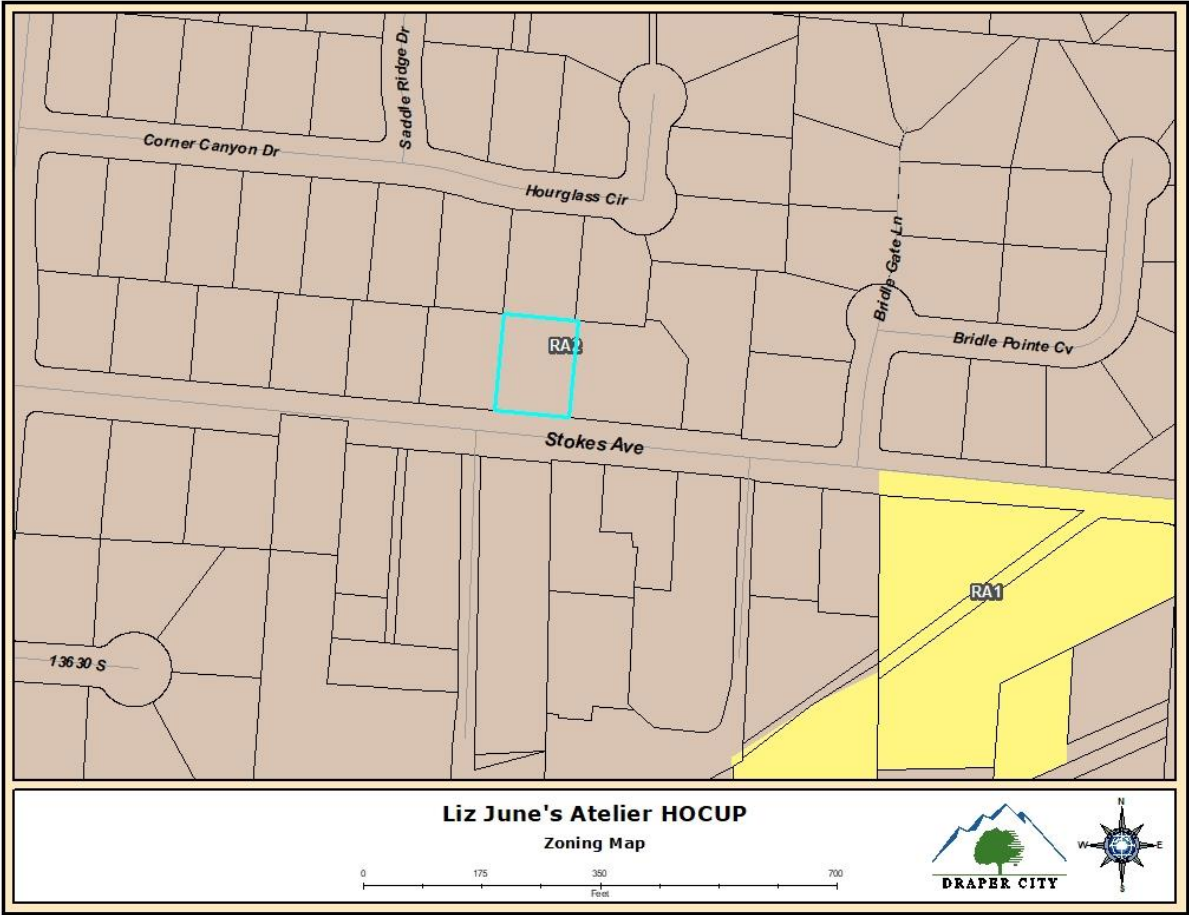


EXHIBIT E
FLOOR PLAN

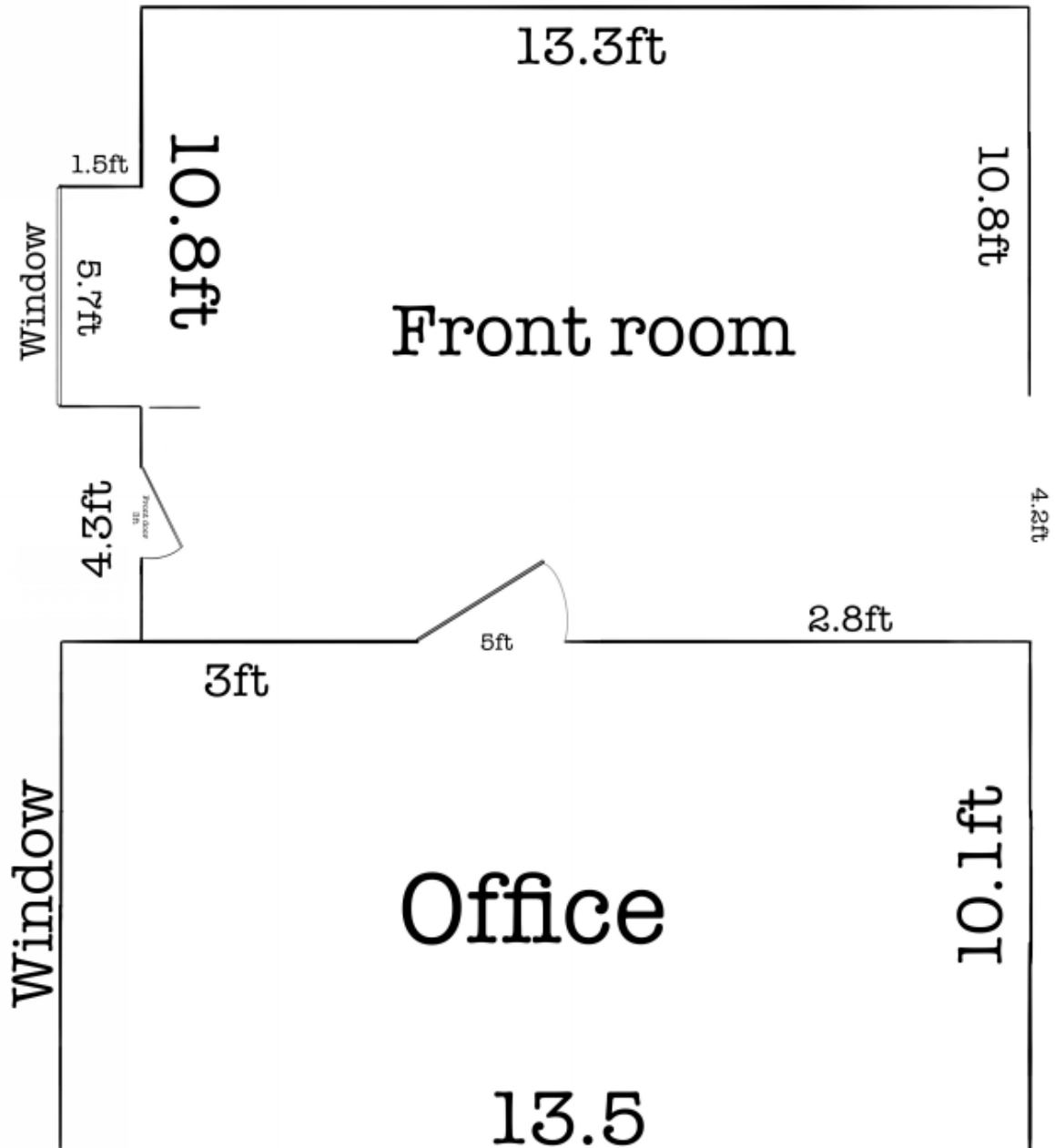


EXHIBIT F
APPLICANT QUESTIONNAIRE

Elizabeth Lazaro HOCUP application for Liz June's Atelier

1. What is the present use of the property (Manufacturing, Agricultural, Residential, Commercial)?

Current use of the property is a residential home.

2. What is the proposed use? Be specific as to use, hours of operation, number of employees, etc.

Making homemade candles and soaps in one room of the home. I will be the only employee. There will be no hours of operation for customers or anyone to come to my home to purchase or work for me. I will work hours that work into my family life.

3. Please discuss how the proposed use will "fit-in" with surrounding uses.

It will continue to fit in as a residential home. The making of these handmade products will not be visible to the surrounding residents. It will not interfere with any traffic or appearance of the home.

4. What type of service will it provide to the City of Draper?

I will be providing handmade soap and candle products as wholesale to retailers and would eventually have my own website.

5. Is the proposed use consistent with the current zoning & land use designation? Please explain.

Yes it would fall under a cottage business in a residential zone. I will be the only employee and reside at this address. There will be no modification of structures or storage of any supplies visible outside. There will be no extra vehicles at the home for the purpose of the business. All of the production of handmade items will take place the the main structure.

6. Is the proposed use similar or compatible to other uses in the same area? Please explain.

Yes it will be compatible with other uses in the area. It will not be visibly noticeable to fellow residents. I will follow the standards and permitted use for cottage businesses.

7. Is the proposed use suitable for the proposed site? Please explain.

Yes, no modification or changes to the home need to be done. Requires the use of one room in the home.

8. Will the proposed use emit noise, glare, dust, pollutants, & odor? Please explain.

No, there will be no noise that can be heard outside of the home. There will also be no product of odor, pollutants, or dust to interfere with fellow residents.

9. What will be the hours of operation & how many people will be employed? Please specify if any employees will not be residents of the home.

There will be one employee, me. I reside at this home. There are no set hours of operation. I will be making products in my spare time during day time hours.

10. If applicable, how many clients will come to the home daily?

Not applicable, there will be no clients coming to the home.