

Planning Commission Staff Report

February 28, 2019

Item 2

Applicant: Juliann Ogilvie

Location: 245 East Maple Street

Prepared by: Brian Tucker

Public Hearing Item: No

Zone: RA-2

ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

REQUEST

Consideration of a request for a Home Occupation Permit for Juliann Ogilvie Private Practice, a licensed clinical social worker business proposed at 245 East Maple Street in the R-1-B Residential Zone.

BACKGROUND AND PROJECT DESCRIPTION

The property located at 245 East Maple Street is located in a residential area just east of Mapleton Elementary. The applicant intends to operate an licensed clinical social worker business in an enclosed office behind her home. Appointments will be available Monday–Friday from 6 pm to 9 pm and on Saturdays from 10 am to 4 pm. The plan is for a total of 6-10 clients per week. There will be no walk in customers accepted as the therapy will be run on an appointment only basis. The applicant will be the only social worker in the business and will take only one client at a time. The applicant is requesting a Home Occupation that would allow clinical social work 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:

Clinical Social Workers 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 small number of small-scale medical businesses, along with a number of massage, cosmetology and esthetics salons have been approved throughout the city. No issues with any of these existing, by-appointment, personal services 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. 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 state license with the City.
5. With the exception of activities that are clearly incidental and secondary to the social work 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.

Feb 28, 2019

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: <i>Julianne Ogilvie Private Practice</i>		Business Phone Number: <i>801-367-2370</i> Business Fax Number:		
Business Address: <i>245 East Maple St Mapleton</i>		Email Address: <i>juliann.ogilvie@gmail.com</i>		
Mailing Address: <i>245 East Maple St. Mapleton</i>				
State Registration: ☐ Sole-Proprietor ☐ Corporation ☒ LLC ☐ LP ☐ LLP		DBA #	State Tax # (if applicable)	Corporation # (Must attach a copy of Articles of incorporation)
Expires / /		Federal Tax ID # (if applicable)		
Business Owner Name(s) <i>Julianne Ogilvie</i>		Owner's Address Street: <i>245 East Maple Street</i> City: <i>Mapleton</i> State <i>UT</i> Zip <i>84664</i>		Owner's Phone Number(s) <i>801-367-2370</i>
Nature of Business: ☐ Manufacturing ☐ Wholesale ☐ Retail ☒ Services ☐ Daycare/Preschool – Number of children _____ ☐ Other _____				
Total Number of Employees: <i>1 (myself)</i> Number of Full-time Employees: _____ Number of Part-time Employees: _____				
Briefly describe your business: <i>I will be conducting therapy sessions as an LCSW</i>				
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 31 st . 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 st . 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.		
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

Brian Tucker

From: Juliann Ogilvie <juliann.ogilvie@gmail.com>
Sent: Wednesday, January 30, 2019 4:52 PM
To: Brian Tucker
Subject: Mapleton Business License request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brian,

Here is the requested information. Please feel free to contact me if you have any questions or concerns. Thank you.

Request for Mapleton Business License:

I have a small building out back that used to be a pavillion and has been enclosed. It has lighting, heating, carpet, etc. and two windows. It is approximately 440 square feet

If this is not acceptable, I would like to share office space with my father. His office is in the home and is 210 square feet.

I am a LCSW (Licensed Clinical Social Worker) or Mental Health Therapist. I would like to start a small private practice from my home. I was trained through UVU and the U of U for my master's degree and have been practicing therapy in a residential treatment center environment for about 4 years now. I do what is called Trauma informed therapy and utilize techniques including CBT, DBT and EMDR. I work with clients suffering from a variety of mental health issues. The majority of my focus will likely concentrate on client's suffering from symptoms of anxiety or depression as these are the most prevalent issues in Utah County. I will be working with children, adolescents and adults. Sessions concentrate on symptom relief, education, and understanding and identifying triggering factors in life or causes, and addressing these.

My clientele will be either individuals or couples, no more than one at a time and will include 50 minute therapy sessions and 10 minutes of arranging payment/rescheduling.

My business hours would be Monday - Friday from 6-9pm and Saturdays from 10-4. There are no other employees other than myself and there would not be multiple additional cars at our home at a time.

We currently have 3-4 cars at our home at a time (we lend one to family sometimes)
There is a long driveway into the back of our home and clientele can park back there with us instead of out front.

I am planning on building up to between 6-10 clients a week.

Please let me know if you need any further information and thank you for your help and time.

Sincerely,

Juliann Ogilvie, LCSW
juliann.ogilvie@gmail.com
801-367-2370

STATE OF UTAH
DEPARTMENT OF COMMERCE
ACTIVE LICENSE

Juliann Ogilvie

EFFECTIVE
06/21/2017

EXPIRATION
09/30/2020

REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

341055-3501

Licensed Clinical Social Worker



SIGNATURE OF HOLDER