

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA



August 7, 2024

Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, August 7, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in the City Hall Room 5 (Council Chambers).

## **12:00 p.m. ADMINISTRATIVE HEARING MEETING**

### **1.0 Business Items**

#### 1.1 Project CUP-24-008

Request by Christina Umbriaco, to operate a home business (micro-bakery) at 2750 E. 7350 S.

### **2.0 Consent Agenda**

#### 2.1 Approval of Administrative Hearing Officer Minutes from August 7, 2024

*(The Administrative Hearing Officer will approve the minutes of the August 7, 2024 meeting after the following process is met: The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer 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 hearing officer is in agreement, at which time the minutes shall be deemed approved.)*

### **3.0 Adjourn**

## **Meeting Procedures**

Items will generally be considered in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer 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 no later than 12:00 p.m. MDT on Tuesday, August 6, 2024, a day before the meeting. Comments should be emailed to [planning@ch.utah.gov](mailto:planning@ch.utah.gov). After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

**Notice of Compliance with the Americans with 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**

On Friday, August 2, 2024, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 2<sup>nd</sup> DAY OF AUGUST, 2024

Attest: Paula Melgar, City Recorder

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT

August 7, 2024



## Summary

**Project #:**  
CUP-24-008

**Subject Property:**  
2750 E. 7350 S.

**Action Requested:**  
Conditional use approval to  
operate home business with  
clients (Christina's Crumb)

**Applicants:**  
Christina Umbriaco

**Recommendation:**  
Approve, with conditions



*Aerial View*

## Context

**Property Owners:**  
Christina and Jonathan Umbriaco

**Address & Parcel #:**  
2750 E. 7350 S.  
22-26-157-004

**Acres:**  
0.26



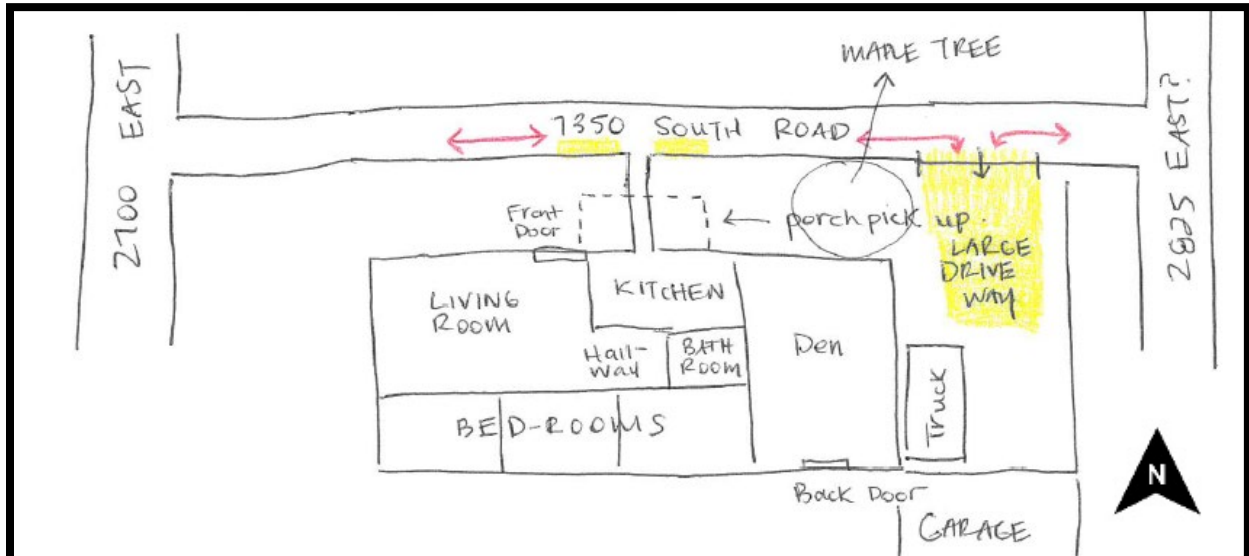
*View of driveway and parking*

## Request

The applicant is requesting approval to operate a home bakery within their existing home. The applicant plans to bake and sell once a week and will coordinate pickup times between 12:00 PM to 3:00 PM. When the school year begins, the applicant plans to bake and sell specifically on Saturday when no school is in session, and coordinate pickup times from 12:00 to 4:00 PM. The times would be distributed among a maximum of 25 customers to prevent traffic concerns. Pickup will last no longer than a minute.

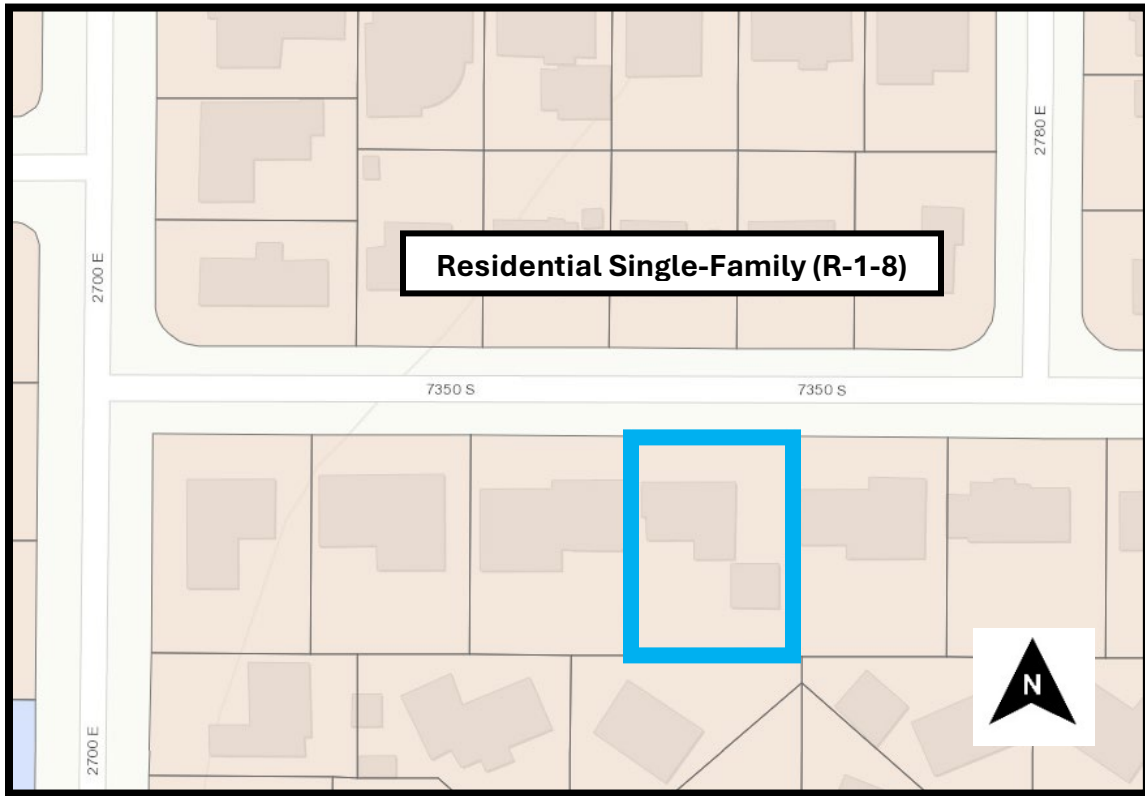
The applicant plans to bake bread in their home kitchen. All goods will be produced on site. The pickup area will take place in the side yard, with applicants parking in the driveway on the east side of the home (shown in the site plan below).

## Site Plan



Site and Circulation Plan

## Zoning and Land Use



Zoning Map

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## 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 in §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. Home Occupations are regulated in §19.76.040 Land Use:

#### **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.*
6. *"Minor home occupation" means a home occupation which complies with the requirements of Chapter 5.54 of this code and which will not otherwise have an offsite impact which, when combined with the impact of the primary residential use of the dwelling, exceeds the impact of the residential use alone. A minor home occupation is a permitted use in any zone which allows home occupations.*
7. *"Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.*

## 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

The applicant has indicated that several off-street parking spaces are available along the driveway on the east side of the property (as shown on Pg. 2). The proposed home business will operate inside the primary residence, in the kitchen. This home business will solely utilize the private driveway for parking and pickup, which the applicant states should last no more than one minute.

The applicant plans to bake and sell once a week, with pickup times during 12:00 – 3:00 PM. When school begins, the applicant plans to bake and sell on Saturday to avoid school traffic times. Pickup times will be 12:00 – 3:00 PM. There will be no additional employees working in the home.

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## 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. The applicant shall adhere to the business hours of 7 am to 7 pm, Saturday and Sunday, with no more than 25 customers per week, as described in the written narrative in the official project file.
  4. Approval of this home occupation is subject to review upon complaint.
  5. No more than one non-resident employee is permitted at this business.
  6. Any business activity conducted outside the dwelling shall not violate the rule of the use being clearly incidental and secondary to the use of the dwelling for dwelling purposes.
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## Model Motions

### Approval

I move to approve project CUP-24-008, 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-24-008, based on the following findings:

- List findings for denial...
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## Attachments

1. Applicant Narrative
2. Parking and Circulation Plan

Project Narrative  
Christina's Crumb LLC

Hello! My name is Christina Umbriaco and I was raised right here in Cottonwood Heights. I am a homeschooling mother to four wonderful children. I am also a baker of organic sourdough made with only three ingredients, flour, water, and salt. Right now I am baking six loaves at a time using my home oven. I do not own a commercial bread oven yet but when I do we will have all of the appropriate wiring completed professionally. I would like to start a neighborhood Micro-Bakery running out of my home. I will provide a porch pick-up once a week for surrounding neighbors and customers.

I will bake and sell once a week from my home at 2750 E 7350 S and open my pick up times at low-traffic times between noon and 3:00. Schools get out around 3:00 so this window will not cause any unnecessary traffic to my neighborhood. When school starts I will bake on a Saturday morning when no school is in session leaving the pick up window between 12-4:00 to allow for no traffic disturbances. I will always only bake once a week with porch pick-up from noon to 4:00 pm so customers are spread out for pick up. My goal is to provide baked goods for max 25 people.

We will not have any long visits from customers. Customers will simply drive up, pull into the driveway leaving the road clear, pick up their pre-ordered loaf and leave. They will stay a total of 30 seconds perhaps.

I am the only baker and employee of Christina's Crumb LLC. We are a family of six but only I will be baking.

Areas used for the business will be my home kitchen and the walkway leading up to my home and the front porch area under a covered canopy. I will have appropriate signs labeled "Christina's Crumb" so people can find me easily.

There will be zero noise coming from my business. My children are loud enough. :) The only smells coming from my business will be freshly baked bread which is always a good thing. We will stagger customers coming to my home by leaving a large window for pick up time. This will provide customers with ample time to drive up, stay 30 seconds, and then leave without causing any unnecessary traffic on our road.

I will sell Organic Sourdough loaves with different inclusions. A classic loaf, perhaps a jalapeño cheddar, a rosemary garlic, and a bacon loaf, and a chocolate chip loaf. All of my loaves will range in price from \$12-15 per loaf.

No remodels will be done for the business but the installation of a professional bread oven will take place. A professional electrician will be hired to rewire a new circuit to prevent any malfunction to the equipment and home of the business.



## GENERAL

- Application Coversheet (Page 1)
- Project Narrative (Page 3)
- Signed Consent Form (Page 4)
  - o Only required if applicant is different than property owner

## PLAN SUBMITTAL REQUIREMENTS

- Site Photographs
  - o Exterior photos of the home porch pick up. I have a vinyl banner + cords to attach to canopy.
  - o Photos of all areas which will be used for the proposed business → street photo for pick up.
- Floorplan
  - o Floorplan of the entire home, with all areas which will be used for the proposed business indicated as such See below
- Parking Plan See below
  - o Map indicating the off-street parking area that will be used for business customers
- Circulation Plan
  - o Map indicating how overlapping business customers will circulate through the parking area
  - o Map indicating how drop off and pick up of customers, if any, will circulate through the parking area (such as in the case of private lessons, daycares, preschools etc.) See below

## OTHER REQUIRED ITEMS INCLUDE:

This area is reserved for staff to list any additional required items.

pick up zones (parking 30 seconds)

Circulating traffic - I should have only 1-2 customers at a time. pick up window is large (12-4) for 25 people max.

