



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
ADMINISTRATIVE HEARING AGENDA
August 12, 2020

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, August 12, beginning at 12:00 p.m.** electronically. In view of the current COVID-19 pandemic, this meeting will occur only electronically, without a physical location, as authorized by the Governor’s Executive Order 2020-05 dated March 18, 2020 and related legislation enacted by the Utah Legislature since that date. (See the attached written determination of the director or designee that conducting this meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location). The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.

There are three options for public participation in this meeting:

1. Watch the online Zoom meeting and/or make public comment
 - Each citizen desiring to attend the Zoom meeting must register in advance for the “webinar” (i.e., this Administrative Hearing Meeting) as follows:
https://cwh.zoom.us/webinar/register/WN_vR6YSDXWQiORVFZX0ANikQ
 - Each registrant will receive a confirmation email containing information about joining the webinar.
2. Listen to the meeting online
 - The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.
3. Submit written comments to staff by email
 - Public comments may also be submitted to staff by email at ahulka@ch.utah.gov up to the start of the meeting at 11:00 a.m.
 - These comments will be sent to the Community and Economic Development Director as part of the written record.

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project CUP-20-014)

Request from Sondra Thorell for a conditional use permit to operate a skin care business with clients (European Face & Body Renewal) at 7281 S. 3080 E.

2.0 Consent Agenda

2.1. Approval of Minutes for August 12, 2020

(The Director will move to approve the above-mentioned minutes after the following process is met. The recorder will prepare the minutes and email them to the Director and present staff members. The Director and members will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the Director and members agree, at which time the minutes shall be deemed approved.)

3.0 Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Written public comment received prior to the meeting will be read into the record.
4. Close Public Hearing
5. Community and Economic Development Director Deliberation
6. Community and Economic Development Director Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Community and Economic Development Director feels there are unresolved issues that may need further attention before the Director is ready to make a decision. The Community and Economic Development Director may carry over agenda items to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department prior to the start of the meeting. Comments should be emailed to ahulka@ch.utah.gov. Comments received after the start of the meeting will be distributed to the Director after the meeting.

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

A copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DETERMINATION OF THE COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR CONCERNING AN ANCHOR LOCATION

Pursuant to UTAH CODE ANN. 52-4-207(4), the chair (or acting chair) of the Cottonwood Heights Community & Economic Development Director hereby determines that conducting this Administrative Hearing meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, the Salt Lake County Mayor and Health Department, and the Mayor of this city have all recognized that a global pandemic exists related to the new strain of a coronavirus named SARS-CoV-2. Due to the state of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to information from state epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the state's healthcare system.

Signature

Date

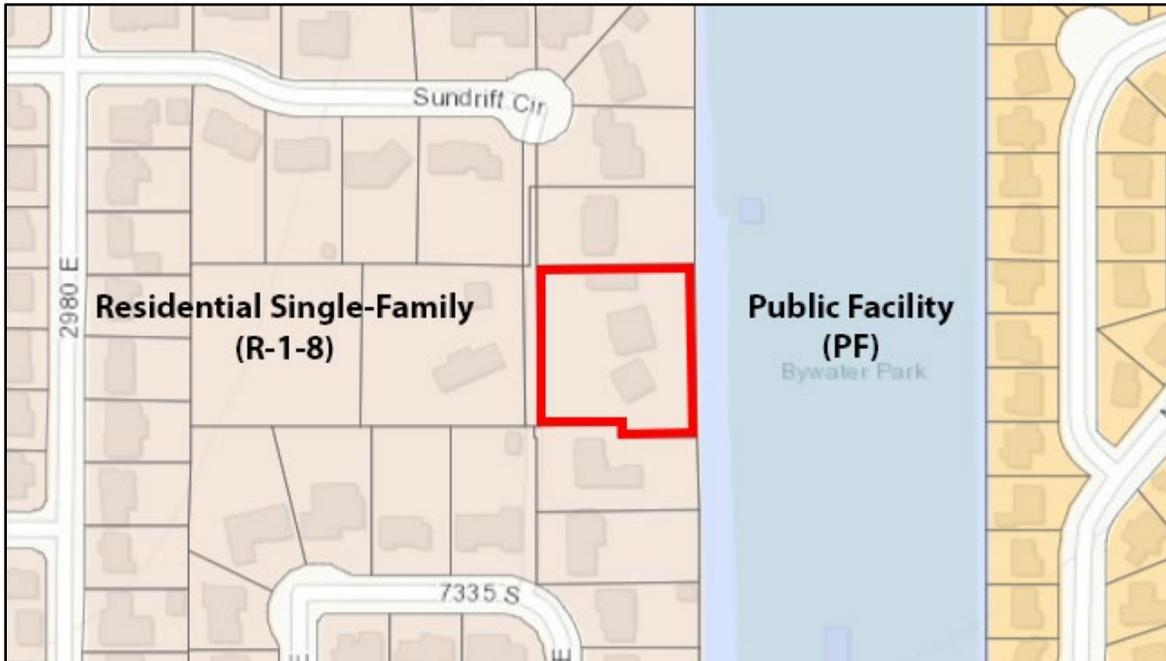
DATED THIS 10th day of August, 2020
Paula Melgar, City Recorder

Site Photos



View from north driveway

Zoning and Land Use



Zoning Map

Analysis

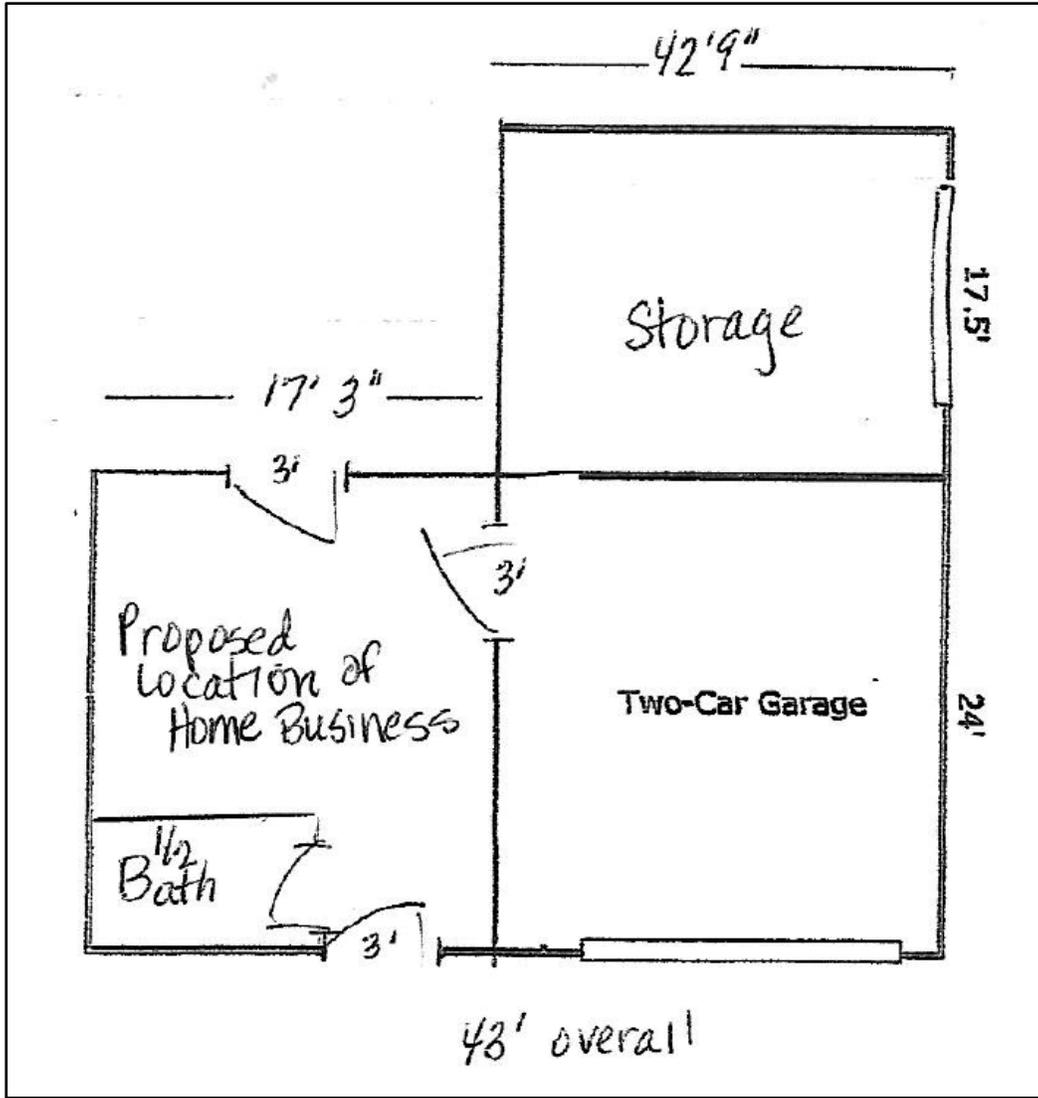
Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced is 19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence.

F. Home occupations.

1. *"Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
2. *The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
3. *The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
4. *The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
5. *The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*

The applicant submitted a floor plan showing that the use of the accessory building for the home occupation is clearly incidental and secondary to the use of the building as an accessory garage for the dwelling. The home business use takes up less than half of the space in the accessory garage.



Proposed floor plan

Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

Impact

Applicant Narrative

The applicant has submitted the following narrative to address potential impacts to the neighborhood:

Proposed Business Name: European Face & Body Renewal

Proposed Business Description:

This business will give individual client Endermologie treatments using an Integral 2 Cellu M-6 made by LPG in France.

LPG Endermologie is an FDA cleared, patented, and proprietary technique of cellular stimulation through reproducible mechanical massage. It is 100% natural and effective and targets the connective tissues of the body and face, including skin, muscle, blood, and lymphatic circulation. It is non-aggressive and non-invasive with no downtime and no known side effects.

The benefits of LPG Endermologie techniques have also been proven by over 145 reputable scientific studies, and include: decreased fluid retention, strengthened immunity, improved filtration and removal of toxins, improved metabolism, reduced swelling and inflammation.

Proposed Client Hours: 7:00 a.m. to 7:00 p.m.

Proposed Available Days of Operation: Monday thru Saturday, always by pre-appointment

Maximum Client Visits/Day 6, One client per appointment

Client Appointment Time 1 hour

Client Onsite Parking 4 spaces available

*Employees None
This business will be Owner/Operated*

Commercial Supplies Delivered None

Commercial Pick-ups Required None

Current Zoning R 1-8

Current Neighborhood Zoning R 1-8

*Proposed Location: South Garage/Outbuilding
No building remodel is required or proposed to accommodate this Home Occupation*

Traffic Impact Clients are scheduled individually. A minimum of 15-30 minutes between appointments will be allowed to facilitate cleaning and sterilization.

Noise Impact None. An Endermologie machine is quiet and its operational sounds would not be audible beyond the building walls.

The applicant has indicated that there are four off-street parking spaces available along the driveway and in front of the garage. There will be a maximum of six customers per day, with one client visiting the business at a time. There will be no additional employees working in the home.

Conclusions – Recommended Findings for Approval

- The applicant’s narrative addresses client parking, employees, hours of operation, and business floorplan. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a single-family residence.
- An administrative hearing will be held in accordance with local and state requirements.

Recommendation

Staff recommends approval of the application with conditions:

Conditions of Approval

1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
2. Customers must use provided off-street parking, as the business may not rely upon any on-street parking. Customers must be made aware of these parking restrictions.
3. Approval of this home occupation is subject to review upon complaint.
4. Signage must comply with all aspects of Cottonwood Heights City Code.
5. No more than one non-resident employee is permitted at this business.
6. The facility and its use shall comply with all applicable laws, rules and regulations, including those instituted by the state, county, county health department or the city to mitigate the impact of the COVID-19 pandemic.

Model Motions

Approval

I move to approve project CUP-20-014, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

Denial

I move to deny project CUP-20-014, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Narrative