

Midway City Council
3 August 2021
Regular Meeting

Toolmaking Shop /
Conditional Use Permit



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: August 3, 2021
NAME OF PROJECT: Haslam Precision, Inc. DBA BH Tool
NAME OF APPLICANT: Bryan Haslam
AGENDA ITEM: Conditional Use Permit
LOCATION OF ITEM: 295 West Killowen Drive
ZONING DESIGNATION: R-1-22

ITEM: 5

Brian Haslam is proposing a Conditional Use Permit for a manufacturing, toolmaking shop. The shop is located on a 0.50 acre parcel and is located at 295 W Killowen Drive. The property is in the R-1-22 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Bryan Haslam is for a cottage industry located on his residentially zoned property. If approved, the applicant would use a portion of an accessory structure that is currently under construction for his tool making and manufacturing business. The property is located at 295 West Killowen Drive which is lot 8 of the Killowen Village Subdivision. The applicant's property is in the R-1-22 zone and cottage industries are allowed as a Conditional Use.

The applicant is currently constructing a 2,320 SF accessory structure on the property that will split between a garage (1,200 SF) and the machine shop (1,120 SF) associated with his business. The applicant's manufacturing and toolmaking business specializes in Wire Discharge Machining (W-EDM) and high precision machining. The applicant is the sole

employee of the business and does not anticipate customers visiting the property on a regular basis. The applicant only anticipates one delivery truck per week. The machine shop does not have an exterior entrance but would be accessed through the garage area. The applicant will not be displaying any signage, but if they choose to in the future, they may only do so as allowed by the sign ordinance in place at that time. The proposed building has been designed so that it would blend in with other buildings in the area and is not discernable to neighbors as a cottage business. Once the accessory structure has been completed, the applicant will begin construction on the main dwelling.

If the conditional use is approved, the applicant would also need to apply for a cottage industry business license and comply with all the requirements of the building code, health department, and the fire district for the business to be approved.

ANALYSIS:

The italicized comments represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. The applicant owns a parcel that is one-half acre in size and is proposing to locate a 1,120 SF machine shop within an accessory structure that will include his garage. The applicant has indicated that he is the only employee and additional traffic will be limited to one delivery truck a week, so there appears to be minimal impact from business related visitors coming to the property. The proposed shop will be to the rear of the property, with the garage towards the street, which staff believes will help minimize the feel and appearance of a business being located on site. Planning staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to obtain an approved cottage industry business license with the City. The business license will be issued once all the requirements are met. The applicant will also need to comply with all required state and federal requirements as well.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and

monitored; *no issues have been identified.*

5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the applicant has indicated that typical working hours will be from, 7:00AM to 6:00PM. The proposed use could create some additional traffic in the neighborhood, but according to the applicant this would be negligible, and well under the 20 vehicle trips per day allowed in the cottage industry requirements found in 16.13.28. The day-to-day operations of the business include the operation of machinery within the machine shop area. According to the applicant, the building is well insulated to ensure that a regular internal temperature is maintained for the proper operation of the machinery. Noise from machinery in the shop should not be heard from adjacent parcels. Any exterior noise would come from an AC unit, typical of those used at any home, and one small electrical ventilation fan that produces even less noise than the AC unit. Title 5, Public Health and Safety, of the Midway City Municipal Code, addresses allowable noise limits as heard at property lines. Between 6AM and 10 PM, noise at the property line should be a maximum of 70dBA. Between 10PM and 6AM noise at the property line is limited to 55dBA. The noise levels described by the applicant appear to be acceptable, but they will need to ensure the limits are complied with if the conditional use is approved.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for the proposed machine shop.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

Cottage industries are specifically governed by 16.13.28 in the land use code. This section addresses the requirements that cottage industries must comply with in order to receive approval from the City Council. The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings.

- A. A cottage industry is permitted in the zone. *The parcel is in the R-1-22 zone which allows for cottage industries as a conditional use.*
- B. No commercial vehicles are to be used by the Cottage Industry except one delivery truck, not to exceed one ton rated capacity. *The pieces produced by the applicant are 10lbs or less and can be easily transported in a passenger vehicle. No issues have been identified.*

- C. Signs shall be as permitted as outlined in Title 16. *No signage is being proposed.*
- D. The cottage industry shall be licensed with a business license obtained from the City. *The applicant has submitted an application with planning for a cottage industry business license. This conditional use permit must be approved before the business license can be approved.*
- E. The physical appearance, size and number of accessory building(s), and other activities in connection with the cottage industry, shall not be contrary to the objectives and characteristics of the zone in which the cottage industry is located. *Planning staff believes that the proposed building fits in with the surrounding area. No issues have been identified.*
- F. Any building on the property by the cottage industry must be specifically approved by the City Council. The City Council shall determine if the number, height and floor area of any accessory building devoted to the cottage industry is in harmony with the size of the property and the density of the surrounding area. All buildings must be completed with approved roofing materials, wall coverings, lighting, doors, and so forth before a business license can be issued by the City. *The applicant received a building permit for the accessory building before planning staff was made aware that the shop area was for a proposed cottage business. The City Council will need to confirm whether the building meets the previously mentioned criteria, and if not, the applicant may need to adjust.*
- G. There shall be no outside storage of materials or products in connection with the cottage industry. *No outside storage is proposed.*
- H. The cottage industry shall not have more than three customer/client vehicles parked at the residence at any time, provided all vehicles can be legally parked in normal parking places on the lot of the cottage industry. In addition to the foregoing, the cottage industry must not generate more than 20 vehicle trips to the residence per day. The cottage industry shall not generate any traffic before 7 a.m. or after 8 p.m. nor shall any vehicle weighing in excess of 12,000 pounds gross weight, travel to the residence for the purpose of servicing the cottage industry. *The applicant has indicated that the only traffic will be deliveries that will happen no more than once weekly, usually at midday. The applicant will need to ensure that deliveries are performed according to the criteria above.*
- I. The cottage industry shall be in compliance with the requirements of Title 7. *The applicant will need to ensure that they maintain compliance with requirements in Title 7.*
- J. No known zoning violations shall be in existence on the applicant's property in order to be approved for a conditional use or for approval of subsequent business licenses thereafter. *There are no known zoning violations.*

- K. If the applicant is leasing the property, written proof must be provided to the City that the applicant has the landowner's permission to operate the cottage industry business. *The applicant and his wife jointly own the property.*
- L. The applicant shall supply the City with a site plan showing the location and size of all buildings, either in existence or proposed, on the property and show which ones are to be used and in what manner in conjunction with the cottage industry business. Renderings of the building's elevations and a list of finish materials may be required by either the Planning Commission or City Council. *The applicant has provided a site plan, building elevations and a floor plan for the consideration of the Planning Commission and City Council.*
- M. The cottage industry is carried on only by members of the residing family and up to two employees, if off-street parking is provided for said employees, and the standards for said employment are pre-approved by the City either with the initial conditional-use approval or by subsequent amendment. *Midway City has previously allowed property owners to construct accessory structures before a main dwelling has been built. Our concern with this proposal is approving an accessory structure with a commercial business on a residentially zoned parcel without a main dwelling. The criteria above limit the employees of a cottage industry to just the members of the residing family and up to two employees. The applicant has indicated that he is the only employee of his business and has no plans for that to change. The concern for us as planning staff is that until the main dwelling is constructed, there is no residing family and we have a commercial use in a residential zone. The applicant has indicated that it is his intention to construct a dwelling on the property. Our recommendation is that the applicant should have a certificate of occupancy for both the main dwelling and the accessory structure before cottage business license is approved and business is conducted on site.*
- N. After a recommendation from the Planning Commission, a public hearing, as outlined in Title 16, shall be held by the City Council in order to obtain comments from citizens and neighbors in order to provide relevant information to assist the City Council to determine if the application meets the above criteria. In the event that complaints concerning a cottage industry are filed with the City, the Zoning Administrator shall investigate problems identified in the complaint to determine if the cottage industry is being conducted in violation of this Chapter. If the Zoning Administrator determines the cottage industry is in violation of this Chapter, the Administrator shall pursue the elimination of the violating activity in accordance with this Title.

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the R-1-22 zone.
- The proposal could increase traffic on Killowen Drive.
- There should be a main dwelling onsite previous to the business being conducted on the property.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Whitney: I make a motion that we recommend approval of a conditional use permit that would allow for a cottage business on the applicants property. The property is located at 295 West Killowen Drive and is in the R-1-22 zone. We accept the staff findings and condition and want to include an additional condition that the air conditioning unit is located on the south or west side of the building.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Ream, McKeon, Whitney, Simons, Garland, Wardle

Motion: Passed

Abstain: Commissioner Cliften

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the application complies with the requirements of the code and any conditions will mitigate identified issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the request does not comply with the ordinance.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for denial

PROPOSED CONDITIONS:

1. Before a cottage business license is approved and business is conducted onsite, the applicant is required to have a certificate of occupancy for both a main dwelling and the accessory structure.