

# Planning Commission Staff Report

June 25, 2020

## Item 2

**Applicant:** Arnold

Cooper

**Location:** 1230 W 1500

North

**Prepared by:** Brian

Tucker, Planner

**Public Hearing:** No

**Zone:** RA-1

**Attachments:**

1. Standard Conditions.
2. Application Materials.

### REQUEST

Consideration of a request for a Home Occupation Permit to operate an internet atv/utv sales business with a small-scale machine shop at 1230 W 1500 North in the RA-2 zone.

### BACKGROUND AND PROJECT DESCRIPTION

The property located at 1230 West 1500 North is located in a residential area in the northwestern portion of the City. The applicant intends to operate a business modifying parts for atv's, utv's and motorcycles with a tool room lathe. The business would be conducted in the garage in an area measuring not more than 10' x 20'. The parts would typically be shipped to and from the location with customer visits being infrequent. This is a type of use that has not been licensed as a home occupation in Mapleton previously.

### 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. Home occupations must be listed as a permitted or conditional use in the zone,
2. The business must be conducted entirely within a completely enclosed structure on the property,
3. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
4. No more than one person who does not reside on the property may be engaged in the home occupation,
5. Any sale of goods not produced as part of the home occupation shall "constitute a clearly incidental part of the home occupation". No display of merchandise shall be visible from outside the structure,
6. No commercial vehicles may be stored at the home except for one small delivery truck.
7. No more than 6 cars may be parked at the residence at any one time,
8. The home occupation must be secondary and incidental to the use of the dwelling as a residence.

9. Signs shall be limited to 4 square feet, attached to the building and not electrified,
10. The home occupation must be licensed by the city and comply with city regulations,
11. The entrance to the home occupation must use the same entrance as the residents unless specifically required by an agency with regulatory powers over the business,
12. The business shall not use hazardous materials or chemicals that increase the hazard of fire, explosion, or jeopardize the safety of the neighborhood,
13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition, which is readily discernible outside the dwelling,
14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes,
15. The home occupation must be conducted by a person who occupies the dwelling. Background checks will be conducted on all inhabitants of the dwelling and employees, and
16. The home occupation shall operate in compliance with any applicable city or state requirements.

**Compliance:**

It does not appear that Mapleton City has licensed business that modifies metal parts with a tool room lathe before. Occasionally complaints are made about a person working with metal, grinding, welding and the like. Objections to this type of work include noise, light and noxious fume concerns. As with any home occupation, this proposal would need to comply with each of the 16 conditions and criteria presented previously. This means that the business must be conducted wholly and completely within the structure, in this case the attached garage. This means that the storage of the parts must be within the garage. The business and storage associated with the business cannot utilize more than 500 square feet of the garage. The lathe work must also be conducted wholly and completely within the garage. Because metal work can be and often is noisy, the hours of operation must be limited to 7 am through 10 pm. The repair work cannot utilize hazardous materials or chemicals that increase the fire hazard and cannot create smoke, noise, fumes or other nuisances that are discernable outside of the garage. If these mandatory criteria can be met the Planning Commission can condition the approval accordingly.

Staff have some concerns about metal working activities in residential areas due to the potential noise, light and noxious fumes. The applicant has indicated that he can demonstrate that these concerns are not an issue with this potential business and has indicated his willingness to provide a video of the operation in action.

If the potential issues are insubstantial and if those remaining issues can be mitigated by reasonable conditions, it appears that the application is in compliance with the applicable standards.

**POTENTIAL ACTIONS**

1. Approve the application with proposed conditions.
2. 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 storage of vehicles being repaired or awaiting repair must be within the garage.
3. The lathe work and storage associated with the business cannot utilize more than 500 square feet of the garage.
4. The storage of parts awaiting machining must be within the garage.
5. The work must be conducted wholly and completely within the garage.
7. Hours of operation must be limited to 7 am through 10 pm.
8. The work cannot utilize hazardous materials or chemicals that increase the fire hazard and Fire Department approvals are required.
9. The work cannot create smoke, noise, fumes or other nuisances that are discernable outside of the garage.
10. No signs shall be placed on the property without a sign permit.
11. Mapleton City Police approvals are required.
12. 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.
13. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.







# Mapleton City Corporation

125 West Community Center Way (400 North)  
 Mapleton, UT 84664  
 Phone: (801) 489-5655  
 Fax: (801) 489-5657



## Business License Application

BUSINESS LICENSE NUMBER

<input type="checkbox"/> Commercial Business <input checked="" type="checkbox"/> Home Occupation Business <input type="checkbox"/> Temporary/Seasonal Sales <input type="checkbox"/> Burglar Alarms				
Name of Business: Coop's Off-Road Performance, LLC		Business Phone Number: 801 319-3684     Business Fax Number:		
Business Address: 1230 W. 1500 NO. Mapleton		Email Address: arniec00@msk.com Mailing Address: 1230 W. 1500 NO. Mapleton		
State Registration: <input type="checkbox"/> Sole-Proprietor <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> LP <input type="checkbox"/> LLP 1177756-0160		DBA #  Expires    /    /	State Tax # (if applicable)	Corporation # (Must attach a copy of Articles of incorporation)  Federal Tax ID # (if applicable) 85-1088624
Business Owner Name(s) Arnold Cooper		Owner's Address Street: 1230 W. 1500 NO. City: Mapleton    State: UT    Zip: 84664		Owner's Phone Number(s) 801 319-3684
Nature of Business: <input type="checkbox"/> Manufacturing <input type="checkbox"/> Wholesale <input type="checkbox"/> Retail <input type="checkbox"/> Services <input type="checkbox"/> Daycare/Preschool    Number of children _____ <input checked="" type="checkbox"/> Other Machine Shop (tool room lathe)				
Total Number of Employees: <u>1</u> Number of Full-time Employees: _____    Number of Part-time Employees: <u>1</u>				
Briefly describe your business: <u>Internet sales of ATV/UTV and dirt bike part modifications. Specifically - machining of customer parts.</u>				
Annual License fee rates: <ul style="list-style-type: none"> <li>• Business License - \$100</li> <li>• Home Occupation - \$100</li> <li>• Home Occupation Renewal - \$50 per year</li> <li>• Burglar Alarms - \$50 plus \$2.00 for each subscriber</li> </ul>		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 <sup>st</sup> . 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 <sup>st</sup> . 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.		
		X <u>Arnold Cooper</u> Signature		<u>05-20-20</u> 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

*Parts machining, no retail, machines generally not in person. Most business by mail. Fix & modify parts with lathe in garage 10x20.*